

ACT 143

H.B. NO. 716

A Bill for an Act Relating to Elections.

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

SECTION 1. The purpose of this Act is to revise various election deadlines in conformity with Act 126, Session Laws of Hawaii 2010, which changed the date of the State's primary election to comply with the National Defense Authorization Act for Fiscal Year 2010, P.L. 111-84, mandating the mailing of absentee ballots to uniformed and overseas voters no later than forty-five days prior to elections for federal offices.

SECTION 2. Section 11-113, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) All candidates for president and vice president of the United States shall be qualified for inclusion on the general election ballot under either of the following procedures:

- (1) In the case of candidates of political parties ~~[which]~~ that have been qualified to place candidates on the primary and general election ballots, the appropriate official of those parties shall file a sworn application with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election, which shall include:
 - (A) The name and address of each of the two candidates;
 - (B) A statement that each candidate is legally qualified to serve under the provisions of the United States Constitution; and
 - (C) A statement that the candidates are the duly chosen candidates of both the state and the national party, giving the time, place, and manner of the selection~~[-];~~ and
- (2) In the case of candidates of parties or groups not qualified to place candidates on the primary or general election ballots, the person desiring to place the names on the general election ballot shall file with the chief election officer not later than 4:30 p.m. on the ~~[sixtieth]~~ ninetieth day prior to the general election:
 - (A) A sworn application ~~[which]~~ that shall include the information required under paragraph (1)(A) ~~[and]~~, (B), and (C), where applicable; and
 - (B) A petition ~~[which]~~ that shall be upon the form prescribed and provided by the chief election officer containing the signatures of currently registered voters which constitute not less than one per cent of the votes cast in the State at the last presidential election. The petition shall contain the names of the candidates, a statement that the persons signing intend to support those candidates, the address of each signatory, the date of the signer's signature, and other information as determined by the chief election officer.

Prior to being issued the petition form, the person desiring to place the names on the general election ballot shall submit a notarized statement from each prospective candidate of that ~~[person's]~~ prospective candidate's intent to be a candidate for president or vice president of the United States on the general election ballot ~~[in]~~ of the State of Hawaii. ~~[Such]~~ The statements by a prospective candidate for vice president may be withdrawn by ~~[a]~~ that prospective candidate ~~[for vice president]~~ and an alternative candidate for vice president may be substituted ~~[anytime]~~ any time prior to the notification of qualification or disqualification provided in subsection (d). Any ~~[such]~~ substitutions shall be accompanied by a notice of substitution satisfying subparagraph (A), a statement of intent as required by this paragraph, and a letter by the candidate for president endorsing the substitute candidate for vice president. Upon receipt of a notice of substitution and all other required documents, the substitute shall replace the original candidate for vice president on the general election ballot. The petitions issued in the names of the original candidates will remain valid for the purposes of this section.”

SECTION 3. Section 11-117, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any candidate may withdraw in writing not later than 4:30 p.m. on the day immediately following the close of filing for any reason and may withdraw after the close of filing up to 4:30 p.m. on the [~~twentieth~~] fiftieth day prior to an election for reasons of ill health. When a candidate withdraws for ill health, the candidate shall give notice in writing to the chief election officer if the candidate was seeking a congressional or state office, or the candidate shall give notice in writing to the county clerk if the candidate was seeking a county office. The notice shall be accompanied by a statement from a licensed physician or physician assistant indicating that such ill health may endanger the candidate’s life.”

SECTION 4. Section 11-119, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Whenever the chief election officer is responsible for the printing of ballots, unless provided otherwise, the exact wording to appear thereon, including [~~but not limited to,~~] questions and issues shall be submitted to the chief election officer not later than 4:30 p.m. on the [~~sixtieth~~] seventy-fifth calendar day prior to the applicable election.”

SECTION 5. Section 12-8, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) All nomination papers filed in conformity with section 12-3 shall be deemed valid unless objection is made thereto by a registered voter, an officer of a political party whose name is on file with the chief election officer, the chief election officer, or the county clerk in the case of a county office. All objections shall be filed in writing not later than 4:30 p.m. on the [~~thirtieth~~] sixtieth day or the next earliest working day prior to the primary or special election.”

2. By amending subsections (e) and (f) to read:

“(e) If the chief election officer or clerk in the case of county offices determines that the objection [~~may warrant~~] warrants the disqualification of the candidate, the chief election officer or clerk shall file a complaint in the circuit court for a determination of the objection; provided that [~~such~~] the complaint shall be filed with the clerk of the circuit court not later than 4:30 p.m. on the seventh working day after the objection was filed.

(f) If a political party objects to the nomination paper filed by a candidate because the candidate is not a member of the party pursuant to the party’s rules filed in conformance with section 11-63, an officer of the party whose name appears on file with the chief election officer shall file a complaint in the circuit court for a prompt determination of the objection; provided that the complaint shall be filed with the clerk of the circuit court not later than 4:30 p.m. on the [~~thirtieth~~] sixtieth working day or the next earliest working day prior to that election day.”

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2011.

(Approved June 20, 2011.)