

FACTSHEET
2012 ELECTIONS - CANDIDATE OBJECTIONS

NOTE: This fact sheet is for informational purposes only. Refer to Sections 11-118 and 12-8 of the Hawaii Revised Statutes and other sources of the law for information on candidate objections.

I. OBJECTION TO CANDIDATES

Hawaii Revised Statutes (HRS) section 12-8, states that all nomination papers filed in conformity with section 12-3, HRS, shall be deemed valid unless a written objection is made to that candidate's nomination papers. Objections may be made 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 election.

II. DEADLINE TO FILE OBJECTIONS

All objections must be filed in writing by 4:30 p.m. on the sixtieth day or the next earliest working day prior to the primary or special election. Objections by a registered voter shall be filed with the Chief Election Officer or the County Clerk (in the case of a county election). Objections by an officer of a political party shall be filed with the Clerk of the Circuit Court.

The deadline to file a candidate objection for the 2012 elections is:

4:30 p.m., Tuesday, June 12, 2012

The deadline to file an OHA candidate objection for the 2012 elections is:

4:30 p.m., Friday, September 7, 2012

III. RECEIPT OF NOTICE OF OBJECTION

Upon receipt of a written notice of objection, the Chief Election Officer, or the County Clerk in the case of a county office, shall notify the candidate of the objection by certified or registered mail. If an officer of a political party files an objection with the Circuit Court, an officer of the political party shall notify the candidate of the objection by registered or certified mail.

IV. PRELIMINARY DECISION/DETERMINATION

The Chief Election Officer, or the County Clerk in the case of a county office, must render a preliminary decision on the merits of the objection within five working days after the objection is filed/received. Prior to making this preliminary decision, the Chief Election Officer/County Clerk may hold a meeting to gather facts.

V. COMPLAINT FILED WITH CIRCUIT COURT

If the Chief Election Officer, or the County Clerk in the case of a county office, decides that there are grounds for disqualification, the Chief Election Officer/County Clerk shall file a complaint with the Circuit Court within seven working days after the objection is filed/received.

If a political party objects to a candidate's nomination papers because a candidate is not a member of the party pursuant to the party's rules, an officer of the political party shall file an objection with the Circuit Court by 4:30 p.m. on the thirtieth day or the next earliest working day prior to the primary or special election.

VI. CIRCUIT COURT SUMMONS

The Circuit Court shall summon the defendant (candidate) to appear before the Court not later than 4:30 p.m. on the fifth (calendar) day after service of the summons.

VII. CIRCUIT COURT JUDGMENT/DECISION

The Circuit Court shall give judgment to the Chief Election Officer/County Clerk not later than 4:30 p.m. on the fourth (calendar) day from the hearing of the complaint.

If the Court's judgment is that the candidate should not be disqualified, then the candidate is eligible to run for office.

If the Court's judgment is to disqualify the candidate:

1. Judgment is prior to the close of candidate filing (ballots not printed):

The Chief Election Officer/County Clerk shall notify the chairperson of the political party of which the person was disqualified as the candidate. The political party may fill the vacancy if they provide the Chief Election Officer/County Clerk with the name of a replacement candidate within three (calendar) days of the vacancy.

2. Judgment is after the close of candidate filing (ballots already printed):

The Chief Election Officer/County Clerk shall notify the chairperson of the political party of which the person was disqualified as the candidate. The Chief Election Officer/County Clerk may order the candidate's name stricken from the ballot or order that a notice of disqualification be prominently posted at the appropriate polling places on election day.

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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