

JAN 19 2024

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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 to read as follows:

18 "**§11-173.5 Contests for cause in primary~~[7]~~ elections,**
19 **special primary elections, presidential preference primary**
20 **elections, and county elections held concurrently with a**
21 **regularly scheduled primary [~~e~~], special primary, or**



1 presidential preference primary election. (a) In a primary
2 [~~and~~], special primary, or presidential preference primary
3 election contest, or a county election contest held concurrently
4 with a regularly scheduled primary [~~or~~], special primary, or
5 presidential preference primary election, the complaint shall be
6 filed in the office of the clerk of the supreme court no later
7 than 4:30 p.m. on the thirteenth day after [~~a primary or special~~
8 ~~primary election or a county election contest held concurrently~~
9 ~~with a regularly scheduled primary or special primary]~~ the
10 election, and shall be accompanied by a deposit for costs of
11 court as established by the rules of the supreme court; provided
12 that a complaint for a contest for cause that arises from a
13 mandatory recount pursuant to section 11-158 shall be filed no
14 later than 4:30 p.m. on the third calendar day following the
15 public announcement of the results of the mandatory recount
16 pursuant to section 11-158(c). The clerk shall issue to the
17 defendants named in the complaint a summons to appear before the
18 supreme court no later than 4:30 p.m. on the fifth day after
19 service of the summons.

20 (b) In primary [~~and~~], special primary, and presidential
21 preference primary election contests, and county election



1 contests held concurrently with a regularly scheduled primary
2 [~~or~~], special primary, or presidential preference primary
3 election, the court shall hear the contest in a summary manner
4 and at the hearing the court shall cause the evidence to be
5 reduced to writing and shall [~~not~~], no later than 4:30 p.m. on
6 the fourth day after the return, give judgment fully stating all
7 findings of fact and conclusions of law. The judgment shall
8 decide [~~what~~] which candidate was nominated or elected, or the
9 number of votes received by each candidate and voting position
10 in a presidential preference primary election, as the case may
11 be, in the manner presented by the petition, and a certified
12 copy of the judgment shall [~~forthwith~~] be served on the chief
13 election officer or [~~the~~] county clerk, as the case may be, who
14 shall place the name of the candidate declared to be nominated
15 on the ballot for the forthcoming general, special general, or
16 runoff election[-]; provided that the presidential candidates
17 who appear on the general election ballot shall be determined in
18 a manner consistent with section 11-113. The judgment shall be
19 conclusive of the right of the candidate so declared to be
20 nominated; provided that this subsection shall not operate to
21 amend or repeal section 12-41[-]; provided further that the



1 right of a presidential candidate to the office shall depend
2 upon the outcome of the national electoral vote."

3 SECTION 3. Section 11-174.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§11-174.5 Contests for cause in general, special general,**
6 **special, and runoff elections.** (a) In general, special
7 general, special, or runoff elections, the complaint shall be
8 filed in the office of the clerk of the supreme court [~~not~~] no
9 later than 4:30 p.m. on the twentieth day following the general,
10 special general, special, or runoff election and shall be
11 accompanied by a deposit for costs of court as established by
12 rules of the supreme court. The clerk shall issue to the
13 defendants named in the complaint a summons to appear before the
14 supreme court [~~not~~] no later than 4:30 p.m. on the tenth day
15 after service thereof.

16 (b) In cases involving general, special general, special,
17 or runoff elections, the complaint shall be heard by the supreme
18 court in which the complaint was filed as soon as it reasonably
19 may be heard. On the return day, the court, upon its motion or
20 otherwise, may direct summons to be issued to any person who may
21 be interested in the result of the proceedings.



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

4 (1) Invalidate the general, special general, special, or
5 runoff election on the grounds that a correct result
6 cannot be ascertained because of a mistake or fraud on
7 the part of the voter service center officials; [~~or~~
8 ~~decide~~]

9 (2) Decide that a certain candidate, or certain
10 candidates, received a majority or plurality of votes
11 cast and were elected[~~-~~]; or

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

15 If the judgment [~~should be~~] is that the general, special
16 general, special, or runoff election was invalid, a certified
17 copy thereof shall be filed with the governor, and the governor
18 shall duly call a new election to be held [~~not~~] no later than
19 one hundred twenty days after the judgment is filed. If the
20 court [~~shall decide~~] decides which candidate or candidates have
21 been elected, or which presidential candidate received a



1 majority or plurality of votes cast, a copy of that judgment
2 shall be served on the chief election officer or county clerk,
3 who shall sign and deliver to the candidate or candidates
4 certificates of election, and the same shall be conclusive of
5 the right of the candidate or candidates to the offices[-];
6 provided that the right of a presidential candidate to the
7 office shall depend upon the outcome of the national electoral
8 vote. The court shall issue any judgment in a case involving a
9 presidential candidate before the convening of the electoral
10 college."

