

JAN 15 2025

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1           SECTION 1. Section 11-62, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Any group of persons hereafter desiring to qualify as  
4 a political party for election ballot purposes in the State  
5 shall file with the chief election officer a petition as  
6 provided in this section. The petition for qualification as a  
7 political party shall:

8           (1) Be filed [~~not~~] no later than 4:30 p.m. on the one  
9 hundred seventieth day [~~prior to~~] before the next  
10 primary[+] election; provided that for a group of  
11 persons to qualify as a political party for a  
12 presidential preference primary election, the petition  
13 for qualification shall be filed no later than 4:30  
14 p.m. on the ninetieth day before the close of filing  
15 of nomination papers for presidential candidates;

16           (2) Declare as concisely as may be the intention of  
17 signers thereof to qualify as a statewide political



1 party in the State and state the name of the new  
2 party;

3 (3) Contain the name, signature, residence address, month  
4 and date portion of the date of birth, and other  
5 information as determined by the chief election  
6 officer of currently registered voters comprising not  
7 less than one-tenth of one per cent of the total  
8 registered voters of the State as of the last  
9 preceding general election;

10 (4) Be accompanied by the names and addresses of the  
11 officers of the central committee and of the  
12 respective county committees of the political party  
13 and by the party rules; and

14 (5) Be upon the form prescribed and provided by the chief  
15 election officer."

16 SECTION 2. Section 11-173.5, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§11-173.5 Contests for cause in primary~~[7]~~ elections,  
19 special primary elections, presidential preference primary  
20 elections, and county elections held concurrently with a  
21 regularly scheduled primary ~~[e]~~, special primary, or



1 presidential preference primary election. (a) In a primary  
 2 [~~and~~], special primary, or presidential preference primary  
 3 election contest, or a county election contest held concurrently  
 4 with a regularly scheduled primary [~~or~~], special primary, or  
 5 presidential preference primary election, the complaint shall be  
 6 filed in the office of the clerk of the supreme court no later  
 7 than 4:30 p.m. on the thirteenth day after [~~a primary or special~~  
 8 ~~primary election or a county election contest held concurrently~~  
 9 ~~with a regularly scheduled primary or special primary]~~ the  
 10 election, and shall be accompanied by a deposit for costs of  
 11 court as established by the rules of the supreme court. The  
 12 clerk shall issue to the defendants named in the complaint a  
 13 summons to appear before the supreme court no later than 4:30  
 14 p.m. on the fifth day after service of the summons.

15 (b) In primary [~~and~~], special primary, and presidential  
 16 preference primary election contests, and county election  
 17 contests held concurrently with a regularly scheduled primary  
 18 [~~or~~], special primary, or presidential preference primary  
 19 election, the court shall hear the contest in a summary manner  
 20 and at the hearing the court shall cause the evidence to be  
 21 reduced to writing and shall [~~not~~], no later than 4:30 p.m. on



1 the fourth day after the return give judgment fully stating all  
2 findings of fact and conclusions of law. The judgment shall  
3 decide [~~what~~] which candidate was nominated or elected, or the  
4 number of votes received by each candidate and voting position  
5 in a presidential preference primary election, as the case may  
6 be, in the manner presented by the petition, and a certified  
7 copy of the judgment shall [~~forthwith~~] be served on the chief  
8 election officer or [~~the~~] county clerk, as the case may be, who  
9 shall place the name of the candidate declared to be nominated  
10 on the ballot for the forthcoming general, special general, or  
11 runoff election[~~-~~]; provided that the presidential candidates  
12 who appear on the general election ballot shall be determined in  
13 a manner consistent with section 11-113. The judgment shall be  
14 conclusive of the right of the candidate so declared to be  
15 nominated; provided that this subsection shall not operate to  
16 amend or repeal section 12-41[~~-~~]; provided further that the  
17 right of a presidential candidate to the office shall depend  
18 upon the outcome of the national electoral vote."

19 SECTION 3. Section 11-174.5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§11-174.5   Contests for cause in general, special general,  
2   **special, and runoff elections.**   (a)   In general, special  
3   general, special, or runoff elections, the complaint shall be  
4   filed in the office of the clerk of the supreme court [~~not~~] no  
5   later than 4:30 p.m. on the twentieth day following the general,  
6   special general, special, or runoff election and shall be  
7   accompanied by a deposit for costs of court as established by  
8   rules of the supreme court.   The clerk shall issue to the  
9   defendants named in the complaint a summons to appear before the  
10   supreme court [~~not~~] no later than 4:30 p.m. on the tenth day  
11   after service thereof.

