
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 11-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Presidential preference primary" means an election
5 whereby candidates associated with a political party receive
6 votes to be its presidential nominee at its national convention
7 The political party shall send delegates to its national
8 convention in accordance with the convention's rules concerning
9 delegates from each state, which may or may not ultimately
10 factor in the results of the presidential preference primary
11 election."

12 SECTION 2. Section 11-62, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Any group of persons hereafter desiring to qualify as
15 a political party for election ballot purposes in the State
16 shall file with the chief election officer a petition as



1 provided in this section. The petition for qualification as a
2 political party shall:

3 (1) Be filed [~~not~~] no later than 4:30 p.m. on the one
4 hundred seventieth day [~~prior to~~] before the next
5 primary[+] election; provided that for a group of
6 persons to qualify as a political party for a
7 presidential preference primary election, the petition
8 for qualification shall be filed no later than 4:30
9 p.m. on the ninetieth day before the close of filing
10 of nomination papers for presidential candidates;

11 (2) Declare as concisely as may be the intention of
12 signers thereof to qualify as a statewide political
13 party in the State and state the name of the new
14 party;

15 (3) Contain the name, signature, residence address, month
16 and date portion of the date of birth, and other
17 information as determined by the chief election
18 officer of currently registered voters comprising not
19 less than one-tenth of one per cent of the total
20 registered voters of the State as of the last
21 preceding general election;



(4) Be accompanied by the names and addresses of the officers of the central committee and of the respective county committees of the political party and by the party rules; and

(5) Be upon the form prescribed and provided by the chief election officer."

SECTION 3. Section 11-173.5, Hawaii Revised Statutes, is amended to read as follows:

"§11-173.5 Contests for cause in primary~~[7]~~ elections, special primary elections, presidential preference primary elections, and county elections held concurrently with a regularly scheduled primary ~~[or]~~, special primary, or presidential preference primary election. (a) In a primary ~~[and]~~, special primary, or presidential preference primary election contest, or a county election contest held concurrently with a regularly scheduled primary ~~[or]~~, special primary, or presidential preference primary election, the complaint shall be filed in the office of the clerk of the supreme court no later than 4:30 p.m. on the thirteenth day after ~~[a primary or special primary election or a county election contest held concurrently with a regularly scheduled primary or special primary]~~ the



1 election, and shall be accompanied by a deposit for costs of
2 court as established by the rules of the supreme court. The
3 clerk shall issue to the defendants named in the complaint a
4 summons to appear before the supreme court no later than 4:30
5 p.m. on the fifth day after service of the summons.

6 (b) In primary ~~and~~, special primary, and presidential
7 preference primary election contests, and county election
8 contests held concurrently with a regularly scheduled primary
9 ~~or~~, special primary, or presidential preference primary
10 election, the court shall hear the contest in a summary manner
11 and at the hearing the court shall cause the evidence to be
12 reduced to writing and shall ~~not~~, no later than 4:30 p.m. on
13 the fourth day after the return give judgment fully stating all
14 findings of fact and conclusions of law. The judgment shall
15 decide ~~what~~ which candidate was nominated or elected, or the
16 number of votes received by each candidate and voting position
17 in a presidential preference primary election, as the case may
18 be, in the manner presented by the petition, and a certified
19 copy of the judgment shall ~~forthwith~~ be served on the chief
20 election officer or ~~the~~ county clerk, as the case may be, who
21 shall place the name of the candidate declared to be nominated



1 on the ballot for the forthcoming general, special general, or
2 runoff election~~[]~~; provided that the presidential candidates
3 who appear on the general election ballot shall be determined in
4 a manner consistent with section 11-113. The judgment shall be
5 conclusive of the right of the candidate so declared to be
6 nominated; provided that this subsection shall not operate to
7 amend or repeal section 12-41~~[]~~; provided further that the
8 right of a presidential candidate to the office shall depend
9 upon the outcome of the national electoral vote."

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

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



1 supreme court ~~[not]~~ no later than 4:30 p.m. on the tenth day
2 after service thereof.

