



TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017

LATE TESTIMONY

ON THE FOLLOWING MEASURE:

S.B. NO.275, PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF HAWAII

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Monday, February 6 2017

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Robyn Chun, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General submits comments reflecting a concern about this bill.

This bill proposes an amendment to article V, section 2 of the Hawaii State Constitution to require the gubernatorial nominee from each political party to appoint a person from the same political party as a running mate for lieutenant governor.

The Department is concerned that this bill (like Senate Bill No. 701) may be subject to a constitutional or other legal challenge because it limits the gubernatorial nominee and the to-be-appointed running mate to persons from a political party and does not include party organizations like nonpartisans. The United States Supreme Court has held that while citizens are free to associate with the two major political parties, states must provide feasible means for other political parties and candidates to appear on the ballot. *Williams v. Rhodes*, 393 U.S. 23 (1968).

We recommend that this bill be amended to include nonpartisan candidates and political organizations in section 1 on page 1, at lines 3 to 5, in section 2 on page 1, at lines 14 to 16 and on page 2 at lines 3 to 4, and in section 3 on page 2 at line 12 as follows:

Page 1, lines 3 and 5:

. . . to require the gubernatorial from each political party **and political organization** to appoint a person from the same political party **or**

organization

Page 1, lines 14 to 16:

. . . the candidate of each political party **or nonpartisan candidate** for the office of governor shall appoint a person from the same political party **or organization** as the candidate of that party **or organization** for lieutenant governor

Page 2, lines 3 and 4:

. . . from the same political party **or organization**

Page 2, line 12

. . . from the same political party **or organization** as the

(amended wording in bold type).

Thank you for the opportunity to testify on this bill.