

STAND. COM. REP. NO.

636

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1005
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1005 entitled:

"A BILL FOR AN ACT RELATING TO THE ELECTION OF THE PRESIDENT,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a date for presidential primaries, as well as signature and fee requirements, for a person to be nominated as a presidential primary candidate.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i, Legislation Committee of the Democratic Party of Hawai'i, and ten individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that state run caucuses reach out and touch a much smaller number of prospective voters, who may or may not reflect the economic, geographical, and social diversity of the State's people, even despite the best efforts of the state parties to be inclusive. The last state-run caucus reached out to approximately eighty thousand prospective voters. This number is much lower than the number of people who vote in primaries for the state governor. Your Committee further finds that the President



of the United States of America is arguably the most important leader in the free world. Therefore, it is important to bring the question of who should be President to each and every registered voter in the State. This measure will make it easier for citizens of the State to participate and vote in selecting their national leader.

Your Committee has amended this measure by:

- (1) Incorporating changes proposed by the Office of Elections by:
 - (A) Adding language that specifies that chapter 12, Hawaii Revised Statutes, shall be applicable to the presidential preference primary, but in no way supersede section 11-113, Hawaii Revised Statutes, concerning the names that will appear on the general election ballot;
 - (B) Adding language that specifies that a presidential preference primary election candidate who is not the winner of the presidential preference primary election shall not be precluded from appearing on the general election ballot;
 - (C) Adding language that specifies that nomination papers for a presidential preference primary election shall only be for recognized political parties and shall become available on an unspecified amount of days before the presidential preference primary election to which they correspond;
 - (D) Adding language that specifies that nomination paper requirements shall apply to candidates seeking to appear on the presidential preference primary ballot for a political party recognized under section 11-61, Hawaii Revised Statutes;
 - (F) Specifying that nomination papers for presidential candidates shall be filed with the chief election officer no later than 4:30 p.m. on the eighty-fifth day prior to the date of the primary election;



- (G) Specifying that the name of no candidate for any office shall be printed upon any official ballot, in any election, including a presidential preference primary election, unless the candidate shall have taken and subscribed to the written oath or affirmation, and filed the oath with the candidate's nomination papers;
- (H) Adding language that specifies that objections to the nomination papers of presidential candidates be filed in writing no later than 4:30 p.m. on the seventy-fifth day or the next earliest working day prior to the presidential preference primary election;
- (I) Adding language that specifies that the complaint shall be filed with the clerk of the circuit court no later than 4:30 p.m. on the seventy-fifth day or the next earliest working day prior to the presidential preference primary election;
- (J) Adding language that specifies that no nonpartisan candidates shall be permitted in a presidential preference primary election and that specifies that there shall not be any names of nonpartisan candidates on the ballot for a presidential preference primary election;
- (K) Adding language that specifies that a candidate who receives the most votes in a presidential preference primary election shall not necessarily appear on the general election ballot, because the candidates who appear on the general election ballot shall be determined in a manner consistent with section 11-113, Hawaii Revised Statutes;
- (L) Adding language that specifies that political parties shall send delegates to their respective national conventions with each delegate pledged to a presidential candidate in proportion to the votes that each candidate received during the presidential preference primary election; and



- (M) Adding language that specifies that an unopposed candidate in a presidential preference primary election shall not be considered to have won the general election outright;
- (2) Adding language that allows parties to opt out of the presidential preference primary six months before the election date;
- (3) Making an appropriation for an unspecified amount to the Office of Elections for the presidential preference primary to be administered;
- (4) Specifying that the effective date for the implementation of the presidential preference primary is June 1, 2023; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the Senate Draft 1 of this measure contains an unspecified appropriation amount. Should your Committee on Ways and Means choose to deliberate on this measure, your Committee respectfully requests that it considers inserting an appropriation amount of \$2,787,705.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1005, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1005, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