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

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

12 (1) Invalidate the general, special general, special, or
13 runoff election on the grounds that a correct result
14 cannot be ascertained because of a mistake or fraud on
15 the part of the voter service center officials; ~~[or~~
16 ~~decide]~~

17 (2) Decide that a certain candidate, or certain
18 candidates, received a majority or plurality of votes
19 cast and were elected~~[]~~; or



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

4 If the judgment [~~should be~~] is that the general, special
5 general, special, or runoff election was invalid, a certified
6 copy thereof shall be filed with the governor, and the governor
7 shall duly call a new election to be held [~~not~~] no later than
8 one hundred twenty days after the judgment is filed. If the
9 court [~~shall decide~~] decides which candidate or candidates have
10 been elected, or which presidential candidate received a
11 majority or plurality of votes cast, a copy of that judgment
12 shall be served on the chief election officer or county clerk,
13 who shall sign and deliver to the candidate or candidates
14 certificates of election, and the same shall be conclusive of
15 the right of the candidate or candidates to the offices[~~-~~];
16 provided that the right of a presidential candidate to the
17 office shall depend upon the outcome of the national electoral
18 vote. The court shall issue any judgment in a case involving a
19 presidential candidate before the convening of the electoral
20 college."



1 SECTION 5. Section 12-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§12-1 Application of chapter.** All candidates for
4 elective office, except as provided in section 14-21, shall be
5 nominated in accordance with this chapter and not otherwise.
6 This chapter is applicable to the presidential preference
7 primary election, but shall not supersede section 11-113
8 concerning the names that will appear on the general election
9 ballot."

10 SECTION 6. Section 12-2, Hawaii Revised Statutes, is
11 amended to read as follows:

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



1 No person shall be a candidate for any general or special
2 general election unless the person has been nominated in the
3 immediately preceding primary or special primary~~[-]~~ election;
4 provided that, consistent with section 11-113, a presidential
5 preference primary election candidate who is not the winner of
6 the presidential preference primary election shall not be
7 precluded from appearing on the general election ballot."

8 SECTION 7. Section 12-2.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§12-2.5 Nomination papers; when available.** Nomination
11 papers shall be made available from the first working day of
12 February in every even-numbered year; provided that in the case
13 of a special primary or special election, nomination papers
14 shall be made available ~~[at least]~~ no fewer than ten days ~~[prior~~
15 ~~to]~~ before the close of filing~~[-]~~; provided further that
16 nomination papers for a presidential preference primary election
17 shall only be for political parties recognized under section
18 11-61 and shall become available no later than one hundred
19 forty-five days before the presidential preference primary
20 election to which they correspond."



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

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

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

13 (2) A statement by the registered voters signing the form
14 that they nominate the candidate for the office
15 identified on the nomination paper issued to the
16 candidate;

17 (3) The residence address and county in which the
18 candidate resides;

19 (4) The legal name of the candidate, the name by which the
20 candidate is commonly known, if different, the office
21 for which the candidate is running, and the



1 candidate's party affiliation or nonpartisanship; all
2 of which are to be placed on the nomination paper by
3 the chief election officer or the clerk prior to
4 releasing the form to the candidate;

5 (5) Space for the name, signature, month and date portions
6 of the date of birth, and residence address of each
7 registered voter signing the form, and other
8 information as determined by the chief election
9 officer; provided that a voter's social security
10 number or any portion thereof and the year portion of
11 the voter's date of birth shall not be required;

12 (6) A sworn certification by self-subscribing oath by the
13 candidate that the candidate qualifies under the law
14 for the office the candidate is seeking and that the
15 candidate has determined that, except for the
16 information provided by the registered voters signing
17 the nomination papers, all of the information on the
18 nomination papers is true and correct;

19 (7) A sworn certification by self-subscribing oath by a
20 party candidate that the candidate is a member of the
21 party; provided that in a presidential preference



primary a party shall include membership in the
national party or an affiliated political party in
another state who will be sending delegates to the
same national convention as the party as defined in
section 11-61;

