

JAN 18 2008

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION ON PRIMARY AND
SPECIAL PRIMARY ELECTIONS.

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

1 SECTION 1. The legislature finds that, since its adoption
2 in 1978, Hawaii's constitution, as provided in article II,
3 section 4, has encouraged voter participation in primary
4 elections by allowing voters to select any political party's
5 ballot without declaring a party preference or nonpartisanship
6 as a condition of voting. While some candidates may have sought
7 votes from members of a different political party, public
8 confidence in this open primary election system continues to be
9 high.

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

16 The legislature further finds that, in order to ensure the
17 integrity of primary elections and prevent misuse of election



1 laws, crossover voting by members of political parties should be
2 prohibited. Political party members would then be allowed to
3 vote only in their respective party's primary election.

4 The purpose of this Act is to propose an amendment to
5 article II, section 4, of the Constitution of the State of
6 Hawaii to require a person, as a condition of voting in any
7 primary or special primary election, to declare membership in a
8 political party and be issued the primary or special primary
9 ballot for that party or declare nonmembership and be issued the
10 primary or special primary ballot for each party and the
11 nonpartisan primary or special primary ballot.

12 SECTION 2. Article 2, section 4, of the Constitution of
13 the State of Hawaii is amended to read as follows:

14 "REGISTRATION; VOTING

15 Section 4. The legislature shall provide for the
16 registration of voters and for absentee voting and shall
17 prescribe the method of voting at all elections. Secrecy of
18 voting shall be preserved; provided that [æ] a person shall be
19 required to declare a party [~~preference or nonpartisanship~~]
20 membership or nonmembership as a condition of voting in any
21 primary or special primary election[-]; provided further that a
22 person who is a member of a political party shall be issued the



1 primary or special primary ballot for that party and a person
2 who is not a member of a party shall be issued the primary or
3 special primary ballot for each party and the nonpartisan
4 primary or special primary ballot. Secrecy of voting and choice
5 of political party affiliation [~~or nonpartisanship~~] shall be
6 preserved."

7 SECTION 3. The question to be printed on the ballot shall
8 be as follows:

9 "As a condition of voting in any primary or special primary
10 election, shall a person be required to declare membership
11 in a political party and be issued the primary or special
12 primary ballot for that party or declare nonmembership and
13 be issued the primary or special primary ballot for each
14 party and the nonpartisan primary or special primary ballot?"

15 SECTION 4. Constitutional material to be repealed is
16 bracketed and stricken. New constitutional material is
17 underscored.

18 SECTION 5. This Act shall take effect upon compliance with
19 article XVII, section 3, of the Constitution of the State of
20 Hawaii.

21

INTRODUCED BY:





Report Title:

Constitutional Amendment; Primary Elections

Description:

Proposes a constitutional amendment 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.

