

ACT 125

H.B. NO. 2207

A Bill for an Act Relating to Challenges to Candidate Nomination Papers.

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

SECTION 1. Section 12-8, Hawaii Revised Statutes, is amended to read as follows:

“§12-8 Nomination papers: challenge; evidentiary hearings and decisions.

(a) All nomination papers filed in conformity with section 12-3 shall be deemed valid unless objection is made thereto [by the chief election officer or the clerk in the case of county offices or] by a registered voter, chief election officer or county clerk in writing[. Such objection is to be made] not later than 4:30 p.m. on the thirtieth day or the next earliest working day prior to that election day [second day after the close of filing except that if such day falls on a Saturday, Sunday, or holiday then the next succeeding working day]. An objection in a primary or special election by a registered voter or county clerk shall be filed not later than 4:30 p.m. on the thirtieth day or the next earliest working day prior to that primary or special election day. In case objection is made, notice thereof shall be given including the placement of the notice in the mail by registered or certified mail to the candidate objected thereto.

(b) The chief election officer or the clerk in the case of county offices shall have the necessary powers and authority to [conduct evidentiary hearings and may administer oaths. The hearings shall be held not later than four working days after the objection is made. Nothing] reach a preliminary decision on the merits of the objection; provided that nothing in this subsection shall be construed to extend to the candidate a right to an administrative contested case hearing as defined in section 91-1(5). The chief election officer or the clerk in the case of county offices shall render a preliminary decision not later than five working days after the objection is filed.

(c) [All objections shall be decided by] If the chief election officer or clerk in the case of county offices determines that the objection may warrant 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 complaint shall be filed with the clerk of the circuit court not later than 4:30 p.m. on the [second] seventh working day after [they are made or the second day after the hearing is held. All objections which are upheld shall be placed in

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writing by the deciding official if so requested by the candidate affected.] the objection was filed.

(d) If the chief election officer or clerk in the case of county offices files a complaint in the circuit court, the circuit court clerk shall issue to the defendants named in the complaint a summons to appear before the court not later than 4:30 p.m. on the fifth day after service thereof.

(e) The circuit court shall hear the complaint in a summary manner and at the hearing the court shall cause the evidence to be reduced to writing and shall not later than 4:30 p.m. on the fourth day after the return give judgment fully stating all findings of fact and of law. The judgment shall decide the objection presented in the complaint, and a certified copy of the judgment shall forthwith be served on the chief election officer or the clerk, as the case may be.

(f) If the judgment disqualifies the candidate, the chief election officer or the clerk shall follow the procedures set forth in sections 11-117 and 11-118 regarding the disqualifications of candidates.

(g) If an objection is made to the nomination papers of any candidate for the office of lieutenant governor pursuant to this section, the incumbent lieutenant governor shall be excused and the attorney general shall execute this section. The attorney general shall render a preliminary decision not later than five working days after the objection is filed.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This act shall take effect upon its approval.

(Approved June 15, 1990.)