(8) For candidates seeking elective county office, a sworn certification by self-subscribing oath by the candidate that the candidate has complied with the relevant provisions of the applicable county charter and county ordinances pertaining to elected officials;

(9) A sworn certification by self-subscribing oath, where applicable, by the candidate that the candidate has complied with the provisions of article II, section 7, of the Hawaii State Constitution;

(10) A sworn certification by self-subscribing oath by the candidate that the candidate is in compliance with section 831-2, dealing with felons, and is eligible to run for office; and

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



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

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

15 (d) The office and district for which the candidate is
16 running, the candidate's name, and the candidate's party
17 affiliation or nonpartisanship may not be changed from that
18 indicated on the nomination paper and separate sheets. If the
19 candidate wishes to run for an office or district different from
20 that for which the nomination paper states or under a different
21 party affiliation or nonpartisanship, the candidate may request



1 the appropriate nomination paper from the chief election officer
2 or clerk and have it signed by the required number of registered
3 voters.

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

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

15 (g) This section shall additionally apply to candidates
16 seeking to appear on the presidential preference primary
17 election ballot for a political party recognized under section
18 11-61; provided that no nonpartisan candidates shall be
19 permitted in a presidential preference primary election."

20 SECTION 9. Section 12-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§12-4 Nomination papers; qualifications of signers. (a)**

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

10 (b) Names on nomination papers shall not be counted,
11 unless the signer is a registered voter and is eligible to vote
12 for the candidate. The chief election officer or clerk shall
13 use the most currently compiled general county register
14 available at the time the nomination paper is presented for
15 filing to determine the eligibility of the registered voters to
16 sign for the candidate. Voter registration affidavits that have
17 not been entered into the voter register by the clerk shall not
18 be considered or accepted for this check. At the time of
19 filing, the chief election officer or clerk may reject the
20 candidate's nomination paper for lack of sufficient signers who
21 are eligible to vote for the candidate.



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



1 p.m. on the fourth business day [~~prior to~~] before the close of
2 filing shall not be accepted.

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

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

14 SECTION 10. Section 12-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§12-5 Nomination papers: number of signers. (a)**
17 Nomination papers for candidates for president in the
18 presidential preference primary election shall be signed by not
19 less than twenty-five registered voters of the State.

20 [~~(a)~~] (b) Nomination papers for candidates for members of
21 Congress, governor, and lieutenant governor shall be signed by



1 not less than twenty-five registered voters of the State or of
2 the Congressional district from which the candidates are running
3 in the case of candidates for the United States House of
4 Representatives.

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

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

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

16 SECTION 11. Section 12-6, Hawaii Revised Statutes, is
17 amended as follows:

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

19 "(a) For members of Congress, state offices, county
20 offices, and the board of trustees for the office of Hawaiian
21 affairs, nomination papers shall be filed with the chief



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

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

15 "[+] (c) [+] There shall be deposited with each nomination
16 paper a filing fee on account of the expenses attending the
17 holding of the primary, special primary, or special election,
18 which shall be paid into the treasury of the State, or county,
19 as the case may be, as a realization:

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

21 ~~[-1-]~~ (2) For United States senators ~~[and]~~--\$750;



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

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

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

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

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

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

14 (1) For the office of governor and lieutenant
15 governor--\$675;

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

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

18 ~~[(+)]~~ (f) ~~[(+)]~~ The chief election officer or clerk shall waive
19 the filing fee in the case of a person who declares, by
20 affidavit, that the person is indigent and who has filed a
21 petition signed by currently registered voters who constitute at



1 least one-half of one per cent of the total voters registered at
2 the last preceding general election in the respective district
3 or districts [~~which~~] that correspond to the specific office for
4 which the indigent person is a candidate. This petition shall
5 be submitted on the form prescribed and provided by the chief
6 election officer together with the nomination paper required by
7 this chapter."

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

10 "**S12-7 Filing of oath.** The name of [~~no~~] a candidate for
11 any office shall not be printed upon any official ballot, in any
12 election, including a presidential preference primary election,
13 unless the candidate [~~shall have~~] has taken and subscribed to
14 the following written oath or affirmation, and filed the oath
15 with the candidate's nomination papers.