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

13 "**§12-1 Application of chapter.** All candidates for
14 elective office, except as provided in section 14-21, shall be
15 nominated in accordance with this chapter and not otherwise.
16 This chapter is applicable to the presidential preference
17 primary election, but shall not supersede section 11-113
18 concerning the names that will appear on the general election
19 ballot."

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



1 "**§12-2 Primary election held when; candidates only those**
2 **nominated.** The primary election shall be held on the second
3 Saturday of August in every even numbered year[-]; provided that
4 the presidential preference primary election shall be held on
5 the first Tuesday after the first Monday in April in any year
6 that is evenly divisible by the number four and at which
7 delegations to national party conventions are to be chosen. A
8 presidential preference primary election shall not be considered
9 a state holiday pursuant to section 8-1.

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

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

19 "**§12-2.5 Nomination papers; when available.** Nomination
20 papers shall be made available from the first working day of
21 February in every even-numbered year; provided that in the case



1 of a special primary or special election, nomination papers
2 shall be made available [~~at least~~] no fewer than ten days [~~prior~~
3 ~~to~~] before the close of filing[~~-~~]; provided further that
4 nomination papers for a presidential preference primary election
5 shall only be for political parties recognized under section
6 11-61 and shall become available no later than one hundred
7 forty-five days before the presidential preference primary
8 election to which they correspond."

9 SECTION 7. Section 12-3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§12-3 Nomination paper; format; limitations.** (a) No
12 candidate's name shall be printed upon any official ballot to be
13 used at any primary, special primary, or special election unless
14 a nomination paper was filed on the candidate's behalf and in
15 the name by which the candidate is commonly known. The
16 nomination paper shall be in a form prescribed and provided by
17 the chief election officer containing substantially the
18 following information:

19 (1) A statement by the registered voters signing the form
20 that they are eligible to vote for the candidate;



- 1 (2) A statement by the registered voters signing the form
2 that they nominate the candidate for the office
3 identified on the nomination paper issued to the
4 candidate;
- 5 (3) The residence address and county in which the
6 candidate resides;
- 7 (4) The legal name of the candidate, the name by which the
8 candidate is commonly known, if different, the office
9 for which the candidate is running, and the
10 candidate's party affiliation or nonpartisanship; all
11 of which are to be placed on the nomination paper by
12 the chief election officer or the clerk prior to
13 releasing the form to the candidate;
- 14 (5) Space for the name, signature, month and date portions
15 of the date of birth, and residence address of each
16 registered voter signing the form, and other
17 information as determined by the chief election
18 officer; provided that a voter's social security
19 number or any portion thereof and the year portion of
20 the voter's date of birth shall not be required;



- 1 (6) A sworn certification by self-subscribing oath by the
2 candidate that the candidate qualifies under the law
3 for the office the candidate is seeking and that the
4 candidate has determined that, except for the
5 information provided by the registered voters signing
6 the nomination papers, all of the information on the
7 nomination papers is true and correct;
- 8 (7) A sworn certification by self-subscribing oath by a
9 party candidate that the candidate is a member of the
10 party;
- 11 (8) For candidates seeking elective county office, a sworn
12 certification by self-subscribing oath by the
13 candidate that the candidate has complied with the
14 relevant provisions of the applicable county charter
15 and county ordinances pertaining to elected officials;
- 16 (9) A sworn certification by self-subscribing oath, where
17 applicable, by the candidate that the candidate has
18 complied with the provisions of article II, section 7,
19 of the Hawaii State Constitution;
- 20 (10) A sworn certification by self-subscribing oath by the
21 candidate that the candidate is in compliance with



1 section 831-2, dealing with felons, and is eligible to
2 run for office; and

3 (11) The name the candidate wishes to be printed on the
4 ballot and the mailing address of the candidate.

