
A BILL FOR AN ACT

RELATING TO PRIMARY ELECTIONS.

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

1 SECTION 1. The purpose of this Act is to establish a
2 primary election in which an individual may cast a vote for any
3 candidate, regardless of the voter's or candidate's political
4 party affiliation or nonpartisanship. The two persons that
5 receive the most votes for each elective office in any primary
6 election advance as candidates to the general election,
7 regardless of party affiliation or nonpartisanship.

8 SECTION 2. Section 11-61, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Any party [~~which~~] that does not meet the following
11 requirements or the requirements set forth in sections 11-62 to
12 11-64, shall be subject to disqualification:

13 (1) A party must have had candidates running for election
14 at the last [~~general~~] primary election for any of the
15 offices listed in paragraph (2) whose terms had
16 expired. This does not include those offices which
17 were vacant because the incumbent had died or resigned
18 before the end of the incumbent's term; and



1 (2) The party received at least ten per cent of all votes
2 cast:

3 (A) For any of the offices voted upon by all the
4 voters in the State; or

5 (B) In at least fifty per cent of the congressional
6 districts; or

7 (3) The party received at least four per cent of all the
8 votes cast for all the offices of state senator
9 statewide; or

10 (4) The party received at least four per cent of all the
11 votes cast for all the offices of state representative
12 statewide; or

13 (5) The party received at least two per cent of all the
14 votes cast for all the offices of state senate and all
15 the offices of state representative combined
16 statewide."

17 SECTION 3. Section 12-21, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§12-21 Official [party] primary or special primary
20 ballots. The primary or special primary ballot shall be clearly
21 designated as such. The names of the candidates of each party
22 qualifying under section 11-61 or 11-62 and of nonpartisan



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

13 The chief election officer or the county clerk, in the case
14 of county elections, shall approve printed samples or proofs of
15 the ~~[respective party]~~ ballots as to uniformity of size, weight,
16 shape, and thickness prior to final printing of the official
17 ballots."

18 SECTION 4. Section 12-31, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§12-31 ~~[Selection]~~ Issuance of [party] primary or special
21 primary ballot; voting. No person eligible to vote in any
22 primary or special primary election shall be required to state a



1 party preference or nonpartisanship as a condition of voting.
2 Each voter shall be issued ~~[the]~~ a primary or special primary
3 ballot ~~[for each party and the nonpartisan primary or special~~
4 ~~primary ballot]~~. A voter shall be entitled to vote ~~[only]~~ for
5 candidates of ~~[one]~~ any party or ~~[only]~~ for nonpartisan
6 candidates. ~~[If the primary or special primary ballot is marked~~
7 ~~contrary to this paragraph, the ballot shall not be counted.]~~

8 In any primary or special primary election ~~[in the year~~
9 ~~1979 and thereafter]~~, a voter shall be entitled to ~~[select and~~
10 ~~to] vote the ballot. ~~[of any one party or nonpartisan]~~,
11 regardless of which party or nonpartisan ballot the voter voted
12 in any preceding primary or special primary election."~~

13 SECTION 5. Section 12-41, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§12-41 Result of election.** ~~[-(a)]~~ The ~~[person or]~~ two
16 persons receiving the greatest number of votes at the primary or
17 special primary ~~[as a candidate of a party]~~ for an office shall
18 be the ~~[candidate]~~ only candidates for that office listed on the
19 ballot ~~[of the party]~~ at the following general or special
20 general election ~~[but not more candidates for a party than there~~
21 ~~are offices to be elected]~~; provided that any candidate for any
22 county office who is the sole candidate for that office at the



1 primary or special primary election [~~, or who would not be~~
2 ~~opposed in the general or special general election by any~~
3 ~~candidate running on any other ticket, nonpartisan or otherwise,~~
4 ~~and who is nominated at the primary or special primary election~~
5 ~~shall, after the primary or special primary election,~~] shall be
6 declared to be duly and legally elected to the office for which
7 the person was a candidate regardless of the number of votes
8 received by that candidate.

9 [~~(b) Any nonpartisan candidate receiving at least ten per~~
10 ~~cent of the total votes cast for the office for which the person~~
11 ~~is a candidate at the primary or special primary, or a vote~~
12 ~~equal to the lowest vote received by the partisan candidate who~~
13 ~~was nominated in the primary or special primary, shall also be a~~
14 ~~candidate at the following election; provided that when more~~
15 ~~nonpartisan candidates qualify for nomination than there are~~
16 ~~offices to be voted for at the general or special general~~
17 ~~election, there shall be certified as candidates for the~~
18 ~~following election those receiving the highest number of votes,~~
19 ~~but not more candidates than are to be elected.]"~~

20 SECTION 6. Section 12-42, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§12-42 Unopposed candidates declared elected.** [~~(a)~~] Any
2 candidate running for any office in the State of Hawaii in a
3 special election or special primary election who is the sole
4 candidate for that office [~~shall~~], after the close of filing of
5 nomination papers, shall be deemed and declared to be duly and
6 legally elected to the office for which the person is a
7 candidate. The term of office for a candidate elected under
8 this subsection shall begin respectively on the day of the
9 special election or on the day of the immediately succeeding
10 special general election.

11 ~~[(b) Any candidate running for any office in the State of
12 Hawaii in a special general election who was only opposed by a
13 candidate or candidates running on the same ticket in the
14 special primary election and is not opposed by any candidate
15 running on any other ticket, nonpartisan or otherwise, and is
16 nominated at the special primary election shall, after the
17 special primary, be deemed and declared to be duly and legally
18 elected to the office for which the person is a candidate at the
19 special primary election regardless of the number of votes
20 received. The term of office for a candidate elected under this
21 subsection shall begin on the day of the special general
22 election.]"~~



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect upon its approval.

4

INTRODUCED BY:

Calvin K. Ray

JAN 21 2011

BY REQUEST



Report Title:

Primary Elections; Nonpartisan

Description:

Amends the primary election laws to allow a voter to cast a vote for any candidate, regardless of the voter's or candidate's party affiliation or nonpartisanship. Requires that the 2 persons that receive the most votes in any primary advance to the general election, regardless of party affiliation or nonpartisanship.

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