

ACT 288

S.B. NO. 1069

A Bill for an Act Relating to Candidate Nomination Papers.

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

SECTION 1. Section 12-3, Hawaii Revised Statutes, is amended to read as follows:

“§12-3 Nomination paper;¹ format; limitations. (a) [The name of no candidate] No candidate’s name shall be printed upon any official ballot to be used at any primary, special primary, or special election unless a nomination paper was filed in the candidate’s behalf and in the name by which the candidate is commonly known. The nomination paper shall be in a form prescribed and provided by the chief election officer containing substantially the following information:

- (1) A statement by the registered voters signing the form [of the district from which the candidate is running signing the form] that they are eligible to vote for the candidate [at the next election];
- (2) A statement by the registered voters signing the form that they nominate the candidate for the office identified on the nomination paper[;] issued to the candidate;
- (3) The residence address and county in which the candidate resides;
- (4) The legal name of the candidate [and], the name by which the candidate is commonly known, if different, the office for which the candidate is running, and the candidate’s party affiliation or nonpartisanship; all of which [name and office] are to be placed on the nomination paper by the chief election officer or the clerk prior to releasing the form to the candidate;
- (5) Space for the [names of the registered voters signing the form and their district or districts and precinct or precincts;] name, signature, date of birth, Social Security number, and residence address of each registered voter signing the form, and other information as determined by the chief election officer;
- (6) A sworn certification by self-subscribing oath by the candidate that the candidate [will qualify] qualifies under the law for the office the candidate is seeking[;] and that the candidate has determined that, except for the information provided by the registered voters signing the nomination papers, all of the information on the nomination papers is true and correct;
- (7) A sworn certification by self-subscribing oath by a party candidate that the candidate is a member of the party;
- (8) A sworn certification[,] by self-subscribing oath, where applicable, by the candidate that the candidate has complied with the provisions of [Article] article II, section 7, of the Constitution of the State of Hawaii; [and]
- (9) A sworn certification by self-subscribing oath by the candidate that the candidate is in compliance with section 831-2, dealing with felons, and is eligible to run for office; and

(9) (10) The name the candidate wishes [inserted] printed on the ballot and the [post office] mailing address of the candidate.

(b) [No signatures] Signatures of registered voters shall not be counted, unless they are upon the nomination paper having the format set forth above, written or printed thereon, and if there are separate sheets to be attached to the nomination paper, the sheets shall have the name of the [person] candidate, the candidate's party affiliation or nonpartisanship, and the office and district for which the candidate is running placed thereon by the chief election officer or the clerk. The nomination paper and separate sheets shall be provided by the chief election officer or the clerk.

(c) Nomination papers shall not be filed in behalf of any person for more than one party or for more than one office; nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate.

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

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

(f) Nomination papers which are incomplete and do not contain all of the certifications, signatures, and requirements of this section shall be void and will not be accepted for filing by the chief election officer or clerk."

SECTION 2. Section 12-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) [No name] Names on nomination papers shall not be counted, unless the signer is a registered voter and is eligible to vote for the candidate. 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. Voter registration affidavits that have not been entered into the voter register by the clerk shall not be considered or accepted for this check. 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."

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

"§12-8 Nomination papers;¹ 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 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 day or the next earliest working day prior to [that election 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] the primary or special election.

(b) If an objection is made[, notice thereof shall be given including the placement of the notice in the mail] by a registered voter, the candidate objected thereto shall be notified of the objection by the chief election officer or the clerk in the case of county offices by registered or certified mail [to the candidate objected thereto].

(c) If an objection is filed by an officer of a political party with the circuit court, the candidate objected thereto shall be notified of the objection by an officer of the political party by registered or certified mail.

[(b) The] (d) Except for objections by an officer of a political party filed directly with the circuit court, the chief election officer or the clerk in the case of county offices shall have the necessary powers and authority to 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)] (e) 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 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 working day or the next earliest working day prior to that election day.

[(d)] (g) If an officer of a political party whose name appears on file with the chief election officer, 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)] (h) 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)] (i) 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.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 21, 1997.)

Note

1. Prior to amendment “:” appeared here.