5 (b) Signatures of registered voters shall not be counted,
6 unless they are upon the nomination paper having the format set
7 forth above, written or printed thereon, and if there are
8 separate sheets to be attached to the nomination paper, the
9 sheets shall have the name of the candidate, the candidate's
10 party affiliation or nonpartisanship, and the office and
11 district for which the candidate is running placed thereon by
12 the chief election officer or the clerk. The nomination paper
13 and separate sheets shall be provided by the chief election
14 officer or the clerk.

15 (c) Nomination papers shall not be filed in behalf of any
16 person for more than one party or for more than one office; nor
17 shall any person file nomination papers both as a party
18 candidate and as a nonpartisan candidate.

19 (d) The office and district for which the candidate is
20 running, the candidate's name, and the candidate's party
21 affiliation or nonpartisanship may not be changed from that



1 indicated on the nomination paper and separate sheets. If the
2 candidate wishes to run for an office or district different from
3 that for which the nomination paper states or under a different
4 party affiliation or nonpartisanship, the candidate may request
5 the appropriate nomination paper from the chief election officer
6 or clerk and have it signed by the required number of registered
7 voters.

8 (e) Nomination papers that contain alterations or changes
9 made by anyone other than the chief election officer or the
10 clerk to the candidate's information, the candidate's party
11 affiliation or nonpartisanship, the office to which the
12 candidate seeks nomination, or the oath of loyalty or
13 affirmation, after the nomination paper was issued by the chief
14 election officer or clerk, shall be void and will not be
15 accepted for filing by the chief election officer or clerk.

16 (f) Nomination papers that are incomplete and do not
17 contain all of the certifications, signatures, and requirements
18 of this section shall be void.

19 (g) This section shall additionally apply to candidates
20 seeking to appear on the presidential preference primary
21 election ballot for a political party recognized under section



1 11-61; provided that no nonpartisan candidates shall be
2 permitted in a presidential preference primary election."

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

5 **"§12-4 Nomination papers; qualifications of signers. (a)**

6 No person shall sign the nomination papers of more than one
7 candidate, partisan or nonpartisan, for the same office, unless
8 there is more than one office in a class in which case no person
9 shall sign papers for more than the actual number of offices in
10 a class. Nomination papers shall be construed in this regard
11 according to priority of filing, and the name of any person
12 appearing thereon shall be counted only so long as this
13 provision is not violated, and not thereafter.

14 (b) Names on nomination papers shall not be counted,
15 unless the signer is a registered voter and is eligible to vote
16 for the candidate. The chief election officer or clerk shall
17 use the most currently compiled general county register
18 available at the time the nomination paper is presented for
19 filing to determine the eligibility of the registered voters to
20 sign for the candidate. Voter registration affidavits that have
21 not been entered into the voter register by the clerk shall not



1 be considered or accepted for this check. At the time of
2 filing, the chief election officer or clerk may reject the
3 candidate's nomination paper for lack of sufficient signers who
4 are eligible to vote for the candidate.

5 (c) Any registered voter who, after signing a nomination
6 paper, seeks to withdraw the voter's signature shall do so by
7 providing written notice to the chief election officer, or clerk
8 in the case of a county office, any time before the filing of
9 the candidate's nomination paper; provided that the notice is
10 received by the chief election officer, or clerk in the case of
11 a county office, no later than 4:30 p.m. on the fourth business
12 day [~~prior to~~] before the close of filing pursuant to section
13 12-6. The written notice shall include the voter's name[~~r~~] and
14 residence address, the month and date portions of the voter's
15 date of birth, the voter's signature, the name of the candidate,
16 and a statement that the voter wishes to remove the voter's
17 signature from the candidate's nomination paper; provided that
18 the written notice shall not require the voter's social security
19 number or any portion thereof and the year portion of the
20 voter's date of birth. Any request by a registered voter to
21 remove the voter's signature from a candidate's nomination paper



1 that is received by the chief election officer, or clerk in the
2 case of a county office, after the candidate's nomination paper
3 has been filed or after 4:30 p.m. on the fourth business day
4 [~~prior to~~] before the close of filing shall not be accepted.

5 (d) Within twenty-four hours upon receipt of a written
6 notice pursuant to subsection (c), the chief election officer,
7 or clerk in the case of a county office, shall send written
8 notice via registered mail to the candidate that the voter
9 requested to have the voter's signature removed from the
10 candidate's nomination paper and that the signature of the voter
11 shall not be counted.

12 (e) This section shall additionally apply to candidates
13 seeking to appear on the presidential preference primary
14 election ballot for a political party recognized under section
15 11-61."

