

(As of February 20, 2001)

Section 12-103. Recall Petition; Recall Election --

The recall petition shall require each signing voter's signature, address, social security number, council district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered for filing with the city clerk. The clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the recall petition and if the clerk finds that any such signature or signatures are not genuine, the clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The clerk shall also disregard any signature dated more than sixty days before the petition was tendered for filing. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The clerk shall complete the examination of the petition within twenty working days after the submission of the petition to the clerk and shall thereupon file the petition if valid or reject it if invalid.

As soon as the clerk has accepted a recall petition for filing, the clerk shall notify the elected officer that the petition has been filed. Upon receipt of such notice, the elected officer may resign from office and thereupon the recall proceedings shall terminate.

If the elected officer does not resign from office within ten days after notice of the filing of such petition shall have been given to such elected officer, the clerk shall arrange a recall election. If a general or special city or state election is to be held not less than thirty days nor more than ninety days after the ten days have expired, the recall question shall be placed before the voters at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty days nor later than ninety days after ten days have expired. The elected officer may resign at any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each voter in a recall: "Shall (name of elected officer) be recalled and removed from the office of (title of office)?"

If a majority of the registered voters who vote on the question at a recall election shall vote "Yes," the elected officer shall be deemed recalled and removed from office. Otherwise, the said officer shall remain in office.³⁸

No person, who has been removed from elected office or who has resigned from such an office after a recall petition directed to the said person has been filed, shall be eligible for election or appointment to any office of the city within two years after said person's removal or resignation.

³⁸Blank ballots are neither a yes nor a no vote "on the question" of recall and may not be considered in determining total vote for purposes of determining majority vote. Republican Party of Hawaii v. Waihee, 68 Haw. 258, 709 P.2d 980 (1985).

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No recall petition shall be filed against an elected officer within the first or the last year of the officer's term or within six months after an unsuccessful recall election against such officer. *(Reso. 83-357; 1992 General Election Charter Amendment Question Nos. 32A(15) and 32A(16))*