

---

---

# A BILL FOR AN ACT

RELATING TO THE ELECTION OF THE PRESIDENT.

**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  
7 [~~not~~] no less than one-tenth of one per cent of the  
8 total 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 by amending subsection (b) to read as follows:

18 "(b) In primary and special primary election contests, and  
19 county election contests held concurrently with a regularly  
20 scheduled primary or special primary election, the court shall  
21 hear the contest in a summary manner and at the hearing the



1 court shall cause the evidence to be reduced to writing and  
2 shall ~~not~~, no later than 4:30 p.m. on the fourth day after the  
3 return, give judgment fully stating all findings of fact and  
4 ~~of~~ law. The judgment shall decide what candidate was  
5 nominated or elected, or the number or proportion of delegates  
6 received by presidential candidates, as the case may be, in the  
7 manner presented by the petition, and a certified copy of the  
8 judgment shall ~~forthwith~~ be served on the chief election  
9 officer or ~~the~~ county clerk, as the case may be, who shall  
10 place the name of the candidate declared to be nominated on the  
11 ballot for the forthcoming general, special general, or runoff  
12 election~~-~~; provided that the presidential candidates who  
13 appear on the general election ballot shall be determined in a  
14 manner consistent with section 11-113. The judgment shall be  
15 conclusive of the right of the candidate so declared to be  
16 nominated; provided that this subsection shall not operate to  
17 amend or repeal section 12-41~~-~~; provided further that the  
18 right of a presidential candidate to the office shall depend  
19 upon the outcome of the national electoral vote."

20 SECTION 3. Section 11-174.5, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:



1           "(b) In cases involving general, special general, special,  
2 or runoff elections, the complaint shall be heard by the supreme  
3 court in which the complaint was filed as soon as it reasonably  
4 may be heard. On the return day, the court, upon its motion or  
5 otherwise, may direct summons to be issued to any person who may  
6 be interested in the result of the proceedings.

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

10           (1) Invalidate the general, special general, special, or  
11 runoff election on the grounds that a correct result  
12 cannot be ascertained because of a mistake or fraud on  
13 the part of the voter service center officials; ~~[or~~  
14 ~~decide]~~

15           (2) Decide that a certain candidate, or certain  
16 candidates, received a majority or plurality of votes  
17 cast and were elected~~[.];~~ or

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



1 If the judgment [~~should be~~] is that the general, special  
2 general, special, or runoff election was invalid, a certified  
3 copy thereof shall be filed with the governor, and the governor  
4 shall duly call a new election to be held [~~not~~] no later than  
5 one hundred twenty days after the judgment is filed. If the  
6 court [~~shall decide~~] decides which candidate or candidates have  
7 been elected, or which presidential candidate received a  
8 majority or plurality of votes cast, a copy of that judgment  
9 shall be served on the chief election officer or county clerk,  
10 who shall sign and deliver to the candidate or candidates  
11 certificates of election, and the same shall be conclusive of  
12 the right of the candidate or candidates to the offices[-];  
13 provided that the right of a presidential candidate to the  
14 office shall depend upon the outcome of the national electoral  
15 vote."

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

18 "**§12-1 Application of chapter.** All candidates for  
19 elective office, except as provided in section 14-21, shall be  
20 nominated in accordance with this chapter and not otherwise.  
21 This chapter is applicable to the presidential preference



1 primary election, but in no way shall it supersede section 11-  
2 113 concerning the names that will appear on the general  
3 election ballot."

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

6 "§12-2 **Primary election held when; candidates only those**  
7 **nominated.** The primary election shall be held on the second  
8 Saturday of August in every even numbered year[-]; provided that  
9 the presidential preference primary election shall be held on  
10 the first Tuesday after the first Monday in April in any year  
11 that is evenly divisible by the number four and at which  
12 delegations to national party conventions are to be chosen.

