

JAN 18 2008

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. [~~N~~] (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.

21
 INTRODUCED BY: *Joe Keenan Jr.*

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.

