

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO THE MILITARY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature recognizes that the terrorist  
2 attacks of September 11, 2001, continue to have repercussions  
3 today. Thousands of military service members are still being  
4 deployed to volatile areas of the world, many of whom have  
5 already completed one tour of duty. In the ten years since the  
6 September 11 terrorist attacks, millions of American troops have  
7 been ordered overseas and thousands of soldiers from the  
8 Schofield Barracks-based 25<sup>th</sup> infantry division have been  
9 deployed to Iraq and Afghanistan.

10           In addition, thousands of Hawaii national guard members and  
11 Army reservists based in Hawaii have been activated, the effects  
12 of which are substantial. Although national guardsmen and  
13 reservists recognize their duty and serve their nation  
14 willingly, the disruption to their personal and professional  
15 lives cannot be denied. Individuals from all walks of life--  
16 from college students and engineers to physicians and public



1 servants--are plucked from their daily routines and sent  
2 overseas into hostile conditions.

3 As a beneficiary of their courageous and dedicated service,  
4 the State bears a special responsibility to its citizen-soldiers  
5 in the reserves and national guard. In particular, active-duty  
6 reservists and national guardsmen who wish to run for elected  
7 office should be allowed to file nomination papers and take  
8 their oaths by mail.

9 The purpose of this Act is to alleviate the burden of  
10 requiring these citizen-soldiers who choose to be candidates for  
11 elected office to file nomination papers and take their oaths in  
12 person.

13 SECTION 2. Section 12-3, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§12-3 Nomination paper; format; limitations.** (a) No  
16 candidate's name shall be printed upon any official ballot to be  
17 used at any primary, special primary, or special election unless  
18 a nomination paper was filed on the candidate's behalf and in  
19 the name by which the candidate is commonly known. The  
20 nomination paper shall be in a form prescribed and provided by



1 the chief election officer containing substantially the  
2 following information:

- 3 (1) A statement by the registered voters signing the form  
4 that they are eligible to vote for the candidate;
- 5 (2) A statement by the registered voters signing the form  
6 that they nominate the candidate for the office  
7 identified on the nomination paper issued to the  
8 candidate;
- 9 (3) The residence address and county in which the  
10 candidate resides;
- 11 (4) The legal name of the candidate, the name by which the  
12 candidate is commonly known, if different, the office  
13 for which the candidate is running, and the  
14 candidate's party affiliation or nonpartisanship; all  
15 of which are to be placed on the nomination paper by  
16 the chief election officer or the clerk prior to  
17 releasing the form to the candidate;
- 18 (5) Space for the name, signature, date of birth, last  
19 four digits of the social security number, and  
20 residence address of each registered voter signing the  
21 form, and other information as determined by the chief



1 election officer; provided that no more than the last  
2 four digits of a voter's social security number shall  
3 be required;

4 (6) A sworn certification by self-subscribing oath by the  
5 candidate that the candidate qualifies under the law  
6 for the office the candidate is seeking and that the  
7 candidate has determined that, except for the  
8 information provided by the registered voters signing  
9 the nomination papers, all of the information on the  
10 nomination papers is true and correct;

11 (7) A sworn certification by self-subscribing oath by a  
12 party candidate that the candidate is a member of the  
13 party;

14 (8) For candidates seeking elective county office, a sworn  
15 certification by self-subscribing oath by the  
16 candidate that the candidate has complied with the  
17 relevant provisions of the applicable county charter  
18 and county ordinances pertaining to elected officials;

19 (9) A sworn certification by self-subscribing oath, where  
20 applicable, by the candidate that the candidate has



1            complied with the provisions of article II, section 7,  
2            of the Hawaii State Constitution;

3            (10) A sworn certification by self-subscribing oath by the  
4            candidate that the candidate is in compliance with  
5            section 831-2, dealing with felons, and is eligible to  
6            run for office; and

7            (11) The name the candidate wishes to be printed on the  
8            ballot and the mailing address of the candidate.

