THE SENATE TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

S.B. NO.669

JAN 21 2011

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 4, OF THE HAWAII STATE CONSTITUTION, TO RESTRICT VOTING ELIGIBILITY IN PRIMARY AND SPECIAL ELECTIONS TO PARTISAN AND NONPARTISAN DECLARANTS.

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

1 SECTION 1. The legislature finds that, since its adoption 2 in 1978, article II, section 4, of the Hawaii State 3 Constitution, has encouraged voter participation in primary elections by allowing voters to select any political party's 4 5 ballot without declaring a party preference or nonpartisanship 6 as a condition of voting. While some candidates may have sought 7 votes from members of a different political party, public confidence in this open primary election system continues to be 8 9 high.

However, the possibility remains that a political party could improperly affect the outcome of an opposing party's primary election by encouraging its members to cast votes for the weaker candidate of the opposing party, thus allowing their candidate to face a weaker opposing candidate in the general election.



1 The legislature further finds that, in order to ensure the 2 integrity of primary elections and prevent misuse of election 3 laws, crossover voting by members of political parties should be 4 prohibited and political party members should be allowed to vote 5 only in their respective party's primary election.

6 The purpose of this Act is to propose an amendment to 7 article II, section 4, of the Constitution of the State of Hawaii to require a person, as a condition of voting in any 8 9 primary or special primary election, to declare membership in a 10 particular political party and be issued the primary or special 11 primary ballot for that party or declare nonmembership in any 12 political party and be issued the primary or special primary 13 ballot for each party and the nonpartisan primary or special 14 primary ballot.

15 SECTION 2. Article II, section 4, of the Constitution of 16 the State of Hawaii is amended to read as follows:

"REGISTRATION; VOTING

18 Section 4. The legislature shall provide for the 19 registration of voters and for absentee voting and shall 20 prescribe the method of voting at all elections. Secrecy of 21 voting shall be preserved; provided that [no] each person shall 22 be required to declare membership in a particular political



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1 party [preference or nonpartisanship] or nonmembership in any 2 political party as a condition of voting in any primary or 3 special primary election. A person who declares membership in a 4 particular political party shall be issued a primary or special 5 primary ballot for that party only. A person who declares 6 nonmembership in any political party shall be issued the primary 7 or special primary ballot for each political party and also the nonpartisan ballot for that election. Secrecy of voting and 8 9 choice of political party affiliation [or nonpartisanship] shall 10 be preserved." 11 SECTION 3. The question to be printed on the ballot shall 12 be as follows: 13 "As a condition of voting in any primary or special primary 14 election, shall a person be required to declare membership 15 in a particular political party and be issued the primary or 16 special primary ballot for only that party, or declare nonmembership in any political party and be issued the 17 18 primary or special primary ballot for each party as well as 19 the nonpartisan primary or special primary ballot?" SECTION 4. Constitutional material to be repealed is 20 21 bracketed and stricken. New constitutional material is 22 underscored.



SECTION 5. This amendment shall take effect upon
compliance with article XVII, section 3, of the Constitution of
the State of Hawaii.

INTRODUCED BY:

U al Sudani'



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Report Title:

Voting; Primary Elections

Description:

Proposes a constitutional amendment to require a voter to declare membership in a political party or nonmembership in any political party to be eligible to cast a ballot in a primary election.

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