
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE
CONSTITUTION OF THE STATE OF HAWAII TO AMEND PROCEDURES TO
ELECT LEGISLATORS.

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

1 SECTION 1. The legislature finds that California and
2 Washington have successfully implemented an "open primary top
3 two" process. Under this process, any candidate who receives a
4 majority of votes in a primary election is deemed elected to the
5 seat at the primary election. If no candidate receives a
6 majority in a primary election, this process allows the two
7 candidates who receive the highest number of votes in a primary
8 election to advance to the general election, regardless of the
9 political party affiliations of those candidates. The
10 legislature notes that this process allows all voters to vote
11 for their preferred candidates, across political party lines.
12 This gives voters greater freedom in choosing candidates and
13 provides all political candidates with an equal opportunity of
14 advancing to a general election.

15 Accordingly, the purpose of this Act is to propose
16 amendments to the Constitution of the State of Hawaii to provide



1 that in an election for a legislative seat, the two candidates
2 who receive the highest number of votes, regardless of political
3 party, shall be the only two candidates to advance to a general
4 election; provided that if any candidate receives a simple
5 majority of votes, the candidate shall be deemed elected to that
6 seat at the primary election.

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

9 **"ELECTION OF MEMBERS; TERM**

10 **Section 4.** Each member of the legislature shall be elected
11 at an election. If ~~[more than one candidate has been nominated]~~
12 there are two or more candidates for election to a seat in the
13 legislature, ~~[the member occupying that seat]~~ there shall be
14 ~~[elected at]~~ a ~~[general]~~ primary election~~[-]~~ for that seat. If
15 no candidate receives a majority of the votes cast for that seat
16 in a primary election, the two candidates who receive the
17 highest number of votes in the primary election, regardless of
18 political party affiliation, shall be the only candidates for
19 that seat to advance to the general election, in which the
20 candidate receiving the highest number of votes cast for that
21 seat shall be elected to the seat. If any candidate receives a



1 simple majority of the votes cast for a seat in the primary
2 election, that candidate shall be deemed elected to that seat.
3 If a candidate [~~nominated~~] for a seat [~~at a primary election~~] in
4 the legislature is unopposed for that seat [~~at the general~~
5 ~~election~~], the candidate shall be deemed elected at the primary
6 election. The term of office of a member of the house of
7 representatives shall be two years and the term of office of a
8 member of the senate shall be four years. The term of a member
9 of the legislature shall begin on the day of the general
10 election at which elected or if elected at a primary election,
11 on the day of the general election immediately following the
12 primary election at which elected. For a member of the house of
13 representatives, the term shall end on the day of the general
14 election immediately following the day the member's term
15 commences. For a member of the senate, the term shall end on
16 the day of the second general election immediately following the
17 day the member's term commences."

18 SECTION 3. The question to be printed on the ballot shall
19 be as follows:

20 "Shall the Hawaii State Constitution be amended to provide
21 that in an election for a legislative seat, the two candidates



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1 who receive the highest number of votes in a primary election,
 2 regardless of political party, shall be the only two candidates
 3 to advance to a general election; provided that if any candidate
 4 receives a simple majority of votes, the candidate shall be
 5 deemed elected to that seat at the primary election?"

6 SECTION 4. Constitutional material to be repealed is
 7 bracketed and stricken. New constitutional material is
 8 underscored.

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

12

INTRODUCED BY: _____



JAN 20 2023



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Report Title:

State Constitution; Amendments; Primary Elections; Candidates

Description:

Provides that in a primary election for a legislative seat, the 2 candidates who receive the highest number of votes, regardless of political party, shall be the only two candidates to advance to a general election; provided that when a candidate receives a majority of votes in a primary election, the candidate shall be deemed elected to that seat at the primary election.

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