9            (b) Signatures of registered voters shall not be counted,  
10           unless they are upon the nomination paper having the format set  
11           forth above, written or printed thereon, and if there are  
12           separate sheets to be attached to the nomination paper, the  
13           sheets shall have the name of the candidate, the candidate's  
14           party affiliation or nonpartisanship, and the office and  
15           district for which the candidate is running placed thereon by  
16           the chief election officer or the clerk. The nomination paper  
17           and separate sheets shall be provided by the chief election  
18           officer or the clerk.

19           (c) Nomination papers shall not be filed in behalf of any  
20           person for more than one party or for more than one office; nor



1 shall any person file nomination papers both as a party  
2 candidate and as a nonpartisan candidate.

3 (d) The office and district for which the candidate is  
4 running, the candidate's name, and the candidate's party  
5 affiliation or nonpartisanship may not be changed from that  
6 indicated on the nomination paper and separate sheets. If the  
7 candidate wishes to run for an office or district different from  
8 that for which the nomination paper states or under a different  
9 party affiliation or nonpartisanship, the candidate may request  
10 the appropriate nomination paper from the chief election officer  
11 or clerk and have it signed by the required number of registered  
12 voters.

13 (e) Nomination papers that contain alterations or changes  
14 made by anyone other than the chief election officer or the  
15 clerk to the candidate's information, the candidate's party  
16 affiliation or nonpartisanship, the office to which the  
17 candidate seeks nomination, or the oath of loyalty or  
18 affirmation, after the nomination paper was issued by the chief  
19 election officer or clerk, shall be void and will not be  
20 accepted for filing by the chief election officer or clerk.



1 (f) Nomination papers that are incomplete and do not  
2 contain all of the certifications, signatures, and requirements  
3 of this section shall be void.

4 (g) Members of the reserves or national guard called to  
5 active service shall be permitted to fulfill the requirements of  
6 this section by registered or certified mail, return receipt  
7 requested."

8 SECTION 3. Section 12-6, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§12-6 Nomination papers: time for filing; fees. (a)**  
11 For members of Congress, state offices, county offices, and the  
12 board of trustees for the office of Hawaiian affairs, nomination  
13 papers shall be filed with the chief election officer, or clerk  
14 in case of county offices, not later than 4:30 p.m. on the first  
15 Tuesday in June. However, in the event of a special primary or  
16 special election, the filing deadline shall be determined in the  
17 proclamation that is issued calling for the election as provided  
18 for by state law or county charter. A state candidate from the  
19 counties of Hawaii, Maui, and Kauai may file the declaration of  
20 candidacy with the respective clerk. The clerk shall transmit



1 to the office of the chief election officer the state  
2 candidate's declaration of candidacy without delay.

3 (b) If after the close of filing there are no candidates  
4 who have filed nomination papers for an elective office for the  
5 primary, special primary, or any special election held in  
6 conjunction with the primary election, the chief election  
7 officer or clerk, in the case of a county election, shall accept  
8 nomination papers for that office until 4:30 p.m. on the tenth  
9 day after the original close of filing.

10 [+](c)[+] There shall be deposited with each nomination  
11 paper a filing fee on account of the expenses attending the  
12 holding of the primary, special primary, or special election  
13 [~~which~~] that shall be paid into the treasury of the State, or  
14 county, as the case may be, as a realization:

- 15 (1) For United States senators and United States  
16 representatives--\$75;  
17 (2) For governor and lieutenant governor--\$750;  
18 (3) For mayor--\$500; and  
19 (4) For all other offices--\$250.





1           [+] (d) [+] Upon the receipt by the chief election officer  
2 or the clerk of the nomination paper of a candidate, the day,  
3 hour, and minute when it was received shall be endorsed thereon.