16 SECTION 9. Section 12-5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§12-5 Nomination papers: number of signers.** (a)
19 Nomination papers for candidates for president shall be signed
20 by not less than twenty-five registered voters of the State.



1 ~~[(a)]~~ (b) Nomination papers for candidates for members of
2 Congress, governor, and lieutenant governor shall be signed by
3 not less than twenty-five registered voters of the State or of
4 the Congressional district from which the candidates are running
5 in the case of candidates for the United States House of
6 Representatives.

7 ~~[(b)]~~ (c) Nomination papers for candidates for either
8 branch of the legislature and for county office shall be signed
9 by not less than fifteen registered voters of the district or
10 county or subdivision thereof for which the person nominated is
11 a candidate.

12 ~~[(e)]~~ (d) Nomination papers for candidates for members of
13 the board of trustees of the office of Hawaiian affairs shall be
14 signed by not less than twenty-five persons registered to vote.

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

18 SECTION 10. Section 12-6, Hawaii Revised Statutes, is
19 amended as follows:

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



1 "(a) For members of Congress, state offices, county
2 offices, and the board of trustees for the office of Hawaiian
3 affairs, nomination papers shall be filed with the chief
4 election officer, or clerk in case of county offices, ~~[not]~~ no
5 later than 4:30 p.m. on the first Tuesday in June. ~~[However,~~
6 ~~in]~~ For presidential candidates, nomination papers shall be
7 filed with the chief election officer no later than 4:30 p.m. on
8 the eighty-fifth day before the date of the presidential
9 preference primary election. In the event of a special primary
10 or special election, the filing deadline shall be determined in
11 the proclamation that is issued calling for the election as
12 provided for by state law or county charter. A state candidate
13 from the counties of Hawaii, Maui, and Kauai may file the
14 declaration of candidacy with the respective clerk. The clerk
15 shall transmit to the office of the chief election officer the
16 state candidate's declaration of candidacy without delay."

17 2. By amending subsections (c) through (f) to read:

18 "~~+~~(c)~~+~~ There shall be deposited with each nomination
19 paper a filing fee on account of the expenses attending the
20 holding of the primary, special primary, or special election,



1 which shall be paid into the treasury of the State, or county,
2 as the case may be, as a realization:

3 (1) For president of the United States--\$750;

4 ~~[(1)]~~ (2) For United States senators [and]--\$750;

5 (3) For United States representatives--~~[\$75;]~~ \$375;

6 ~~[(2)]~~ (4) For governor and lieutenant governor--\$750;

7 ~~[(3)]~~ (5) For mayor--\$500; and

8 ~~[(4)]~~ (6) For all other offices--\$250.

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

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

18 (1) For the office of governor and lieutenant governor--
19 \$675;

20 (2) For the office of mayor--\$450; and

21 (3) For all other offices--\$225.



1 [+] (f) [+] The chief election officer or clerk shall waive
2 the filing fee in the case of a person who declares, by
3 affidavit, that the person is indigent and who has filed a
4 petition signed by currently registered voters who constitute at
5 least one-half of one per cent of the total voters registered at
6 the last preceding general election in the respective district
7 or districts ~~[which]~~ that correspond to the specific office for
8 which the indigent person is a candidate. This petition shall
9 be submitted on the form prescribed and provided by the chief
10 election officer together with the nomination paper required by
11 this chapter."

12 SECTION 11. Section 12-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§12-7 Filing of oath.** The name of ~~[no]~~ a candidate for
15 any office shall not be printed upon any official ballot, in any
16 election, including a presidential election or presidential
17 preference primary election, unless the candidate ~~[shall have]~~
18 has taken and subscribed to the following written oath or
19 affirmation, and filed the oath with the candidate's nomination
20 papers.



1 The written oath or affirmation shall be in the following
2 form:

3 "I,....., do solemnly swear and declare, on oath
4 that if elected to office I will support and defend the
5 Constitution and laws of the United States of America, and the
6 Constitution and laws of the State of Hawaii, and will bear true
7 faith and allegiance to the same; that if elected I will
8 faithfully discharge my duties as.....(name of
9 office).....to the best of my ability; that I take
10 this obligation freely, without any mental reservation or
11 purpose of evasion; So help me God."

