

---

---

# A BILL FOR AN ACT

RELATING TO PRIMARY AND SPECIAL PRIMARY ELECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii's  
2 constitution and election statute have encouraged voter  
3 participation in primary elections by allowing voters to select  
4 any political party's ballot without declaring a party  
5 preference or nonpartisanship as a condition of voting. While  
6 some candidates may have sought votes from members of a  
7 different political party, public confidence in this open  
8 primary election system continues to be high.

9           However, the possibility remains that a political party  
10 could improperly affect the outcome of an opposing party's  
11 primary election. A party could do this by encouraging its  
12 members to cast votes for the weaker candidate of the opposing  
13 party, thus allowing their candidate to face the weaker  
14 candidate in the general election.

15           The legislature further finds that in order to ensure the  
16 integrity of primary elections and prevent misuse of election  
17 laws, crossover voting by members of political parties should be



1 prohibited. Political party members would then be allowed to  
2 vote only in their respective party's primary election.

3 The purpose of this Act is to prohibit members of a  
4 political party from participating in the primary or special  
5 primary election of candidates from any other political party;  
6 provided that voters who are not members of a political party  
7 would continue to:

- 8 (1) Be issued the primary or special primary ballot for  
9 each party and the nonpartisan primary or special  
10 primary ballot; and  
11 (2) Be entitled to select and to vote the ballot of any  
12 one party or nonpartisan.

13 SECTION 2. Section 12-21, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§12-21 Official party ballots. The primary or special  
16 primary ballot shall be clearly designated as such. The names  
17 of the candidates of each party qualifying under section 11-61  
18 or 11-62 and of nonpartisan candidates [~~may~~] shall be printed on  
19 separate ballots [~~, or on a single ballot. The name of each~~  
20 ~~party and the nonpartisan designation shall be distinctly~~  
21 ~~printed and sufficiently separate from each other~~]. The names  
22 of [~~all~~] the candidates shall be printed on the [~~ballot~~] ballots



1 as provided in section 11-115. When the names of all candidates  
2 of the same party for the same office exceed the maximum number  
3 of voting positions on a single side of a ballot card, the  
4 excess names may be arranged and listed on both sides of the  
5 ballot card and additional ballot cards if necessary. [When  
6 ~~separate ballots for each party are not used, the order in which~~  
7 ~~parties appear on the ballot, including nonpartisan, shall be~~  
8 ~~determined by lot.~~]

9 The chief election officer or the county clerk, in the case  
10 of county elections, shall approve printed samples or proofs of  
11 the respective party ballots as to uniformity of size, weight,  
12 shape, and thickness prior to final printing of the official  
13 ballots."

14 SECTION 3. Section 12-31, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§12-31 Selection of party ballot; voting. [Nø] (a) A  
17 person eligible to vote in any primary or special primary  
18 election shall be required to state a party [~~preference or~~  
19 ~~nonpartisanship~~] membership or nonmembership as a condition of  
20 voting. Each voter who is a member of a political party shall  
21 be issued the primary or special primary ballot for that party;  
22 provided that each voter who is not a member of a party shall be



1 issued the primary or special primary ballot for each party and  
 2 the nonpartisan primary or special primary ballot. A voter  
 3 shall be entitled to vote only for candidates of one party or  
 4 only for nonpartisan candidates. If the primary or special  
 5 primary ballot is marked contrary to this paragraph, the ballot  
 6 shall not be counted.

7 (b) In any primary or special primary election in the year  
 8 1979 and thereafter, a voter shall be entitled to select and to  
 9 vote the ballot of any one party or nonpartisan, regardless of  
 10 which ballot the voter voted in any preceding primary or special  
 11 primary election[-]; provided that the voter is in compliance  
 12 with subsection (a)."

13 SECTION 4. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon the  
 16 ratification of a constitutional amendment to article 2,  
 17 section 4, of the Constitution of the State of Hawaii, which  
 18 requires a voter to declare membership or nonmembership in a  
 19 political party as a condition of voting in any primary or  
 20 special primary election.

INTRODUCED BY:

*Calvin K. King*  
 \_\_\_\_\_  
 BY REQUEST  
 JAN 22 2008



**Report Title:**

Elections; Primary Elections

**Description:**

Effectuates a constitutional amendment, if adopted, to limit a member of a political party to voting in a primary election on a ballot for that person's political party, and no other party.

