A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

SECTION 1. Section 11-114, Hawaii Revised Statutes, is amended to read as follows:

"§11-114 Order of offices on ballot. The order of offices on a ballot shall be arranged substantially as follows: first, president and vice president of the United States; next, United States senators; next, United States house of representatives; next, governor; next, lieutenant governor; next, state senators; next, state representatives; and next, county offices."

SECTION 2. Section 11-115, Hawaii Revised Statutes, is amended to read as follows:

"§11-115 Arrangement of names on the ballot. (a) The names of the candidates shall be placed upon the ballot for their respective offices in alphabetical order except:

(1) As provided in section 11-118; and

(2) For the limitations of the voting system in use; and
(3) For the ease of the candidates for vice president and lieutenant governor in the general election whose names shall be placed immediately below the name of the candidate for president or governor of the same political party.

(b) In elections using the paper ballot or electronic voting systems where the names of the candidates are printed and the voter records the voter's vote on the face of the ballot, the following format shall be used: A horizontal line shall be ruled between each candidate's name and the next name, except between the names of presidential and vice presidential candidates [and candidates for governor and lieutenant governor] of the same political party in the general election. In such case the horizontal line shall follow the name of the candidates for vice president [and lieutenant governor] of the same political party, thereby grouping the candidates for president and vice president [and governor and lieutenant governor] of the same political party within the same pair of horizontal lines.

(c) Immediately to the left of (before) or to the right of (after) the candidate name or names, according to the requirements of the voting system, two vertical lines shall be
ruled, so that in conjunction with the horizontal lines, a box shall be formed to the left of or to the right of the name and its equivalent, if any.

(d) In case of the candidates for president and vice president [and governor and lieutenant governor] of the same political party, only one box shall be formed opposite their set of names. The boxes shall be of sufficient size to give ample room in which to designate the choice of the voter in the manner prescribed for the voting system in use. All of the names upon a ballot shall be placed at a uniform distance from the left edge and close thereto, and shall be of uniform size and print subject to section 11-119."

SECTION 3. Section 11-363, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, candidate committee, or their agents shall be considered to be a contribution to the candidate.

This subsection shall not apply if the campaign material is:
(1) [Prepared and used by candidates for governor or
lieutenant governor, or their candidate committees,
supporting a co-candidate in the general election;
(2)] Disseminated, distributed, or republished by the
candidate or the candidate committee that prepared the
material;
(3) Incorporated into an advertisement or
electioneering communication by a different candidate,
or by a noncandidate committee, advocating the defeat
of the candidate that originally prepared that
material; or
(4) Incorporated into a news story or editorial
disseminated by any broadcast station or publisher of
periodicals or newspapers, unless the candidate or the
candidate committee that prepared the material also
owns or controls the broadcast station or publisher."

SECTION 4. Section 11-383, Hawaii Revised Statutes, is
amended to read as follows:

"[§]§11-383[—Exceptions—] Exception. Notwithstanding
sections 11-381 and 11-382[+]
A], a party may support more than one candidate[—and
(2) A candidate for the office of governor or lieutenant governor may support a co-candidate in the general election."
[candidates] any candidate of the voter's choice, regardless of [one] the candidate's party or [only for] status as a nonpartisan [candidates] candidate; provided that the number of candidates that a person may vote to a public office shall not exceed the number of persons to be elected to that office. If the primary or special primary ballot is marked contrary to this paragraph, the ballot shall not be counted.

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

SECTION 7. Section 12-41, Hawaii Revised Statutes, is amended to read as follows:

"§12-41 Result of election. (a) [The] Subject to subsection (c), the person [or persons] receiving the greatest number of votes at the primary or special primary as a candidate of a party for an office shall be the candidate of the party at the following general or special general election but not more candidates for a party than there are offices to be elected; provided that any candidate for any county office who is the
sole candidate for that office at the primary or special primary
election, or who would not be opposed in the general or special
general election by any candidate running on any other ticket,
nonpartisan or otherwise, and who is nominated at the primary or
special primary election shall, after the primary or special
primary election, be declared to be duly and legally elected to
the office for which the person was a candidate regardless of
the number of votes received by that candidate.

(b) [Any] Subject to subsection (c), any nonpartisan
candidate receiving at least ten per cent of the total votes
cast for the office for which the person is a candidate at the
primary or special primary, or a vote equal to the lowest vote
received by the partisan candidate who was nominated in the
primary or special primary, shall also be a candidate at the
following election; provided that when more nonpartisan
candidates qualify for nomination than there are offices to be
voted for at the general or special general election, there
shall be certified as candidates for the following election
those receiving the highest number of votes, but not more
candidates than are to be elected.
(c) If there are two or more candidates for a seat in the state senate, for a seat in the state house, for governor, or for lieutenant governor, and if:

(1) Any candidate receives a majority of the votes cast for that public office in the primary election, that candidate shall be declared elected to that public office; or

(2) No candidate receives a majority of the votes cast for that public office in the primary election, the two candidates who received the highest number of votes shall advance to the general election."

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

SECTION 9. This Act shall take effect upon its approval and upon ratification of a constitutional amendment that:

(1) Provides that if there are two or more candidates for a seat in the state senate, for a seat in the state house of representatives, for governor, or for lieutenant governor, and if:

(A) Any candidate receives a majority of the votes cast for that public office in a primary
election, that candidate shall be declared
elected to that public office; or

(B) No candidate receives a majority of the votes
cast for that public office in the primary
election, the two candidates who received the
highest number of votes shall advance to a
general election, in which the candidate
receiving the highest number of votes cast for
that public office shall be elected to that
public office; and

(2) Repeals current constitutional language that requires
that the:

(A) Lieutenant governor be elected at the same time
as the governor; and

(B) Votes cast in a general election for a nominee of
governor shall be deemed cast for the nominee for
lieutenant governor of the same political party.

INTRODUCED BY: ________________________

JAN 24 2019
Report Title:
Elections; Primaries; Political Parties

Description:
Allows a voter to vote for any primary election candidate, regardless of the candidate's party or status as a nonpartisan candidate. Provides that if there are 2 or more candidates for a state public office, and a candidate receives the majority of votes for that office in the primary, that candidate shall be elected, but if no candidates receive a majority, the 2 candidates receiving the highest vote totals shall advance to the general election. Takes effect upon the ratification of a corresponding constitutional amendment.

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