STAND. COM. REP. NO. 412

Honolulu, Hawaii GLL VT, 2011

RE: H.B. No. 1368 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1368 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this bill is to bring fairness and clarity to the election process by, among other things:

- Defining the term "party candidate" in relation to the provisions governing the filling of vacancies caused by the death, withdrawal, or disqualification of the candidate;
- (2) Clarifying the candidate filing process by stipulating that any person who withdraws their nomination papers prior to the close of filing shall not be considered to have caused a vacancy that may be filled by the candidate's party; and
- (3) Granting the Supreme Court original jurisdiction to resolve challenges to an individual's candidacy.

The League of Women Voters of Hawaii, Democratic Party of Hawaii, and a concerned individual testified in support of this bill. The Representative from the 14th Representative District provided comments.



STAND. COM. REP. NO. Page 2

Your Committee has amended this bill by:

- Deleting language conferring immediate jurisdiction of the Supreme Court for cases of objection by a political party;
- (2) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (3) Making technical, non-substantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1368, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1368, H.D. 1, and be referred to the Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

Atom Kind-1

GILBERT KEITH-AGARAN Chair



State of Hawaii House of Representatives The Twenty-sixth Legislature

HSCR 412

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1368	Committee Referral:Date: JUD_1 FIN2/15/11			
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) X Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)			
2. RHOADS, Karl (VC)	C) V V V			
3. BROWER, Tom	~			
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele				7
6. HERKES, Robert N.				
7. ITO, Ken				
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.				
10. MORITA, Hermina M.	ン ソ ン ン ン ン ン ン ン ン ン ン ン ン ン ン ン ン ン ン			
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. FONTAINE, George R.	~			
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				
TOTAL (16)	13	Ð	\mathcal{O}	3
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature: Pal Albach				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				