A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION REGARDING THE ELECTION OF STATE OFFICIALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The purpose of this Act is to propose amendments to article III, section 4 and article V, sections 1 and 2 of the Constitution of the State of Hawaii to:

(1) Provide 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) Repeal 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.

SECTION 2. Article III, section 4, of the Constitution of
the State of Hawaii is amended to read as follows:

"ELECTION OF MEMBERS; TERM

Section 4. Each member of the legislature shall be elected
at an election. If there are two or more candidates for election to a seat in the
legislature, there shall be [elected at] a [general] primary election[—] for that seat, and

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

(2) No candidate receives a majority of the votes cast for that seat 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 seat shall be elected to that seat.

If a candidate [nominated] for a seat [at a primary election] is unopposed for that seat [at the general election], the candidate shall be deemed elected at the primary election. The term of office of a member of the house of representatives shall be two years and the term of office of a member of the senate shall be four years. The term of a member of the legislature shall begin on the day of the general election at which elected or if elected at a primary election, on the day of the general election immediately following the primary election at which elected. For a member of the house of representatives, the term shall end on the day of the general election immediately following the day the member's term commences. For
a member of the senate, the term shall end on the day of the
second general election immediately following the day the
member's term commences."

SECTION 3. Article V, section 1, of the Constitution of
the State of Hawaii is amended to read as follows:

"ESTABLISHMENT OF THE EXECUTIVE

Section 1. The executive power of the State shall be
vested in a governor. The governor shall be elected by the
qualified voters of this State [at a general election. The
person receiving the highest number of votes shall be the]. If
there are two or more candidates for governor[—], there shall
be a primary election for the office of the governor, and if:

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

(2) No candidate receives a majority of the votes cast for
the office of the governor 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 the office of the governor shall be elected

governor.

In case of a tie vote, the selection of the governor shall
be determined as provided by law.

The term of office of the governor shall begin at noon on
the first Monday in December next following the governor's
election and end at noon on the first Monday in December, four
years thereafter.

No person shall be elected to the office of governor for
more than two consecutive full terms.

No person shall be eligible for the office of governor
unless the person shall be a qualified voter, have attained the
age of thirty years and have been a resident of this State for
five years immediately preceding the person's election.

The governor shall not hold any other office or employment
of profit under the State or the United States during the
governor's term of office."

SECTION 4. Article V, section 2, of the Constitution of
the State of Hawaii is amended to read as follows:
"LIEUTENANT GOVERNOR

Section 2. There shall be a lieutenant governor who shall have the same qualifications as the governor. The lieutenant governor shall be elected for the same term and in the same manner as the governor, provided that the votes cast in the general election for the nominee for governor shall be deemed cast for the nominee for lieutenant governor of the same political party. No person shall be elected to the office of lieutenant governor for more than two consecutive full terms. The lieutenant governor shall perform such duties as may be provided by law."

SECTION 5. The question to be printed on the ballot shall be as follows:

"Shall constitutional provisions relating to the election of state officials be amended to:

(1) Provide 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) Repeal 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?"

SECTION 6. Constitutional material to be repealed is
bracketed and stricken. New constitutional material is
underscored.
SECTION 7. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.
Report Title:
Constitution; Elections; Governor; Lieutenant Governor; Legislature

Description:
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 election, that candidate shall be elected. Provides that if none of the candidates receives a majority of votes cast in a primary election for a state public office, the 2 candidates who receive the highest number of votes for that office shall advance to a general election. Repeals constitutional requirements that a candidate for lieutenant governor be elected at the same time and on the same party ticket as a candidate for governor.

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