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

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



1           **"§12-2.5 Nomination papers; when available.** Nomination  
2 papers shall be made available from the first working day of  
3 February in every even-numbered year; provided that in the case  
4 of a special primary or special election, nomination papers  
5 shall be made available [~~at least~~] no fewer than ten days [~~prior~~  
6 ~~to~~] before the close of filing[-]; provided further that  
7 nomination papers for a presidential preference primary election  
8 shall only be for political parties recognized under section  
9 11-61 and shall become available no later than one hundred  
10 forty-five days before the presidential preference primary  
11 election to which they correspond."

12           SECTION 7. Section 12-4, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           **"§12-4 Nomination papers; qualifications of signers.** (a)  
15 No person shall sign the nomination papers of more than one  
16 candidate, partisan or nonpartisan, for the same office, unless  
17 there is more than one office in a class in which case no person  
18 shall sign papers for more than the actual number of offices in  
19 a class. Nomination papers shall be construed in this regard  
20 according to priority of filing, and the name of any person



1 appearing thereon shall be counted only so long as this  
2 provision is not violated, and not thereafter.

3 (b) Names on nomination papers shall not be counted,  
4 unless the signer is a registered voter and is eligible to vote  
5 for the candidate. The chief election officer or clerk shall  
6 use the most currently compiled general county register  
7 available at the time the nomination paper is presented for  
8 filing to determine the eligibility of the registered voters to  
9 sign for the candidate. Voter registration affidavits that have  
10 not been entered into the voter register by the clerk shall not  
11 be considered or accepted for this check. At the time of  
12 filing, the chief election officer or clerk may reject the  
13 candidate's nomination paper for lack of sufficient signers who  
14 are eligible to vote for the candidate.

15 (c) Any registered voter who, after signing a nomination  
16 paper, seeks to withdraw the voter's signature shall do so by  
17 providing written notice to the chief election officer, or clerk  
18 in the case of a county office, any time before the filing of  
19 the candidate's nomination paper; provided that the notice is  
20 received by the chief election officer, or clerk in the case of  
21 a county office, no later than 4:30 p.m. on the fourth business





1 day [~~prior to~~] before the close of filing pursuant to section  
2 12-6. The written notice shall include the voter's name[~~r~~] and  
3 residence address, the month and date portions of the voter's  
4 date of birth, the voter's signature, the name of the candidate,  
5 and a statement that the voter wishes to remove the voter's  
6 signature from the candidate's nomination paper; provided that  
7 the written notice shall not require the voter's social security  
8 number or any portion thereof and the year portion of the  
9 voter's date of birth. Any request by a registered voter to  
10 remove the voter's signature from a candidate's nomination paper  
11 that is received by the chief election officer, or clerk in the  
12 case of a county office, after the candidate's nomination paper  
13 has been filed or after 4:30 p.m. on the fourth business day  
14 [~~prior to~~] before the close of filing shall not be accepted.

15 (d) Within twenty-four hours upon receipt of a written  
16 notice pursuant to subsection (c), the chief election officer,  
17 or clerk in the case of a county office, shall send written  
18 notice via registered mail to the candidate that the voter  
19 requested to have the voter's signature removed from the  
20 candidate's nomination paper and that the signature of the voter  
21 shall not be counted.



1        (e) This section shall apply to candidates seeking to  
2 appear on the presidential preference primary election ballot  
3 for a political party recognized under section 11-61."

4        SECTION 8. Section 12-5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "**§12-5 Nomination papers: number of signers.** (a)  
7 Nomination papers for candidates for president shall be signed  
8 by no less than one hundred voters of the State.

9        [~~a~~] (b) Nomination papers for candidates for members of  
10 Congress, governor, and lieutenant governor shall be signed by  
11 [~~not~~] no less than twenty-five registered voters of the State or  
12 of the Congressional district from which the candidates are  
13 running in the case of candidates for the United States House of  
14 Representatives.

15        [~~b~~] (c) Nomination papers for candidates for either  
16 branch of the legislature and for county office shall be signed  
17 by [~~not~~] no less than fifteen registered voters of the district  
18 or county or subdivision thereof for which the person nominated  
19 is a candidate.