12           (b)   In cases involving general, special general, special,  
13   or runoff elections, the complaint shall be heard by the supreme  
14   court in which the complaint was filed as soon as it reasonably  
15   may be heard.   On the return day, the court, upon its motion or  
16   otherwise, may direct summons to be issued to any person who may  
17   be interested in the result of the proceedings.

18           At the hearing, the court shall cause the evidence to be  
19   reduced to writing and shall give judgment, stating all findings  
20   of fact and conclusions of law.   The judgment may [~~invalidate~~]:



1       (1) Invalidate the general, special general, special, or  
2       runoff election on the grounds that a correct result  
3       cannot be ascertained because of a mistake or fraud on  
4       the part of the voter service center officials; [~~or~~  
5       decide]

6       (2) Decide that a certain candidate, or certain  
7       candidates, received a majority or plurality of votes  
8       cast and were elected[~~-~~]; or

9       (3) Decide that a presidential candidate received a  
10       majority or plurality of votes cast and shall receive  
11       the State's presidential electors.

12 If the judgment [~~should be~~] is that the general, special  
13 general, special, or runoff election was invalid, a certified  
14 copy thereof shall be filed with the governor, and the governor  
15 shall duly call a new election to be held [~~not~~] no later than  
16 one hundred twenty days after the judgment is filed. If the  
17 court [~~shall decide~~] decides which candidate or candidates have  
18 been elected, or which presidential candidate received a  
19 majority or plurality of votes cast, a copy of that judgment  
20 shall be served on the chief election officer or county clerk,  
21 who shall sign and deliver to the candidate or candidates



1 certificates of election, and the same shall be conclusive of  
2 the right of the candidate or candidates to the offices[-];  
3 provided that the right of a presidential candidate to the  
4 office shall depend upon the outcome of the national electoral  
5 vote. The court shall issue any judgment in a case involving a  
6 presidential candidate before the convening of the electoral  
7 college."

8 SECTION 4. Section 12-1, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§12-1 Application of chapter.** All candidates for  
11 elective office, except as provided in section 14-21, shall be  
12 nominated in accordance with this chapter and not otherwise.  
13 This chapter is applicable to the presidential preference  
14 primary election, but shall not supersede section 11-113  
15 concerning the names that will appear on the general election  
16 ballot."

17 SECTION 5. Section 12-2, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§12-2 Primary election held when; candidates only those**  
20 **nominated.** The primary election shall be held on the second  
21 Saturday of August in every even numbered year[-]; provided that



1 the presidential preference primary election shall be held on  
 2 the first Tuesday after the first Monday in April in any year  
 3 that is evenly divisible by the number four and at which  
 4 delegations to national party conventions are to be chosen. A  
 5 presidential preference primary election shall not be considered  
 6 a state holiday pursuant to section 8-1.

7 No person shall be a candidate for any general or special  
 8 general election unless the person has been nominated in the  
 9 immediately preceding primary or special primary~~[-]~~ election;  
 10 provided that, consistent with section 11-113, a presidential  
 11 preference primary election candidate who is not the winner of  
 12 the presidential preference primary election shall not be  
 13 precluded from appearing on the general election ballot."

14 SECTION 6. Section 12-2.5, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16 "**§12-2.5 Nomination papers; when available.** Nomination  
 17 papers shall be made available from the first working day of  
 18 February in every even-numbered year; provided that in the case  
 19 of a special primary or special election, nomination papers  
 20 shall be made available [~~at least~~] no fewer than ten days [~~prior~~  
 21 ~~to~~] before the close of filing~~[-]~~; provided further that





1 nomination papers for a presidential preference primary election  
 2 shall only be for political parties recognized under section  
 3 11-61 and shall become available no later than one hundred  
 4 forty-five days before the presidential preference primary  
 5 election to which they correspond."

