

JAN 19 2018

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that presidential
2 primaries and caucuses are important because in nearly all
3 states with a binding primary or caucus, the results of the
4 primary or caucus, may bind some or all of the delegates to vote
5 for a particular candidate at the national convention, depending
6 on state law or party rules. Also, the number of delegates
7 chosen to attend the national convention may be determined by
8 the results of the presidential primaries and caucuses. These
9 delegates in turn select their party's presidential nominee.

10 The legislature further finds that article II, section 9,
11 of the Constitution of the State of Hawaii authorizes the
12 holding of a presidential preference primary as provided by law.
13 However, in Hawaii, candidates for the office of the President
14 of the United States are selected through a political party
15 caucus. Instead of going to a polling place, voters in a caucus
16 attend local private events run by the political parties, and
17 cast their selections there. The advantage of a holding a



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1 caucus in lieu of a primary election is that the state party
2 runs the process directly pursuant to party rules instead of the
3 state or local government. The disadvantage is that the state
4 election laws, which ensure transparency and fairness, do not
5 apply to these party caucuses. Accordingly, allowing same day
6 voter registration or allowing voters to select a party ballot
7 on the day of election under state election laws may not be
8 available under party rules to participants in party caucuses.
9 Furthermore, participation in party caucuses is limited to
10 members of that party.

11 The purpose of this Act is to:

- 12 (1) Require the chief election officer to conduct a study
13 to determine the feasibility of implementing a
14 presidential preference primary in Hawaii in lieu of a
15 party caucus and make recommendations for the
16 implementation of a presidential preference primary;
17 and
- 18 (2) Make an appropriation to the office of elections for
19 the chief election officer to conduct the presidential
20 preference primary feasibility study.



1 SECTION 2. (a) The chief election officer shall conduct a
2 study to determine the feasibility of implementing a
3 presidential preference primary in Hawaii in lieu of a party
4 caucus. The presidential preference primary feasibility study
5 shall include the following:

- 6 (1) Gathering data regarding other state jurisdictions
7 with state presidential preference primaries, party
8 caucuses, a combination of both, and state
9 jurisdictions that may have switched from a party
10 caucus system to a state-run presidential preference
11 primary;
- 12 (2) Determining the impact on and any necessary amendments
13 needed to existing state election laws, including but
14 not limited to chapters 11, 12, 14, 15, and 19, Hawaii
15 Revised Statutes;
- 16 (3) Collaborating and coordinating with the political
17 parties represented in presidential elections to
18 determine the following:
- 19 (A) Timing for presidential nominations and primary
20 elections in Hawaii in relation to other state
21 jurisdictions and any national convention;



- 1 (B) Presidential nomination paper and oath
- 2 requirements;
- 3 (C) Presidential preference primary ballot content
- 4 and party selection requirements;
- 5 (D) Presidential preference primary result
- 6 requirements;
- 7 (E) Party delegation requirements for representation
- 8 at each respective party national convention as a
- 9 result of the presidential preference primary
- 10 results; and
- 11 (F) Any other issue that the chief election officer
- 12 and any political party deem necessary;
- 13 (4) Determining the financial and personnel requirements
- 14 for the office of elections to hold a presidential
- 15 preference primary in addition to primary and general
- 16 elections; and
- 17 (5) Any other issue that the chief election officer deems
- 18 necessary to include in the study.
- 19 (b) The chief election officer shall submit a report of
- 20 its findings and recommendations, including any proposed



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1 legislation, to the legislature no later than twenty days prior
2 to the convening of the regular session of 2019.

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2018-2019 for
6 the chief election officer to conduct the presidential
7 preference primary feasibility study as provided in section 2 of
8 this Act.

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

11 SECTION 4. This Act shall take effect on July 1, 2018.

12

INTRODUCED BY: _____


(BR)



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Report Title:

Elections; Presidential Preference Primary; Office of Elections; Study; Appropriation

Description:

Requires the chief election officer to conduct a study to determine the feasibility of implementing a presidential preference primary in Hawaii in lieu of a party caucus and make recommendations for the implementation of a presidential preference primary. Makes an appropriation to the office of elections for the chief election officer to conduct the presidential preference primary feasibility study.

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