20        [~~c~~] (d) Nomination papers for candidates for members of  
21 the board of trustees of the office of Hawaiian affairs shall be



1 signed by [~~not~~] no less than twenty-five persons registered to  
2 vote.

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

6 SECTION 9. Section 12-6, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§12-6 Nomination papers: time for filing; fees.** (a)

9 For members of Congress, state offices, county offices, and the  
10 board of trustees for the office of Hawaiian affairs, nomination  
11 papers shall be filed with the chief election officer, or clerk  
12 in case of county offices, [~~not~~] no later than 4:30 p.m. on the  
13 first Tuesday in June. [~~However, in~~] For presidential  
14 candidates, nomination papers shall be filed with the chief  
15 election officer no later than 4:30 p.m. on the eighty-fifth day  
16 before the date of the primary election. In the event of a  
17 special primary or special election, the filing deadline shall  
18 be determined in the proclamation that is issued calling for the  
19 election as provided for by state law or county charter. A  
20 state candidate from the counties of Hawaii, Maui, and Kauai may  
21 file the declaration of candidacy with the respective clerk.



1 The clerk shall transmit to the office of the chief election  
2 officer the state candidate's declaration of candidacy without  
3 delay.

4 (b) If after the close of filing there are no candidates  
5 who have filed nomination papers for an elective office for the  
6 primary, special primary, or any special election held in  
7 conjunction with the primary election, the chief election  
8 officer or clerk, in the case of a county election, shall accept  
9 nomination papers for that office until 4:30 p.m. on the tenth  
10 day after the original close of filing.

11 ~~[+]~~ (c) ~~[+]~~ There shall be deposited with each nomination  
12 paper a filing fee on account of the expenses attending the  
13 holding of the primary, special primary, or special election,  
14 which shall be paid into the treasury of the State, or county,  
15 as the case may be, as a realization:

16 (1) For president of the United States--\$3,000;

17 ~~[(1)]~~ (2) For United States senators and United States  
18 representatives--\$75;

19 ~~[(2)]~~ (3) For governor and lieutenant governor--\$750;

20 ~~[(3)]~~ (4) For mayor--\$500; and

21 ~~[(4)]~~ (5) For all other offices--\$250.



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

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

- 10           (1) For the office of governor and lieutenant governor--  
11                 \$675;  
12           (2) For the office of mayor--\$450; and  
13           (3) For all other offices--\$225.

14           [+] (f) [+] The chief election officer or clerk shall waive  
15 the filing fee in the case of a person who declares, by  
16 affidavit, that the person is indigent and who has filed a  
17 petition signed by currently registered voters who constitute at  
18 least one-half of one per cent of the total voters registered at  
19 the last preceding general election in the respective district  
20 or districts ~~[which]~~ that correspond to the specific office for  
21 which the indigent person is a candidate. This petition shall



1 be submitted on the form prescribed and provided by the chief  
2 election officer together with the nomination paper required by  
3 this chapter."

4 SECTION 10. Section 12-7, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§12-7 Filing of oath. The name of [ne] a candidate for  
7 any office shall not be printed upon any official ballot, in any  
8 election, including a presidential preference primary election,  
9 unless the candidate [~~shall have~~] has taken and subscribed to  
10 the following written oath or affirmation, and filed the oath  
11 with the candidate's nomination papers.

12 The written oath or affirmation shall be in the following  
13 form:

14 "I,....., do solemnly swear and declare, on oath  
15 that if elected to office I will support and defend the  
16 Constitution and laws of the United States of America, and the  
17 Constitution and laws of the State of Hawaii, and will bear true  
18 faith and allegiance to the same; that if elected I will  
19 faithfully discharge my duties as.....(name of  
20 office).....to the best of my ability; that I take



1 this obligation freely, without any mental reservation or  
2 purpose of evasion; So help me God."

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

13       The oath or affirmation shall be subscribed before the  
14 officer administering the same, who shall endorse thereon the  
15 fact that the oath was subscribed and sworn to or the  
16 affirmation was made together with the date thereof and affix  
17 the seal of the officer's office or of the court of which the  
18 officer is a judge or clerk.