6 SECTION 7. Section 12-3, Hawaii Revised Statutes, is  
 7 amended to read as follows:

8 **"§12-3 Nomination paper; format; limitations.** (a) No  
 9 candidate's name shall be printed upon any official ballot to be  
 10 used at any primary, special primary, or special election unless  
 11 a nomination paper was filed on the candidate's behalf and in  
 12 the name by which the candidate is commonly known. The  
 13 nomination paper shall be in a form prescribed and provided by  
 14 the chief election officer containing substantially the  
 15 following information:

- 16 (1) A statement by the registered voters signing the form
- 17 that they are eligible to vote for the candidate;
- 18 (2) A statement by the registered voters signing the form
- 19 that they nominate the candidate for the office
- 20 identified on the nomination paper issued to the
- 21 candidate;



- 1           (3) The residence address and county in which the  
2           candidate resides;
- 3           (4) The legal name of the candidate, the name by which the  
4           candidate is commonly known, if different, the office  
5           for which the candidate is running, and the  
6           candidate's party affiliation or nonpartisanship; all  
7           of which are to be placed on the nomination paper by  
8           the chief election officer or the clerk prior to  
9           releasing the form to the candidate;
- 10          (5) Space for the name, signature, month and date portions  
11          of the date of birth, and residence address of each  
12          registered voter signing the form, and other  
13          information as determined by the chief election  
14          officer; provided that a voter's social security  
15          number or any portion thereof and the year portion of  
16          the voter's date of birth shall not be required;
- 17          (6) A sworn certification by self-subscribing oath by the  
18          candidate that the candidate qualifies under the law  
19          for the office the candidate is seeking and that the  
20          candidate has determined that, except for the  
21          information provided by the registered voters signing



1 the nomination papers, all of the information on the  
2 nomination papers is true and correct;

3 (7) A sworn certification by self-subscribing oath by a  
4 party candidate that the candidate is a member of the  
5 party; provided that in a presidential preference  
6 primary a party shall include membership in the  
7 national party or an affiliated political party in  
8 another state who will be sending delegates to the  
9 same national convention as the party as defined in  
10 section 11-61;

11 (8) For candidates seeking elective county office, a sworn  
12 certification by self-subscribing oath by the  
13 candidate that the candidate has complied with the  
14 relevant provisions of the applicable county charter  
15 and county ordinances pertaining to elected officials;

16 (9) A sworn certification by self-subscribing oath, where  
17 applicable, by the candidate that the candidate has  
18 complied with the provisions of article II, section 7,  
19 of the Hawaii State Constitution;

20 (10) A sworn certification by self-subscribing oath by the  
21 candidate that the candidate is in compliance with



1 section 831-2, dealing with felons, and is eligible to  
2 run for office; and

3 (11) The name the candidate wishes to be printed on the  
4 ballot and the mailing address of the candidate.

5 (b) Signatures of registered voters shall not be counted,  
6 unless they are upon the nomination paper having the format set  
7 forth above, written or printed thereon, and if there are  
8 separate sheets to be attached to the nomination paper, the  
9 sheets shall have the name of the candidate, the candidate's  
10 party affiliation or nonpartisanship, and the office and  
11 district for which the candidate is running placed thereon by  
12 the chief election officer or the clerk. The nomination paper  
13 and separate sheets shall be provided by the chief election  
14 officer or the clerk.

15 (c) Nomination papers shall not be filed in behalf of any  
16 person for more than one party or for more than one office; nor  
17 shall any person file nomination papers both as a party  
18 candidate and as a nonpartisan candidate.

19 (d) The office and district for which the candidate is  
20 running, the candidate's name, and the candidate's party  
21 affiliation or nonpartisanship may not be changed from that



1 indicated on the nomination paper and separate sheets. If the  
 2 candidate wishes to run for an office or district different from  
 3 that for which the nomination paper states or under a different  
 4 party affiliation or nonpartisanship, the candidate may request  
 5 the appropriate nomination paper from the chief election officer  
 6 or clerk and have it signed by the required number of registered  
 7 voters.

8 (e) Nomination papers that contain alterations or changes  
 9 made by anyone other than the chief election officer or the  
 10 clerk to the candidate's information, the candidate's party  
 11 affiliation or nonpartisanship, the office to which the  
 12 candidate seeks nomination, or the oath of loyalty or  
 13 affirmation, after the nomination paper was issued by the chief  
 14 election officer or clerk, shall be void and will not be  
 15 accepted for filing by the chief election officer or clerk.

16 (f) Nomination papers that are incomplete and do not  
 17 contain all of the certifications, signatures, and requirements  
 18 of this section shall be void.

19 (g) This section shall additionally apply to candidates  
 20 seeking to appear on the presidential preference primary  
 21 election ballot for a political party recognized under section



1 11-61; provided that no nonpartisan candidates shall be  
2 permitted in a presidential preference primary election."

