
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

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

3 **"§11-114 Order of offices on ballot.** The order of offices
4 on a ballot shall be arranged substantially as follows: first,
5 president and vice president of the United States; next, United
6 States senators; next, United States house of representatives;
7 next, governor [~~and~~]; next, lieutenant governor; next, state
8 senators; next, state representatives; and next, county
9 offices."

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

12 **"§11-115 Arrangement of names on the ballot.** (a) The
13 names of the candidates shall be placed upon the ballot for
14 their respective offices in alphabetical order except:

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

16 (2) For the limitations of the voting system in use[~~, and~~



1 ~~(3) For the case of the candidates for vice president and~~
2 ~~lieutenant governor in the general election whose~~
3 ~~names shall be placed immediately below the name of~~
4 ~~the candidate for president or governor of the same~~
5 ~~political party].~~

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

19 (c) Immediately to the left of (before) or to the right of
20 (after) the candidate name or names, according to the
21 requirements of the voting system, two vertical lines shall be



1 ruled, so that in conjunction with the horizontal lines, a box
2 shall be formed to the left of or to the right of the name and
3 its equivalent, if any.

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

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

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

20 This subsection shall not apply if the campaign material
21 is:



1 (1) ~~[Prepared and used by candidates for governor or~~
 2 ~~lieutenant governor, or their candidate committees,~~
 3 ~~supporting a co-candidate in the general election,~~
 4 ~~(2)]~~ Disseminated, distributed, or republished by the
 5 candidate or the candidate committee that prepared the
 6 material;

7 ~~(3)]~~ (2) Incorporated into an advertisement or
 8 electioneering communication by a different candidate,
 9 or by a noncandidate committee, advocating the defeat
 10 of the candidate that originally prepared that
 11 material; or

12 ~~(4)]~~ (3) Incorporated into a news story or editorial
 13 disseminated by any broadcast station or publisher of
 14 periodicals or newspapers, unless the candidate or the
 15 candidate committee that prepared the material also
 16 owns or controls the broadcast station or publisher."

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

19 " ~~[+] §11-383 [] — Exceptions.~~ Exception. Notwithstanding
 20 sections 11-381 and 11-382[+

21 ~~(1)~~ A], a party may support more than one candidate[~~—and~~

1 ~~(2) A candidate for the office of governor or lieutenant~~
2 ~~governor may support a co candidate in the general~~
3 ~~election]."~~

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

6 "**§12-2 Primary held when; candidates only those**
7 **nominated[-]; exception** The primary shall be held on the second
8 Saturday of August in every even numbered year.

9 [~~No~~] Except as provided in section 12-41(c), no person
10 shall be a candidate for any general or special general election
11 unless the person has been nominated in the immediately
12 preceding primary or special primary."

13 SECTION 6. Section 12-31, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§12-31 [Selection] Distribution of party [ballot,]**
16 **ballots; voting.** No person eligible to vote in any primary or
17 special primary election shall be required to state a party
18 preference or nonpartisanship as a condition of voting. Each
19 voter shall be issued the primary or special primary ballot for
20 each party and the nonpartisan primary or special primary
21 ballot. A voter shall be entitled to vote [~~only~~] for



1 ~~[candidates]~~ any candidate of the voter's choice, regardless of
2 ~~[one]~~ the candidate's party or [only for] status as a
3 nonpartisan [candidates.] candidate; provided that the number of
4 candidates that a person may vote to a public office shall not
5 exceed the number of persons to be elected to that office. If
6 the primary or special primary ballot is marked contrary to this
7 paragraph, the ballot shall not be counted.

8 ~~[In any primary or special primary election in the year~~
9 ~~1979 and thereafter, a voter shall be entitled to select and to~~
10 ~~vote the ballot of any one party or nonpartisan, regardless of~~
11 ~~which ballot the voter voted in any preceding primary or special~~
12 ~~primary election.]"~~

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

15 **"§12-41 Result of election.** (a) ~~[The]~~ Subject to
16 subsection (c), the person [or persons] receiving the greatest
17 number of votes at the primary or special primary as a candidate
18 of a party for an office shall be the candidate of the party at
19 the following general or special general election but not more
20 candidates for a party than there are offices to be elected;
21 provided that any candidate for any county office who is the



1 sole candidate for that office at the primary or special primary
2 election, or who would not be opposed in the general or special
3 general election by any candidate running on any other ticket,
4 nonpartisan or otherwise, and who is nominated at the primary or
5 special primary election shall, after the primary or special
6 primary election, be declared to be duly and legally elected to
7 the office for which the person was a candidate regardless of
8 the number of votes received by that candidate.

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



1 (c) If there are two or more candidates for a seat in the
2 state senate, for a seat in the state house, for governor, or
3 for lieutenant governor, and if:

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

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

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

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

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

20 (A) Any candidate receives a majority of the votes
21 cast for that public office in a primary



1 election, that candidate shall be declared
2 elected to that public office; or
3 (B) No candidate receives a majority of the votes
4 cast for that public office in the primary
5 election, the two candidates who received the
6 highest number of votes shall advance to a
7 general election, in which the candidate
8 receiving the highest number of votes cast for
9 that public office shall be elected to that
10 public office; and

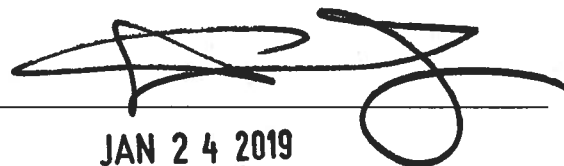
11 (2) Repeals current constitutional language that requires
12 that the:

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

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

18

INTRODUCED BY:


JAN 24 2019



H.B. NO. 1588

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.

