
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 12, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS**

5 **§12-A Definition.** For the purposes of this part,
6 "political party" has the same meaning as in section 11-61.

7 **§12-B Presidential preference primary established.** (a)
8 Candidates for president of the United States shall be nominated
9 in a primary election by direct vote of the people in the manner
10 prescribed by this part.

11 (b) The chief election officer shall issue a primary
12 election ballot pursuant to section 11-111 for each political
13 party.

14 **§12-C Presidential preference primary held when.** The
15 presidential preference primary shall be held on the second
16 Saturday in May in every even numbered year in which a general
17 presidential election is held.



1 **§12-D Same day voter registration.** A person who is
2 eligible to vote but is not registered to vote may register by
3 appearing in person on the day of the presidential preference
4 primary election, at the polling place in the precinct
5 associated with the person's reference pursuant to section 11-
6 15.2.

7 **§12-E General procedures for conduct of presidential**
8 **preference primary elections.** Unless specifically provided
9 otherwise, all provisions regarding the conduct of the general
10 election shall govern the conduct of the presidential primary
11 election.

12 **§12-F Participation in presidential preference primary**
13 **election selection of a political party's candidates.** (a) A
14 political party may adopt bylaws to limit who may participate in
15 the presidential preference primary election selection of that
16 political party's candidates based on voter registration of
17 party affiliation.

18 (b) No later than 5:00 p.m. on September 1 of the calendar
19 year before the calendar year in which a presidential preference
20 primary election is to be held, a political party shall submit a
21 notice in writing to the chief election officer stating whether



1 the party bylaws expand or limit who may participate in the
2 presidential preference primary election for selection of that
3 party's presidential candidates. A copy of the party's relevant
4 bylaws shall be submitted with the notice.

5 (c) If a political party does not file timely notice
6 pursuant to subsection (b), participation in presidential
7 preference primary election selection of that party's candidates
8 shall not be limited based on voter registration of party
9 affiliation."

10 SECTION 2. Section 11-112, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§11-112 Contents of ballot.** (a) The ballot shall
13 contain the names of the candidates, their party affiliation or
14 nonpartisanship in partisan election contests, the offices for
15 which they are running, and the district in which the election
16 is being held. In multimember races the ballot shall state that
17 the voter shall not vote for more than the number of seats
18 available or the number of candidates listed where the number of
19 candidates is fewer than the number of seats available.



1 (b) The ballot may include questions concerning proposed
2 state constitutional amendments, proposed county charter
3 amendments, or proposed initiative or referendum issues.

4 (c) At the chief election officer's discretion, the ballot
5 may have a background design imprinted onto it.

6 (d) When the electronic voting system is used, the ballot
7 may have pre-punched codes and printed information that identify
8 the voting districts, precincts, and ballot sets to facilitate
9 the electronic data processing of these ballots.

10 (e) The name of the candidate may be printed with the
11 Hawaiian or English equivalent or nickname, if the candidate so
12 requests in writing at the time the candidate's nomination
13 papers are filed. Candidates' names, including the Hawaiian or
14 English equivalent or nickname, shall be set on one line.

15 (f) The ballot shall bear no word, motto, device, sign, or
16 symbol other than as allowed in this title.

17 (g) The ballot may include information necessary to use
18 ranked-choice voting as described in section 11-100.

19 (h) The ballot issued for a presidential preference
20 primary election pursuant to section 12-B(b) shall contain an
21 option for the voter to declare the voter's party registration.



1 This declaration shall take effect immediately and supersede any
2 previous party registration."

3 SECTION 3. Section 12-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§12-2 Primary held when; candidates only those nominated.**
6 [~~The~~] Except as provided in section 12-C, the primary shall be
7 held on the second Saturday of August in every even numbered
8 year.

9 No person shall be a candidate for any general or special
10 general election unless the person has been nominated in the
11 immediately preceding primary or special primary."

12 SECTION 4. Section 12-5, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Nomination papers for candidates for president of the
15 United States, members of Congress, governor, and lieutenant
16 governor shall be signed by not less than twenty-five registered
17 voters of the State or of the Congressional district from which
18 the candidates are running in the case of candidates for the
19 United States House of Representatives."

20 SECTION 5. (a) The chief election officer shall conduct a
21 study to determine the feasibility of implementing a



1 presidential preference primary in Hawaii in lieu of a party
2 caucus. The presidential preference primary feasibility study
3 shall include the following:

4 (1) Gathering data regarding other state jurisdictions
5 with state presidential preference primaries, party
6 caucuses, a combination of both, and state
7 jurisdictions that may have switched from a party
8 caucus system to a state-run presidential preference
9 primary;

10 (2) Determining the impact on and any necessary amendments
11 needed to existing state election laws, including but
12 not limited to chapters 11, 12, 14, 15, and 19, Hawaii
13 Revised Statutes;

14 (3) Collaborating and coordinating with the political
15 parties represented in presidential elections to
16 determine the following:

17 (A) Timing for presidential nominations and primary
18 elections in Hawaii in relation to other state
19 jurisdictions and any national convention;

20 (B) Presidential nomination paper and oath
21 requirements;



- 1 (C) Presidential preference primary ballot content
2 and party selection requirements;
- 3 (D) Presidential preference primary result
4 requirements;
- 5 (E) Party delegation requirements for representation
6 at each respective party national convention as a
7 result of the presidential preference primary
8 results; and
- 9 (F) Any other issue that the chief election officer
10 and any political party deem necessary;
- 11 (4) Determining the financial and personnel requirements
12 for the office of elections to hold a presidential
13 preference primary in addition to primary and general
14 elections; and
- 15 (5) Any other issue that the chief election officer deems
16 necessary to include in the study.
- 17 (b) The chief election officer shall submit a report of
18 its findings and recommendations, including any proposed
19 legislation, to the legislature no later than twenty days prior
20 to the convening of the regular session of 2024.



1 SECTION 6. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so
 3 much thereof as may be necessary for fiscal year 2023-2024 for
 4 the chief election officer to conduct the presidential
 5 preference primary feasibility study as provided in section 5 of
 6 this Act.

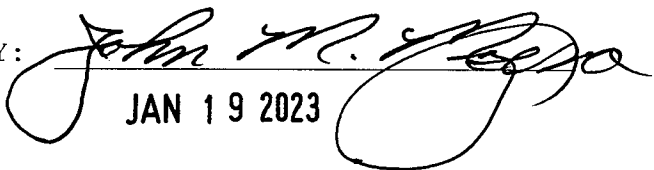
7 The sum appropriated shall be expended by the office of
 8 elections for the purposes of this Act.

9 SECTION 7. In codifying the new sections added by section
 10 1 of this Act, the revisor of statutes shall substitute
 11 appropriate section numbers for the letters used in designating
 12 the new sections in this Act.

13 SECTION 8. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2023.

16

INTRODUCED BY: 
 JAN 19 2023



H.B. NO. 342

Report Title:

Presidential Preference Primary Elections; Study; Appropriation

Description:

Establishes presidential preference primary elections conducted by the State. Allows political parties to limit participation in the presidential preference primary election selection of the party's candidates by voter party registration. Allows voters to change party registration on a presidential preference primary election ballot. Requires a study to determine the feasibility of implementing a presidential preference primary in Hawaii in lieu of a party caucus and make recommendations for the implementation of a presidential preference primary. Makes an appropriation to conduct the study.

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