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## 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 HAWAII:**

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

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

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

12           (B) No candidate receives a majority of the votes  
13 cast for that public office in the primary  
14 election, the two candidates who received the  
15 highest number of votes shall advance to a  
16 general election, in which the candidate



1 receiving the highest number of votes cast for  
 2 that public office shall be elected to that  
 3 public office; and

4 (2) Repeal current constitutional language that requires  
 5 that the:

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

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

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

13 **"ELECTION OF MEMBERS; TERM**

14 **Section 4.** Each member of the legislature shall be elected  
 15 at an election. If ~~[more than one candidate has been nominated]~~  
 16 there are two or more candidates for election to a seat in the  
 17 legislature, ~~[the member occupying that seat]~~ there shall be  
 18 ~~[elected at]~~ a ~~[general]~~ primary election~~[-]~~ for that seat, and  
 19 if:

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

10        If a candidate [~~nominated~~] for a seat [~~at a primary~~  
11        ~~election~~] is unopposed for that seat [~~at the general election~~],  
12        the candidate shall be deemed elected at the primary election.  
13        The term of office of a member of the house of representatives  
14        shall be two years and the term of office of a member of the  
15        senate shall be four years. The term of a member of the  
16        legislature shall begin on the day of the general election at  
17        which elected or if elected at a primary election, on the day of  
18        the general election immediately following the primary election  
19        at which elected. For a member of the house of representatives,  
20        the term shall end on the day of the general election  
21        immediately following the day the member's term commences. For



1 a member of the senate, the term shall end on the day of the  
2 second general election immediately following the day the  
3 member's term commences."

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

6 "ESTABLISHMENT OF THE EXECUTIVE

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

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

17 (2) No candidate receives a majority of the votes cast for  
18 the office of the governor in the primary election,  
19 the two candidates who received the highest number of  
20 votes shall advance to a general election, in which  
21 the candidate receiving the highest number of votes



1           cast for the office of the governor shall be elected  
2           governor.

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

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

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

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

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

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





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) Repeal 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?"

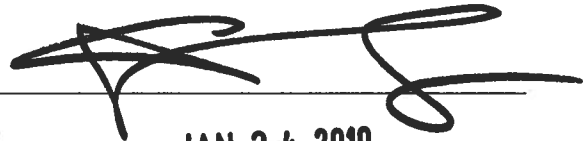
18 SECTION 6. Constitutional material to be repealed is  
19 bracketed and stricken. New constitutional material is  
20 underscored.



1 SECTION 7. This amendment shall take effect upon  
2 compliance with article XVII, section 3, of the Constitution of  
3 the State of Hawaii.

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



JAN 24 2019





# H.B. NO. 1589

**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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