

JAN 18 2019

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Encourage increased participation in elections for
3 congressional, legislative, and statewide offices;

4 (2) Give voters increased options in the primary election
5 by allowing all voters to choose any candidate
6 regardless of the candidate's or voter's political
7 party preference; and

8 (3) Provide that only the two candidates receiving the
9 greatest number of votes in the primary will appear on
10 the general election ballot regardless of party
11 preference.

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

15 "§12- Result of a primary or special primary election.

16 A primary or special primary election shall be conducted to
17 select the candidates for all elective offices in the State.



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1 All voters may vote in a primary or special primary election for
2 any candidate without regard to the political party preference
3 disclosed by the candidate or the voter; provided that the voter
4 is otherwise qualified to vote for candidates for the office in
5 question. The candidates who are the top two vote-getters in a
6 primary or special primary election, regardless of party
7 preference, shall compete in the ensuing general or special
8 general election."

9 SECTION 3. Section 12-41, Hawaii Revised Statutes, is
10 repealed.

11 [~~"§12-41 Result of election. (a) The person or persons~~
12 ~~receiving the greatest number of votes at the primary or special~~
13 ~~primary as a candidate of a party for an office shall be the~~
14 ~~candidate of the party at the following general or special~~
15 ~~general election but not more candidates for a party than there~~
16 ~~are offices to be elected; provided that any candidate for any~~
17 ~~county office who is the sole candidate for that office at the~~
18 ~~primary or special primary election, or who would not be opposed~~
19 ~~in the general or special general election by any candidate~~
20 ~~running on any other ticket, nonpartisan or otherwise, and who~~
21 ~~is nominated at the primary or special primary election shall,~~



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1 ~~after the primary or special primary election, be declared to be~~
2 ~~duly and legally elected to the office for which the person was~~
3 ~~a candidate regardless of the number of votes received by that~~
4 ~~candidate.~~

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

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

E. Rivier
John E. Pol
Glenn T. ...
[Signature]
[Signature]
Kurt Favelle
Mike Hubbard
[Signature]
Cleusa & ...



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Report Title:

Primary Elections; Top-two Candidates

Description:

Allows voters in a primary or special primary election to vote for any candidate for any office without regard to the voter or candidate's political party preference. Advances the top two candidates in a primary or special primary election, regardless of political party, to the general election.

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