3 SECTION 8. Section 12-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§12-4 Nomination papers; qualifications of signers.** (a)

6 No person shall sign the nomination papers of more than one  
7 candidate, partisan or nonpartisan, for the same office, unless  
8 there is more than one office in a class in which case no person  
9 shall sign papers for more than the actual number of offices in  
10 a class. Nomination papers shall be construed in this regard  
11 according to priority of filing, and the name of any person  
12 appearing thereon shall be counted only so long as this  
13 provision is not violated, and not thereafter.

14 (b) Names on nomination papers shall not be counted,  
15 unless the signer is a registered voter and is eligible to vote  
16 for the candidate. The chief election officer or clerk shall  
17 use the most currently compiled general county register  
18 available at the time the nomination paper is presented for  
19 filing to determine the eligibility of the registered voters to  
20 sign for the candidate. Voter registration affidavits that have  
21 not been entered into the voter register by the clerk shall not



1 be considered or accepted for this check. At the time of  
2 filing, the chief election officer or clerk may reject the  
3 candidate's nomination paper for lack of sufficient signers who  
4 are eligible to vote for the candidate.

5 (c) Any registered voter who, after signing a nomination  
6 paper, seeks to withdraw the voter's signature shall do so by  
7 providing written notice to the chief election officer, or clerk  
8 in the case of a county office, any time before the filing of  
9 the candidate's nomination paper; provided that the notice is  
10 received by the chief election officer, or clerk in the case of  
11 a county office, no later than 4:30 p.m. on the fourth business  
12 day [~~prior to~~] before the close of filing pursuant to section  
13 12-6. The written notice shall include the voter's name[7] and  
14 residence address, the month and date portions of the voter's  
15 date of birth, the voter's signature, the name of the candidate,  
16 and a statement that the voter wishes to remove the voter's  
17 signature from the candidate's nomination paper; provided that  
18 the written notice shall not require the voter's social security  
19 number or any portion thereof and the year portion of the  
20 voter's date of birth. Any request by a registered voter to  
21 remove the voter's signature from a candidate's nomination paper



1 that is received by the chief election officer, or clerk in the  
2 case of a county office, after the candidate's nomination paper  
3 has been filed or after 4:30 p.m. on the fourth business day  
4 [~~prior to~~] before the close of filing shall not be accepted.

5 (d) Within twenty-four hours upon receipt of a written  
6 notice pursuant to subsection (c), the chief election officer,  
7 or clerk in the case of a county office, shall send written  
8 notice via registered mail to the candidate that the voter  
9 requested to have the voter's signature removed from the  
10 candidate's nomination paper and that the signature of the voter  
11 shall not be counted.

12 (e) This section shall additionally apply to candidates  
13 seeking to appear on the presidential preference primary  
14 election ballot for a political party recognized under section  
15 11-61."

16 SECTION 9. Section 12-5, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§12-5 Nomination papers: number of signers.** (a)  
19 Nomination papers for candidates for president in the  
20 presidential preference primary election shall be signed by not  
21 less than twenty-five registered voters of the State.





1           ~~[(a)]~~ (b) Nomination papers for candidates for members of  
2 Congress, governor, and lieutenant governor shall be signed by  
3 not less than twenty-five registered voters of the State or of  
4 the Congressional district from which the candidates are running  
5 in the case of candidates for the United States House of  
6 Representatives.

7           ~~[(b)]~~ (c) Nomination papers for candidates for either  
8 branch of the legislature and for county office shall be signed  
9 by not less than fifteen registered voters of the district or  
10 county or subdivision thereof for which the person nominated is  
11 a candidate.

12           ~~[(e)]~~ (d) Nomination papers for candidates for members of  
13 the board of trustees of the office of Hawaiian affairs shall be  
14 signed by not less than twenty-five persons registered to vote.

15           ~~[(d)]~~ (e) No signatures shall be required on nomination  
16 papers for candidates filing to run in a special primary or  
17 special election to fill a vacancy."