12 Upon being satisfied as to the sincerity of any person
13 claiming that the person is unwilling to take the above
14 prescribed oath only because the person is unwilling to be
15 sworn, the person may be permitted, in lieu of the oath, to make
16 the person's solemn affirmation which shall be in the same form
17 as the oath except that the words "sincerely and truly affirm"
18 shall be substituted for the word "swear" and the phrases "on
19 oath" and "So help me God" shall be omitted. [~~Such~~] The
20 affirmation shall be of the same force and effect as the
21 prescribed oath.



1 The oath or affirmation shall be subscribed before the
2 officer administering the same, who shall endorse thereon the
3 fact that the oath was subscribed and sworn to or the
4 affirmation was made together with the date thereof and affix
5 the seal of the officer's office or of the court of which the
6 officer is a judge or clerk.

7 It shall be the duty of every notary public or other public
8 officer by law authorized to administer oaths to administer the
9 oath or affirmation prescribed by this section and to furnish
10 the required endorsement and authentication."

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

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

14 "(a) All nomination papers filed in conformity with
15 section 12-3 shall be deemed valid unless objection is made
16 thereto by a registered voter, an officer of a political party
17 whose name is on file with the chief election officer, the chief
18 election officer, or the county clerk in the case of a county
19 office. All objections shall be filed in writing [~~not~~] no later
20 than 4:30 p.m. on the sixtieth day or the next earliest working
21 day [~~prior to~~] before the primary or special election[~~-~~];



1 provided that objections to the nomination papers of
2 presidential candidates shall be filed in writing no later than
3 4:30 p.m. on the seventy-fifth day or the next earliest working
4 day before the presidential preference primary election."

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

6 "(f) If a political party objects to the nomination paper
7 filed by a candidate because the candidate is not a member of
8 the party pursuant to the party's rules filed in conformance
9 with section 11-63, an officer of the party whose name appears
10 on file with the chief election officer shall file a complaint
11 in the circuit court for a prompt determination of the
12 objection; provided that the complaint shall be filed with the
13 clerk of the circuit court [~~not~~] no later than 4:30 p.m. on the
14 sixtieth day or the next earliest working day [~~prior to~~] before
15 that election day[-]; provided further that a complaint
16 objecting to the nomination papers of a presidential candidate
17 shall be filed with the clerk of the circuit court no later than
18 4:30 p.m. on the seventy-fifth day or the next earliest working
19 day before the presidential preference primary election."

20 SECTION 13. Section 12-9, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§12-9 List of candidates.** As soon as possible but ~~[not]~~
2 no later than 4:30 p.m. on the fifth day after the close of
3 filing, the chief election officer shall transmit to each county
4 clerk and the county clerk shall transmit to the chief election
5 officer certified lists containing the names of all persons, the
6 office for which each is a candidate, and their party
7 designation, or designation of nonpartisanship, as the case may
8 be, for whom nomination papers have been duly filed in ~~[his]~~ the
9 chief election officer's or county clerk's office and who are
10 entitled to be voted for at the primary, special primary, or
11 special election~~[-]~~; provided that no nonpartisan candidates
12 shall be permitted in a presidential preference primary
13 election."

14 SECTION 14. Section 12-21, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§12-21 Official party ballots.** The primary or special
17 primary election ballot shall be clearly designated as such.
18 The names of the candidates of each party qualifying under
19 section 11-61 or 11-62 and of nonpartisan candidates may be
20 printed on separate ballots, or on a single ballot~~[-]~~; provided
21 that there shall not be any names of nonpartisan candidates on



1 the ballot in a presidential preference primary election. The
2 name of each party and the nonpartisan designation shall be
3 distinctly printed and sufficiently separate from each other.
4 The names of all candidates shall be printed on the ballot as
5 provided in section 11-115. When the names of all candidates of
6 the same party for the same office exceed the maximum number of
7 voting positions on a single side of a ballot card, the excess
8 names may be arranged and listed on both sides of the ballot
9 card and additional ballot cards if necessary. When separate
10 ballots for each party are not used, the order in which parties
11 appear on the ballot, including nonpartisan, shall be determined
12 by lot.

13 The chief election officer or the county clerk, in the case
14 of county elections, shall approve printed samples or proofs of
15 the respective party ballots as to uniformity of size, weight,
16 shape, and thickness [~~prior to~~] before final printing of the
17 official ballots."

