

**FACTSHEET
CONTESTS FOR CAUSE / ELECTION OBJECTIONS
2012 ELECTIONS**

This fact sheet is for informational purposes only. Refer to Sections 11-171 to 11-175 of the Hawaii Revised Statutes and other sources of the law for information dealing with election contests for cause.

CONTESTS FOR CAUSE

Hawaii Revised Statutes (HRS), states that with respect to any election, any candidate, or qualified political party, or any thirty voters of any election district, may file a complaint in the supreme court. The complaint shall set forth any cause or causes, such as but not limited to, provable fraud, overages, or underages, that could cause a difference in the election results. The complaint shall also set forth any reasons for reversing, correcting, or changing the decisions of the precinct officials or the officials at a counting center in an election using the electronic voting system.

DEADLINE TO FILE CONTEST FOR CAUSE / COMPLAINT

The complaint must be filed in the office of the clerk of the supreme court and must be accompanied by a deposit for costs of court as established by rules of the supreme court. Complaints must be filed by 4:30 p.m. as follows:

<u>Election</u>	<u>Deadline</u>
Primary Election	Mon, Aug. 20, 2012
Special Elections held w/ Primary	Mon, Aug. 20, 2012
General Election.....	Mon, Nov. 26, 2012
Special Elections held w/ General.....	Mon, Nov. 26, 2012
OHA Special Election	Mon, Nov. 26, 2012

PRIMARY OR SPECIAL PRIMARY ELECTIONS

(a) Supreme Court Receipt of Complaint

Upon receipt of a complaint, the clerk shall issue to the defendants named in the complaint a summons to appear before the Supreme Court not later than 4:30 p.m. on the fifth day after service thereof.

(b) Supreme Court Hearing of the Complaint

The court shall hear the contest 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.

(c) Supreme Court Judgment

The judgment shall decide what candidate was nominated or elected, as the case may be, in the manner presented by the petition, and a certified copy of the judgment shall forthwith be served on the chief election officer or the county clerk, as the case may be, who shall place the name of the candidate declared to be nominated on the ballot for the forthcoming general or special general election. The judgment shall be conclusive of the right of the candidate so declared to be nominated; provided that this subsection shall not operate to amend or repeal section 12-41.

GENERAL, SPECIAL GENERAL, OR SPECIAL ELECTIONS

(a) Supreme Court Receipt of Complaint

Upon receipt of a complaint, the clerk shall issue to the defendants named in the complaint a summons to appear before the Supreme Court not later than 4:30 p.m. on the tenth day after service thereof.

(b) Supreme Court Hearing of Complaint

The complaint shall be heard by the Supreme Court in which the complaint was filed as soon as it reasonably may be heard. On the return day, the court, upon its motion or otherwise, may direct summons to be issued to any person who may be interested in the result of the proceedings. At the hearing, the court shall cause the evidence to be reduced to writing and shall give judgment, stating all findings of fact and of law.

(c) Supreme Court Judgment

The court shall cause the evidence to be reduced to writing and shall give judgment, stating all findings of fact and of law. The judgment may:

1. Invalidate the general, special general, or special election on the grounds that a correct result cannot be ascertained because of a mistake or fraud on the part of the precinct officials.

If the judgment should be that the general, special general, or special election was invalid, a certified copy thereof shall be filed

with the governor, and the governor shall duly call a new election to be held not later than one hundred twenty days after the judgment is filed.

2. Decide that a certain candidate, or certain candidates, received a majority or plurality of votes cast and were elected.

If the court shall decide which candidate or candidates have been elected, a copy of that judgment shall be served on the chief election officer or county clerk, who shall sign and deliver to the candidate or candidates certificates of election, and the same shall be conclusive of the right of the candidate or candidates to the offices.

This document is intended for informational purposes only and should not be used as an authority on the Hawaii election law and deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

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