

JAN 23 2009

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 4, OF THE HAWAII STATE CONSTITUTION, TO RESTRICT VOTING ELIGIBILITY IN PRIMARY AND SPECIAL PRIMARY ELECTIONS TO PARTISAN AND NONPARTISAN DECLARANTS.

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.



1 The legislature further finds that, in order to ensure the
2 integrity of primary elections and prevent misuse of election
3 laws, crossover voting by members of political parties should be
4 prohibited. Political party members would then be allowed to
5 vote only in their respective party's primary election.

6 SECTION 2. The purpose of this Act is to propose an
7 amendment to article II, section 4, of the Constitution of the
8 State of Hawaii to require a person, as a condition of voting in
9 any primary or special primary election, to declare membership
10 in a political party and be issued the primary or special
11 primary ballot for that party or declare nonmembership and be
12 issued the primary or special primary ballot for each party and
13 the nonpartisan primary or special primary ballot.

14 SECTION 3. Article II, section 4, of the Constitution of
15 the State of Hawaii is amended to read as follows:

16 "REGISTRATION; VOTING

17 Section 4. The legislature shall provide for the
18 registration of voters and for absentee voting and shall
19 prescribe the method of voting at all elections. Secrecy of
20 voting shall be preserved; provided that ~~[no]~~ a person shall be
21 required to declare a political party ~~[preference or~~
22 ~~nonpartisanship]~~ membership or nonmembership as a condition of



1 voting in any primary or special primary election. A person who
2 declares membership in a political party shall be issued a
3 primary or special primary ballot for that party only. A person
4 who declares a nonmembership shall be issued the primary or
5 special primary ballot for each political party and also the
6 nonpartisan ballot for that election. Secrecy of voting and
7 choice of political party affiliation [~~or nonpartisanship~~] shall
8 be preserved."

9 SECTION 4. The question to be printed on the ballot shall
10 be as follows:

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

18 SECTION 5. Constitutional material to be repealed is
19 bracketed and stricken. New constitutional material is
20 underscored.



S.B. NO. 680

1 SECTION 6. This Act shall take effect upon compliance with
2 article XVII, section 3, of the Constitution of the State of
3 Hawaii.

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INTRODUCED BY:





Report Title:

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 or nonmembership.