18           SECTION 10. Section 12-6, Hawaii Revised Statutes, is  
19 amended as follows:

20           1. By amending subsection (a) to read:



1           "(a) For members of Congress, state offices, county  
2 offices, and the board of trustees for the office of Hawaiian  
3 affairs, nomination papers shall be filed with the chief  
4 election officer, or clerk in case of county offices, [~~not~~] no  
5 later than 4:30 p.m. on the first Tuesday in June. [~~However,~~  
6 ~~in~~] For presidential candidates, nomination papers shall be  
7 filed with the chief election officer no later than 4:30 p.m. on  
8 the eighty-fifth day before the date of the presidential  
9 preference primary election. In the event of a special primary  
10 or special election, the filing deadline shall be determined in  
11 the proclamation that is issued calling for the election as  
12 provided for by state law or county charter. A state candidate  
13 from the counties of Hawaii, Maui, and Kauai may file the  
14 declaration of candidacy with the respective clerk. The clerk  
15 shall transmit to the office of the chief election officer the  
16 state candidate's declaration of candidacy without delay."

17           2. By amending subsections (c) through (f) to read:

18           "[+] (c) [+] There shall be deposited with each nomination  
19 paper a filing fee on account of the expenses attending the  
20 holding of the primary, special primary, or special election,



1 which shall be paid into the treasury of the State, or county,  
2 as the case may be, as a realization:

3 (1) For president of the United States--\$750;

4 [~~(1)~~] (2) For United States senators [~~and~~]--\$750;

5 (3) For United States representatives--[~~\$75;~~] \$375;

6 [~~(2)~~] (4) For governor and lieutenant governor--\$750;

7 [~~(3)~~] (5) For mayor--\$500; and

8 [~~(4)~~] (6) For all other offices--\$250.

9 [~~(d)~~] (d) Upon the receipt by the chief election officer  
10 or the clerk of the nomination paper of a candidate, the day,  
11 hour, and minute when it was received shall be endorsed thereon.

12 (e) Upon the showing of a certified copy of an affidavit  
13 [~~which~~] that has been filed with the campaign spending  
14 commission pursuant to section 11-423 by a candidate who has  
15 voluntarily agreed to abide by spending limits, the chief  
16 election officer or clerk shall discount the filing fee of the  
17 candidate by the following amounts:

18 (1) For the office of governor and lieutenant governor--  
19 \$675;

20 (2) For the office of mayor--\$450; and

21 (3) For all other offices--\$225.



1           [+] (f) [+] The chief election officer or clerk shall waive  
2 the filing fee in the case of a person who declares, by  
3 affidavit, that the person is indigent and who has filed a  
4 petition signed by currently registered voters who constitute at  
5 least one-half of one per cent of the total voters registered at  
6 the last preceding general election in the respective district  
7 or districts [~~which~~] that correspond to the specific office for  
8 which the indigent person is a candidate. This petition shall  
9 be submitted on the form prescribed and provided by the chief  
10 election officer together with the nomination paper required by  
11 this chapter."

12           SECTION 11. Section 12-7, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§12-7 Filing of oath.** The name of [~~æ~~] a candidate for  
15 any office shall not be printed upon any official ballot, in any  
16 election, including a presidential preference primary election,  
17 unless the candidate [~~shall have~~] has taken and subscribed to  
18 the following written oath or affirmation, and filed the oath  
19 with the candidate's nomination papers.

20           The written oath or affirmation shall be in the following  
21 form:



1 "I,....., do solemnly swear and declare, on oath  
2 that if elected to office I will support and defend the  
3 Constitution and laws of the United States of America, and the  
4 Constitution and laws of the State of Hawaii, and will bear true  
5 faith and allegiance to the same; that if elected I will  
6 faithfully discharge my duties as.....(name of  
7 office).....to the best of my ability; that I take  
8 this obligation freely, without any mental reservation or  
9 purpose of evasion; So help me God."

10 Upon being satisfied as to the sincerity of any person  
11 claiming that the person is unwilling to take the above  
12 prescribed oath only because the person is unwilling to be  
13 sworn, the person may be permitted, in lieu of the oath, to make  
14 the person's solemn affirmation which shall be in the same form  
15 as the oath except that the words "sincerely and truly affirm"  
16 shall be substituted for the word "swear" and the phrases "on  
17 oath" and "So help me God" shall be omitted. [~~Such~~] The  
18 affirmation shall be of the same force and effect as the  
19 prescribed oath.

20 The oath or affirmation shall be subscribed before the  
21 officer administering the same, who shall endorse thereon the



1 fact that the oath was subscribed and sworn to or the  
2 affirmation was made together with the date thereof and affix  
3 the seal of the officer's office or of the court of which the  
4 officer is a judge or clerk.

5 It shall be the duty of every notary public or other public  
6 officer by law authorized to administer oaths to administer the  
7 oath or affirmation prescribed by this section and to furnish  
8 the required endorsement and authentication."

