

A Bill for an Act Relating to Elections.

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

SECTION 1. Section 11-117, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any candidate may withdraw 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 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.

A candidate who withdraws the candidate’s own nomination papers prior to the close of filing shall not be considered to have caused a vacancy that may be filled by a party under section 11-118.”

SECTION 2. Section 11-118, Hawaii Revised Statutes, is amended to read as follows:

“§11-118 Vacancies; new candidates; insertion of names on ballots. (a) In case of death, withdrawal, or disqualification of any party candidate [after filing], the vacancy so caused may be filled by the party. The party shall be notified by the chief election officer or the clerk in the case of a county office immediately after the death, withdrawal, or disqualification.

(b) If the party fills the vacancy, and so notifies the chief election officer or clerk not later than 4:30 p.m. on the third day after the vacancy occurs, but not later than 4:30 p.m. on the fiftieth day prior to a primary or special primary election or not later than 4:30 p.m. on the fortieth day prior to a special, general, or special general election, the name of the replacement shall be printed in an available and appropriate place on the ballot, not necessarily in alphabetical order; provided that the replacement candidate fills out an application for nomination papers [and], signs the proper certifications on the nomination paper, and takes either an oath or affirmation as provided by law. If the party fails to fill the vacancy pursuant to this subsection, no candidate’s name shall be printed on the ballot for the party for that race.

(c) If the ballots have been printed and it is not reasonably possible to insert an alternate’s name, the chief election officer shall issue a proclamation informing the public that the votes cast for the vacating candidate shall be counted and the results interpreted as follows:

(1) In a primary or special primary election:

(A) In partisan races, if, but for candidate’s vacancy, the vacating candidate would have been nominated pursuant to section 12-41(a), a vacancy shall exist in the party’s nomination, to be filled in accordance with subsection (b)[-]; and

(B) In nonpartisan races, if, but for the candidate’s vacancy, the vacating candidate would have qualified as a candidate for the general or special general election ballot pursuant to section 12-41(b), the nonpartisan candidate who received the next highest number of votes shall be placed on the ballot; provided

that the candidate also meets the requirements of section 12-41(b)[-];

- (2) In a special, general, or special general election, if, but for the candidate's vacancy, the vacating candidate would have been elected, a vacancy shall exist in the office for which the race in question was being held, to be filled in the manner provided by law for vacancies in office arising from the failure of an elected official to serve the official's full term because of death, withdrawal, or removal[-]; and
- (3) In any other case where, but for the candidate's vacancy, the vacating candidate would have been deemed elected, a vacancy shall exist in the office for which the candidate has filed, to be filled in the manner provided by law for vacancies in office arising from the failure of an elected official to serve the official's full term in office because of death, withdrawal, or removal.

(d) The parties shall adopt rules to comply with this provision, and those rules shall be submitted to the chief election officer.

(e) The chief election officer or county clerk in county elections may waive any or all of the foregoing requirements in special circumstances as provided in the rules adopted by the chief election officer.

(f) For the purposes of this section, "party candidate" means the person or persons who would be the candidate or candidates of the party under section 12-41(a)."

SECTION 3. Section 12-3, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) Nomination papers ~~[which]~~ that 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 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2011.

(Approved June 23, 2011.)