18 SECTION 15. Section 12-31, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§12-31 Selection of party ballot; voting.** No person
21 eligible to vote in any primary or special primary election



1 shall be required to state a party preference or nonpartisanship
2 as a condition of voting. Each voter shall be issued the
3 primary or special primary election ballot for each party and
4 the nonpartisan primary or special primary election ballot. A
5 voter shall be entitled to vote only for candidates of one party
6 or only for nonpartisan candidates[-]; provided that there shall
7 not be any nonpartisan candidates on the ballot in a
8 presidential preference primary election. If the primary or
9 special primary election ballot is marked contrary to this
10 paragraph, the ballot shall not be counted.

11 In any primary or special primary election in the year 1979
12 and thereafter, a voter shall be entitled to select and [te]
13 vote the ballot of any one party or nonpartisan, regardless of
14 which ballot the voter voted in any preceding primary or special
15 primary election[-]; provided that there shall not be any
16 nonpartisan candidates on the ballot in a presidential
17 preference primary election."

18 SECTION 16. Section 12-41, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§12-41 Result of election.** (a) The person or persons
21 receiving the greatest number of votes at the primary or special



1 primary election as a candidate of a party for an office shall
2 be the candidate of the party at the following general or
3 special general election but [~~not~~] no more candidates for a
4 party than there are offices to be elected; provided that any
5 candidate for any county office who is the sole candidate for
6 that office at the primary or special primary election, or who
7 would not be opposed in the general or special general election
8 by any candidate running on any other ticket, nonpartisan or
9 otherwise, and who is nominated at the primary or special
10 primary election shall, after the primary or special primary
11 election, be declared to be duly and legally elected to the
12 office for which the person was a candidate regardless of the
13 number of votes received by that candidate.

14 (b) Any nonpartisan candidate receiving at least ten per
15 cent of the total votes cast for the office for which the person
16 is a candidate at the primary or special primary[7] election, or
17 a vote equal to the lowest vote received by the partisan
18 candidate who was nominated in the primary or special primary[7]
19 election, shall also be a candidate at the following election;
20 provided that when more nonpartisan candidates qualify for
21 nomination than there are offices to be voted for at the general



1 or special general election, there shall be certified as
2 candidates for the following election those receiving the
3 highest number of votes, but [~~not~~] no more candidates than are
4 to be elected.

5 (c) Notwithstanding subsections (a) and (b), a candidate
6 who receives the most votes in a presidential preference primary
7 election shall not necessarily appear on the general election
8 ballot. The candidates who appear on the general election
9 ballot shall be determined in a manner consistent with section
10 11-113.

11 (d) Political parties shall send delegates to their
12 respective national conventions in accordance with the
13 convention's rules concerning delegates from each state, which
14 may or may not factor in the results of the presidential
15 preference primary election."

16 SECTION 17. Section 12-42, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§12-42 Unopposed candidates declared elected.** (a) Any
19 candidate running for any office in the State [~~of Hawaii~~] in a
20 special election or special primary election who is the sole
21 candidate for that office shall, after the close of filing of



1 nomination papers, be deemed and declared to be duly and legally
2 elected to the office for which the person is a candidate. The
3 term of office for a candidate elected under this subsection
4 shall begin respectively on the day of the special election or
5 on the day of the immediately succeeding special general
6 election.

7 (b) Any candidate running for any office in the State [~~of~~
8 ~~Hawaii~~] in a special general election who was only opposed by a
9 candidate or candidates running on the same ticket in the
10 special primary election and is not opposed by any candidate
11 running on any other ticket, nonpartisan or otherwise, and is
12 nominated at the special primary election shall, after the
13 special primary[~~7~~] election, be deemed and declared to be duly
14 and legally elected to the office for which the person is a
15 candidate at the special primary election regardless of the
16 number of votes received. The term of office for a candidate
17 elected under this subsection shall begin on the day of the
18 special general election.

19 (c) Notwithstanding subsections (a) and (b), an unopposed
20 candidate in a presidential preference primary election shall
21 not be considered to have won the general election outright."



S.B. NO. 2386

1 SECTION 18. Beginning with the 2028 election, the State
2 shall conduct a presidential preference primary election.

3 SECTION 19. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 20. This Act shall take effect on June 1, 2027.

6

INTRODUCED BY:

Karl Rhoads



S.B. NO. 2386

Report Title:

Presidential Preference Primary Election; Establishment

Description:

Establishes presidential preference primary elections for the 2028 election cycle. Takes effect 6/1/2027.

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