9 SECTION 12. Section 12-8, Hawaii Revised Statutes, is  
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) All nomination papers filed in conformity with  
13 section 12-3 shall be deemed valid unless objection is made  
14 thereto by a registered voter, an officer of a political party  
15 whose name is on file with the chief election officer, the chief  
16 election officer, or the county clerk in the case of a county  
17 office. All objections shall be filed in writing ~~[not]~~ no later  
18 than 4:30 p.m. on the sixtieth day or the next earliest working  
19 day ~~[prior to]~~ before the primary or special election~~[=]~~;  
20 provided that objections to the nomination papers of  
21 presidential candidates shall be filed in writing no later than



1 4:30 p.m. on the seventy-fifth day or the next earliest working  
2 day before the presidential preference primary election."

3 2. By amending subsection (f) to read:

4 "(f) If a political party objects to the nomination paper  
5 filed by a candidate because the candidate is not a member of  
6 the party pursuant to the party's rules filed in conformance  
7 with section 11-63, or for a presidential preference primary  
8 election a political party objects to the nomination paper filed  
9 by a candidate because the candidate is not associated with the  
10 national party that the candidate claims to be associated with  
11 or an affiliated party in another state who will be sending  
12 delegates to the same national convention, an officer of the  
13 party whose name appears on file with the chief election officer  
14 shall file a complaint in the circuit court for a prompt  
15 determination of the objection; provided that the complaint  
16 shall be filed with the clerk of the circuit court [~~not~~] no  
17 later than 4:30 p.m. on the sixtieth day or the next earliest  
18 working day [~~prior to~~] before that election day[-]; provided  
19 further that a complaint objecting to the nomination papers of a  
20 presidential candidate shall be filed with the clerk of the  
21 circuit court no later than 4:30 p.m. on the seventy-fifth day



1 or the next earliest working day before the presidential  
2 preference primary election."

3 SECTION 13. Section 12-9, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§12-9 List of candidates.** As soon as possible but [~~not~~]  
6 no later than 4:30 p.m. on the fifth day after the close of  
7 filing, the chief election officer shall transmit to each county  
8 clerk and the county clerk shall transmit to the chief election  
9 officer certified lists containing the names of all persons, the  
10 office for which each is a candidate, and their party  
11 designation, or designation of nonpartisanship, as the case may  
12 be, for whom nomination papers have been duly filed in [~~his~~] the  
13 chief election officer's or county clerk's office and who are  
14 entitled to be voted for at the primary, special primary, or  
15 special election[~~-~~]; provided that nonpartisan candidates shall  
16 not be permitted in a presidential preference primary election."

17 SECTION 14. Section 12-21, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§12-21 Official party ballots.** The primary or special  
20 election primary ballot shall be clearly designated as such.  
21 The names of the candidates of each party qualifying under





1 section 11-61 or 11-62 and of nonpartisan candidates may be  
2 printed on separate ballots, or on a single ballot[-]; provided  
3 that any names of nonpartisan candidates shall not be permitted  
4 on the ballot in a presidential preference primary election.

5 The name of each party and the nonpartisan designation shall be  
6 distinctly printed and sufficiently separate from each other.

7 The names of all candidates shall be printed on the ballot as  
8 provided in section 11-115. When the names of all candidates of  
9 the same party for the same office exceed the maximum number of  
10 voting positions on a single side of a ballot card, the excess  
11 names may be arranged and listed on both sides of the ballot  
12 card and additional ballot cards if necessary. When separate  
13 ballots for each party are not used, the order in which parties  
14 appear on the ballot, including nonpartisan, shall be determined  
15 by lot.

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



1 SECTION 15. Section 12-31, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§12-31 Selection of party ballot; voting. No person  
4 eligible to vote in any primary or special primary election  
5 shall be required to state a party preference or nonpartisanship  
6 as a condition of voting. Each voter shall be issued the  
7 primary or special primary election ballot for each party and  
8 the nonpartisan primary or special primary election ballot. A  
9 voter shall be entitled to vote only for candidates of one party  
10 or only for nonpartisan candidates[~~-~~]; provided that nonpartisan  
11 candidates shall not be on the ballot in a presidential  
12 preference primary election. If the primary or special primary  
13 election ballot is marked contrary to this paragraph, the ballot  
14 shall not be counted.