19       It shall be the duty of every notary public or other public  
20 officer by law authorized to administer oaths to administer the



1 oath or affirmation prescribed by this section and to furnish  
2 the required endorsement and authentication."

3 SECTION 11. Section 12-8, Hawaii Revised Statutes, is  
4 amended as follows:

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

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

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

19 "(f) If a political party objects to the nomination paper  
20 filed by a candidate because the candidate is not a member of  
21 the party pursuant to the party's rules filed in conformance





1 with section 11-63, an officer of the party whose name appears  
2 on file with the chief election officer shall file a complaint  
3 in the circuit court for a prompt determination of the  
4 objection; provided that the complaint shall be filed with the  
5 clerk of the circuit court [~~not~~] no later than 4:30 p.m. on the  
6 sixtieth day or the next earliest working day [~~prior to~~] before  
7 that election day[~~;~~]; provided further that the complaint shall  
8 be filed with the clerk of the circuit court no later than 4:30  
9 p.m. on the seventy-fifth day or the next earliest working day  
10 before the presidential preference primary election."

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

13 "**§12-9 List of candidates.** As soon as possible but [~~not~~]  
14 no later than 4:30 p.m. on the fifth day after the close of  
15 filing the chief election officer shall transmit to each county  
16 clerk and the county clerk shall transmit to the chief election  
17 officer certified lists containing the names of all persons, the  
18 office for which each is a candidate, and their party  
19 designation, or designation of nonpartisanship, as the case may  
20 be, for whom nomination papers have been duly filed in [~~his~~] the  
21 chief election officer's or county clerk's office and who are



1 entitled to be voted for at the primary, special primary, or  
2 special election[-]; provided that no nonpartisan candidates  
3 shall be permitted in a presidential preference primary  
4 election."

5 SECTION 13. Section 12-21, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§12-21 Official party ballots.** The primary or special  
8 primary election ballot shall be clearly designated as such.  
9 The names of the candidates of each party qualifying under  
10 section 11-61 or 11-62 and of nonpartisan candidates may be  
11 printed on separate ballots, or on a single ballot[-]; provided  
12 that there shall not be any names of nonpartisan candidates on  
13 the ballot for a presidential preference primary election. The  
14 name of each party and the nonpartisan designation shall be  
15 distinctly printed and sufficiently separate from each other.  
16 The names of all candidates shall be printed on the ballot as  
17 provided in section 11-115. When the names of all candidates of  
18 the same party for the same office exceed the maximum number of  
19 voting positions on a single side of a ballot card, the excess  
20 names may be arranged and listed on both sides of the ballot  
21 card and additional ballot cards if necessary. When separate



1 ballots for each party are not used, the order in which parties  
2 appear on the ballot, including nonpartisan, shall be determined  
3 by lot.

4 The chief election officer or the county clerk, in the case  
5 of county elections, shall approve printed samples or proofs of  
6 the respective party ballots as to uniformity of size, weight,  
7 shape, and thickness [~~prior to~~] before final printing of the  
8 official ballots."

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

11 "**§12-31 Selection of party ballot; voting.** No person  
12 eligible to vote in any primary or special primary election  
13 shall be required to state a party preference or nonpartisanship  
14 as a condition of voting. Each voter shall be issued the  
15 primary or special primary election ballot for each party and  
16 the nonpartisan primary or special primary election ballot. A  
17 voter shall be entitled to vote only for candidates of one party  
18 or only for nonpartisan candidates[~~-~~]; provided that there shall  
19 not be any nonpartisan candidates to vote for in a presidential  
20 preference primary election. If the primary or special primary



1 election ballot is marked contrary to this paragraph, the ballot  
2 shall not be counted.

