
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Hawaii's election law provides different rules
2 by which partisan and nonpartisan candidates for elective office
3 advance from the primary to the general election. Partisan
4 candidates in contested primary elections advance to the general
5 election based upon who receives the most votes. Partisan
6 candidates who run unopposed advance automatically. By
7 comparison, nonpartisan candidates who are unopposed must
8 receive a certain low minimum number of votes in a primary
9 election in order to advance.

10 The legislature finds, however, that the state office of
11 elections has recently ruled that a partisan candidate whose
12 only opposition came in the form of a single nonpartisan
13 candidate who did not receive enough votes in the primary to
14 advance to the general election could not be deemed elected
15 after the primary election and instead had to run unopposed in
16 the general election. It is impossible to ascertain how such a
17 determination advances the public interest in any way. The only
18 discernible impacts of such a ruling are the added time,



1 expense, and inconvenience incurred by the election system and
2 the unopposed candidate.

3 The purpose of this Act is to provide unequivocally that a
4 candidate who has no opponent whether partisan or nonpartisan
5 after a primary election, shall be deemed elected after that
6 primary election.

7 SECTION 2. Chapter 12, Hawaii Revised Statutes, is amended
8 by adding a new section to be appropriately designated and to
9 read as follows:

10 "§12- Candidates unopposed at general election declared
11 elected. Any candidate running for any office in the State who
12 is nominated at the primary election as the candidate of the
13 party for the following general election and who is not opposed
14 in a general election because no other candidate, nonpartisan or
15 otherwise, qualifies for nomination shall, after the primary
16 election, be deemed and declared to be duly and legally elected
17 to the office for which the person was nominated as the party
18 candidate at the primary election regardless of the number of
19 votes received."

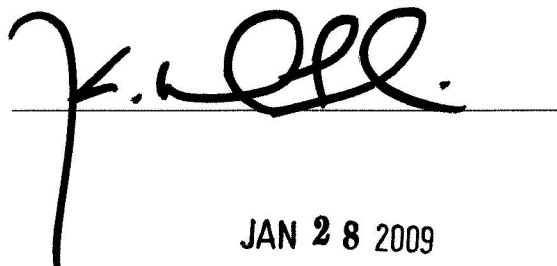
20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:



JAN 28 2009



Report Title:

Elections; Unopposed Candidate

Description:

Declares that a candidate who is not opposed by any candidate, nonpartisan or otherwise, and is nominated at the primary election shall be deemed to be elected to that office.