15 In any primary or special primary election in the year 1979  
16 and thereafter, a voter shall be entitled to select and [~~to~~]  
17 vote the ballot of any one party or nonpartisan, regardless of  
18 which ballot the voter voted in any preceding primary or special  
19 primary election[~~-~~]; provided that any nonpartisan candidates  
20 shall not be on the ballot in a presidential preference primary  
21 election."



1 SECTION 16. Section 12-41, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§12-41 Result of election.** (a) The person or persons  
4 receiving the greatest number of votes at the primary or special  
5 primary election as a candidate of a party for an office shall  
6 be the candidate of the party at the following general or  
7 special general election but [~~not~~] no more candidates for a  
8 party than there are offices to be elected; provided that any  
9 candidate for any county office who is the sole candidate for  
10 that office at the primary or special primary election, or who  
11 would not be opposed in the general or special general election  
12 by any candidate running on any other ticket, nonpartisan or  
13 otherwise, and who is nominated at the primary or special  
14 primary election shall, after the primary or special primary  
15 election, be declared to be duly and legally elected to the  
16 office for which the person was a candidate regardless of the  
17 number of votes received by that candidate.

18 (b) Any nonpartisan candidate receiving at least ten per  
19 cent of the total votes cast for the office for which the person  
20 is a candidate at the primary or special primary[~~r~~] election, or  
21 a vote equal to the lowest vote received by the partisan



1 candidate who was nominated in the primary or special primary~~[7]~~  
2 election, shall also be a candidate at the following election;  
3 provided that when more nonpartisan candidates qualify for  
4 nomination than there are offices to be voted for at the general  
5 or special general election, there shall be certified as  
6 candidates for the following election those receiving the  
7 highest number of votes, but ~~[not]~~ no more candidates than are  
8 to be elected.

9 (c) Notwithstanding subsections (a) and (b), a candidate  
10 who receives the most votes in a presidential preference primary  
11 election shall not necessarily appear on the general election  
12 ballot. The candidates who appear on the general election  
13 ballot shall be determined in a manner consistent with section  
14 11-113.

15 (d) Political parties shall send delegates to their  
16 respective national conventions in accordance with the  
17 convention's rules concerning delegates from each state, which  
18 may or may not factor in the results of the presidential  
19 preference primary election."

20 SECTION 17. 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, be deemed and declared to be duly and legally  
6 elected to the office for which the person is a candidate. The  
7 term of office for a candidate elected under this subsection  
8 shall begin respectively on the day of the special election or  
9 on the day of the immediately succeeding special general  
10 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[~~r~~] election, be deemed and declared to be duly  
18 and legally elected to the office for which the person is a  
19 candidate at the special primary election regardless of the  
20 number of votes received. The term of office for a candidate



1 elected under this subsection shall begin on the day of the  
2 special general election.

3 (c) Notwithstanding subsections (a) and (b), an unopposed  
4 candidate in a presidential preference primary election shall  
5 not be considered to have won the general election outright."

6 SECTION 18. Beginning with the 2028 election, the State  
7 shall conduct a presidential preference primary election.

8 SECTION 19. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$4,300,424 or so much  
10 thereof as may be necessary for fiscal year 2025-2026 and the  
11 same sum or so much thereof as may be necessary for fiscal year  
12 2026-2027 for the administration of the presidential preference  
13 primary election in 2028.

14 The sums appropriated shall be expended by the office of  
15 elections for the purposes of this Act.

16 SECTION 20. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$1,780,575 or so much  
18 thereof as may be necessary for fiscal year 2025-2026 and the  
19 same sum or so much thereof as may be necessary for fiscal year  
20 2026-2027 as a grant-in-aid to the counties for the



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1 administration of the presidential preference primary election  
2 in 2028 as follows:

- 3 (1) \$258,075 to the county of Hawai'i;
- 4 (2) \$775,000 to the city and county of Honolulu;
- 5 (3) \$147,500 to the county of Kaua'i; and
- 6 (4) \$600,000 to the county of Maui.

7 The sums appropriated shall be expended by the counties for  
8 the purposes of this Act.

9 SECTION 21. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 22. This Act shall take effect on July 1, 2025;  
12 provided that sections 1 through 18 shall take effect June 1,  
13 2026.

14



INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 114

**Report Title:**

Presidential Preference Primary Election; Establishment;  
Appropriations

**Description:**

Beginning 6/1/2026, establishes presidential preference primary elections for the 2028 election cycle. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