3 In any primary or special primary election in the year 1979  
4 and thereafter, a voter shall be entitled to select and [~~to~~]  
5 vote the ballot of any one party or nonpartisan, regardless of  
6 which ballot the voter voted in any preceding primary or special  
7 primary election[~~-~~]; provided that there shall not be any  
8 nonpartisan candidates to vote for in a presidential preference  
9 primary election."

10 SECTION 15. Section 12-41, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§12-41 Result of election.** (a) The person or persons  
13 receiving the greatest number of votes at the primary or special  
14 primary election as a candidate of a party for an office shall  
15 be the candidate of the party at the following general or  
16 special general election but [~~not~~] no more candidates for a  
17 party than there are offices to be elected; provided that any  
18 candidate for any county office who is the sole candidate for  
19 that office at the primary or special primary election, or who  
20 would not be opposed in the general or special general election  
21 by any candidate running on any other ticket, nonpartisan or



1 otherwise, and who is nominated at the primary or special  
2 primary election shall, after the primary or special primary  
3 election, be declared to be duly and legally elected to the  
4 office for which the person was a candidate regardless of the  
5 number of votes received by that candidate.

6 (b) Any nonpartisan candidate receiving at least ten per  
7 cent of the total votes cast for the office for which the person  
8 is a candidate at the primary or special primary[~~7~~] election, or  
9 a vote equal to the lowest vote received by the partisan  
10 candidate who was nominated in the primary or special primary[~~7~~]  
11 election, shall also be a candidate at the following election;  
12 provided that when more nonpartisan candidates qualify for  
13 nomination than there are offices to be voted for at the general  
14 or special general election, there shall be certified as  
15 candidates for the following election those receiving the  
16 highest number of votes, but [~~not~~] no more candidates than are  
17 to be elected.

18 (c) Notwithstanding subsections (a) and (b), a candidate  
19 who receives the most votes in a presidential preference primary  
20 election shall not necessarily appear on the general election  
21 ballot. The candidates who appear on the general election



1 ballot shall be determined in a manner consistent with section  
2 11-113.

3 (d) Political parties shall send delegates to their  
4 respective national conventions with each delegate pledged to a  
5 presidential candidate in proportion to the votes that each  
6 candidate received during the presidential preference primary  
7 election."

8 SECTION 16. Section 12-42, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§12-42 Unopposed candidates declared elected.** (a) Any  
11 candidate running for any office in the State [~~of Hawaii~~] in a  
12 special election or special primary election who is the sole  
13 candidate for that office shall, after the close of filing of  
14 nomination papers, be deemed and declared to be duly and legally  
15 elected to the office for which the person is a candidate. The  
16 term of office for a candidate elected under this subsection  
17 shall begin respectively on the day of the special election or  
18 on the day of the immediately succeeding special general  
19 election.

20 (b) Any candidate running for any office in the State [~~of~~  
21 ~~Hawaii~~] in a special general election who was only opposed by a



1 candidate or candidates running on the same ticket in the  
2 special primary election and is not opposed by any candidate  
3 running on any other ticket, nonpartisan or otherwise, and is  
4 nominated at the special primary election shall, after the  
5 special primary[~~r~~] election, be deemed and declared to be duly  
6 and legally elected to the office for which the person is a  
7 candidate at the special primary election regardless of the  
8 number of votes received. The term of office for a candidate  
9 elected under this subsection shall begin on the day of the  
10 special general election.

11 (c) Notwithstanding subsection (a), an unopposed candidate  
12 in a presidential preference primary election shall not be  
13 considered to have won the general election outright."

14 SECTION 17. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so  
16 much thereof as may be necessary for fiscal year 2023-2024 for  
17 the administration of the presidential preference primary  
18 election.

19 The sum appropriated shall be expended by the office of  
20 elections for the purposes of this Act.



1 SECTION 18. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 19. This Act shall take effect on June 30, 3000;  
4 provided that the implementation of the presidential preference  
5 primary election shall take effect on June 30, 3000.





**Report Title:**

Primary Election; President; Establishment; Appropriation

**Description:**

Establishes presidential preference primary elections. Makes an appropriation. Effective 6/30/3000. (HD1)

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

