

ACT 173

H.B. NO. 3153

A Bill for an Act Relating to Elections.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§11- Constitutional amendments, proposed. Any constitutional amendment proposed by the legislature shall include in final form the exact constitutional ratification question to be printed on a ballot. The constitutional ratification question shall be phrased in a manner to enable voters to express their choice on the constitutional amendment by providing a “yes” or “no” response. The language and meaning of a constitutional amendment shall be clear and it shall be neither misleading nor deceptive.”

SECTION 2. Section 11-2, Hawaii Revised Statutes, is amended to read as follows:

“§11-2 Chief election officer; duties. (a) The chief election officer shall supervise all state elections. The chief election officer may delegate responsibilities in state elections within a county to the clerk of that county or to other specified persons.

(b) The chief election officer shall be responsible for the maximization of registration of eligible electors throughout the State. In maximizing registration, the chief election officer shall make an effort to equalize registration between districts, with particular effort in those districts in which the chief election officer determines registration is lower than desirable. The chief election officer, in carrying out this function, may make surveys, carry on house to house canvassing, and assist or direct the clerk in any other area of registration.

(c) The chief election officer shall maintain data concerning registered voters, elections, apportionment, and districting. The chief election officer shall use this data to assist the reapportionment commission provided for under Article IV of the Constitution.

(d) The chief election officer shall be responsible for public education with respect to voter [registration and information.] materials, including the publication and dissemination of voting materials in the language of a language minority group as required by the Voting Rights Language Assistance Act of 1992, P.L. 102-344.

(e) Upon the certification of any bill that sets forth a question for vote by the electorate, the chief election officer shall coordinate the preparation of appropriate voter education materials with the legislative reference bureau. The legislative reference bureau shall be responsible for the interpretation of the bill and shall submit to the chief election officer, not later than ninety days prior to the general election, the following items in final form:

- (1) A summary, factsheet, and digest of the proposed constitutional amendment, which includes the purpose and intent of the proposed constitutional amendment, and ramifications of the proposed constitutional amendment if ratified by the electorate; and
- (2) Arguments for and against ratification of the proposed constitutional amendment.

[(e)] (f) The chief election officer shall adopt rules governing elections in accordance with chapter 91.”

SECTION 3. Act 27, Special Session Laws of Hawaii 1995, is amended by amending section 4 to read as follows:

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- (2) Arguments for and against ratification of the proposed constitutional amendment.

[(e)] (f) The chief election officer shall adopt rules governing elections in accordance with chapter 91.”

SECTION 4. Section 11-112, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The ballot may include questions concerning proposed state constitutional amendments, proposed county charter amendments, or proposed initiative or referendum issues. [When the legislature passes a bill to submit a proposed constitutional amendment to the electorate, the bill shall contain the exact question that is to be printed on the ballot. The question shall be phrased to require a “yes” or “no” response by the voter.]”

SECTION 5. Section 12-4, Hawaii Revised Statutes, is amended to read as follows:

“§12-4 Nomination papers: qualifications of signers. (a) No person shall sign the nomination papers of more than one candidate, partisan or nonpartisan, for the same office, unless there is more than one office in a class in which case no person shall sign papers for more than the actual number of offices in a class. Nomination papers shall be construed in this regard according to priority of filing, and the name of any person appearing thereon shall be counted only so long as this provision is not violated, and not thereafter.

(b) No name on nomination papers shall be counted, unless the signer is a registered voter[,], and is eligible to vote for the candidate [at the next election. To determine if the signers are eligible to vote for the candidate, the chief election officer or clerk may use lists prepared in accordance with section 11-24]. The chief election officer or clerk shall use the most currently compiled general county register available at the time the nomination paper is presented for filing to determine the eligibility of the registered voters to sign for the candidate. At the time of filing, the chief election officer or clerk may reject the candidate’s nomination paper for lack of sufficient signers who are eligible to vote for the candidate.

(c) Any registered voter who, after signing a nomination paper, seeks to withdraw the voter’s signature shall do so by providing written notice to the chief election officer, or clerk in the case of a county office, any time before the filing of the candidate’s nomination paper; provided that the notice is received by the chief election officer, or clerk in the case of a county officer, no later than 4:30 p.m. on the fourth business day prior to the close of filing pursuant to section 12-6. The written notice shall include the voter’s name, social security number, residence address, date of birth, the voter’s signature, the name of the candidate, and a statement that the

voter wishes to remove the voter's signature from the candidate's nomination paper. Any request by a registered voter to remove the voter's signature from a candidate's nomination paper that is received by the chief election officer, or clerk in the case of a county office, after the candidate's nomination paper has been filed or after 4:30 p.m. on the fourth business day prior to the close of filing shall not be accepted.

(d) Within twenty-four hours upon receipt of a written notice pursuant to subsection (c), the chief election officer, or clerk in the case of a county office, shall send written notice via registered mail to the candidate that the voter requested to have the voter's signature removed from the candidate's nomination paper and that the signature of the voter shall not be counted."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$65,000 or so much thereof as may be necessary, for fiscal year 1996-1997 for the publication and dissemination of voting materials, including material relating to proposed constitutional amendments in the language of a language minority group as required by the Voting Rights Language Assistance Act of 1992.

The sum appropriated shall be expended by the office of the lieutenant governor for purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval; provided that Section 1 shall take effect on July 1, 1999; Section 2 shall be repealed on June 30, 1999; and Section 6 shall take effect on July 1, 1996.

(Approved June 17, 1996.)

Note

1. Edited pursuant to HRS §23G-16.5.