4           (e) Upon the showing of a certified copy of an affidavit  
5 [~~which~~] that has been filed with the campaign spending  
6 commission pursuant to section 11-423 by a candidate who has  
7 voluntarily agreed to abide by spending limits, the chief  
8 election officer or clerk shall discount the filing fee of the  
9 candidate by the following amounts:

- 10           (1) For the office of governor and lieutenant governor--  
11                 \$675;  
12           (2) For the office of mayor--\$450; and  
13           (3) For all other offices--\$225.

14           [+] (f) [+] The chief election officer or clerk shall waive  
15 the filing fee in the case of a person who declares, by  
16 affidavit, that the person is indigent and who has filed a  
17 petition signed by currently registered voters who constitute at  
18 least one-half of one per cent of the total voters registered at  
19 the last preceding general election in the respective district  
20 or districts [~~which~~] that correspond to the specific office for  
21 which the indigent person is a candidate. This petition shall



1 be submitted on the form prescribed and provided by the chief  
2 election officer together with the nomination paper required by  
3 this chapter.

4 (g) Members of the reserves or national guard called to  
5 active service shall be permitted to fulfill the requirements of  
6 this section by registered or certified mail, return receipt  
7 requested."

8 SECTION 4. Section 12-7, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§12-7 **Filing of oath.** (a) The name of no candidate for  
11 any office shall be printed upon any official ballot, in any  
12 election, unless the candidate shall have taken and subscribed  
13 to the following written oath or affirmation, and filed the oath  
14 with the candidate's nomination papers.

15 The written oath or affirmation shall be in the following  
16 form:

17 "I,....., do solemnly swear and declare, on oath  
18 that if elected to office I will support and defend the  
19 Constitution and laws of the United States of America, and the  
20 Constitution and laws of the State of Hawaii, and will bear true  
21 faith and allegiance to the same; that if elected I will



1 faithfully discharge my duties as.....(name of  
2 office).....to the best of my ability; that I take  
3 this obligation freely, without any mental reservation or  
4 purpose of evasion; So help me God."

5       Upon being satisfied as to the sincerity of any person  
6 claiming that the person is unwilling to take the above  
7 prescribed oath only because the person is unwilling to be  
8 sworn, the person may be permitted, in lieu of the oath, to make  
9 the person's solemn affirmation which shall be in the same form  
10 as the oath except that the words "sincerely and truly affirm"  
11 shall be substituted for the word "swear" and the phrases "on  
12 oath" and "So help me God" shall be omitted. [~~Such~~] The  
13 affirmation shall be of the same force and effect as the  
14 prescribed oath.

15       The oath or affirmation shall be subscribed before the  
16 officer administering the same, who shall endorse thereon the  
17 fact that the oath was subscribed and sworn to or the  
18 affirmation was made together with the date thereof and affix  
19 the seal of the officer's office or of the court of which the  
20 officer is a judge or clerk.



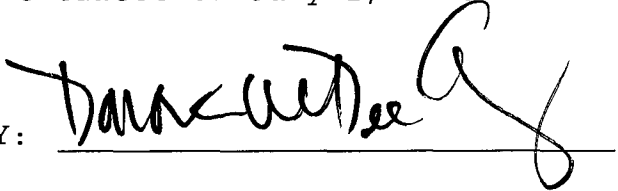
1           It shall be the duty of every notary public or other public  
2 officer by law authorized to administer oaths to administer the  
3 oath or affirmation prescribed by this section and to furnish  
4 the required endorsement and authentication.

5           (b) Members of the reserves or national guard called to  
6 active service shall be permitted to fulfill the requirements of  
7 this section by registered or certified mail, return receipt  
8 requested."

9           SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 6. This Act shall take effect upon its approval;  
12 provided that section 3 shall take effect on July 1, 2015.

13

INTRODUCED BY: 



# S.B. NO. 633

**Report Title:**

Reservists and National Guardsmen; Nomination Papers and Oaths

**Description:**

Allows reservists and national guard members in active service who desire to run for office to file nomination papers and take their oaths by mail.

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