16 The written oath or affirmation shall be in the following
17 form:

18 "I,....., do solemnly swear and declare, on oath
19 that if elected to office I will support and defend the
20 Constitution and laws of the United States of America, and the
21 Constitution and laws of the State of Hawaii, and will bear true



1 faith and allegiance to the same; that if elected I will
2 faithfully discharge my duties as.....(name of
3 office).....to the best of my ability; that I take
4 this obligation freely, without any mental reservation or
5 purpose of evasion; So help me God."

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

16 The oath or affirmation shall be subscribed before the
17 officer administering the same, who shall endorse thereon the
18 fact that the oath was subscribed and sworn to or the
19 affirmation was made together with the date thereof and affix
20 the seal of the officer's office or of the court of which the
21 officer is a judge or clerk.



1 It shall be the duty of every notary public or other public
2 officer by law authorized to administer oaths to administer the
3 oath or affirmation prescribed by this section and to furnish
4 the required endorsement and authentication."

5 SECTION 13. Section 12-8, Hawaii Revised Statutes, is
6 amended as follows:

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

8 "(a) All nomination papers filed in conformity with
9 section 12-3 shall be deemed valid unless objection is made
10 thereto by a registered voter, an officer of a political party
11 whose name is on file with the chief election officer, the chief
12 election officer, or the county clerk in the case of a county
13 office. All objections shall be filed in writing [~~not~~] no later
14 than 4:30 p.m. on the sixtieth day or the next earliest working
15 day [~~prior to~~] before the primary or special election[~~+~~];
16 provided that objections to the nomination papers of
17 presidential candidates shall be filed in writing 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 2. By amending subsection (f) to read:



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



1 SECTION 14. Section 12-9, Hawaii Revised Statutes, is
2 amended to read as follows:

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

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

17 "**§12-21 Official party ballots.** The primary or special
18 election primary ballot shall be clearly designated as such.
19 The names of the candidates of each party qualifying under
20 section 11-61 or 11-62 and of nonpartisan candidates may be
21 printed on separate ballots, or on a single ballot[~~-~~]; provided



1 that any names of nonpartisan candidates shall not be permitted
2 on the ballot in a presidential preference primary election.

3 The name of each party and the nonpartisan designation shall be
4 distinctly printed and sufficiently separate from each other.

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

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

19 SECTION 16. Section 12-31, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§12-31 Selection of party ballot; voting.** No person
2 eligible to vote in any primary or special primary election
3 shall be required to state a party preference or nonpartisanship
4 as a condition of voting. Each voter shall be issued the
5 primary or special primary election ballot for each party and
6 the nonpartisan primary or special primary election ballot. A
7 voter shall be entitled to vote only for candidates of one party
8 or only for nonpartisan candidates~~[=]~~; provided that nonpartisan
9 candidates shall not be on the ballot in a presidential
10 preference primary election. If the primary or special primary
11 election ballot is marked contrary to this paragraph, the ballot
12 shall not be counted.

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

20 SECTION 17. Section 12-41, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§12-41 Result of election.** (a) The person or persons
2 receiving the greatest number of votes at the primary or special
3 primary election as a candidate of a party for an office shall
4 be the candidate of the party at the following general or
5 special general election but ~~[not]~~ no more candidates for a
6 party than there are offices to be elected; provided that any
7 candidate for any county office who is the sole candidate for
8 that office at the primary or special primary election, or who
9 would not be opposed in the general or special general election
10 by any candidate running on any other ticket, nonpartisan or
11 otherwise, and who is nominated at the primary or special
12 primary election shall, after the primary or special primary
13 election, be declared to be duly and legally elected to the
14 office for which the person was a candidate regardless of the
15 number of votes received by that candidate.

16 (b) Any nonpartisan candidate receiving at least ten per
17 cent of the total votes cast for the office for which the person
18 is a candidate at the primary or special primary~~[7]~~ election, or
19 a vote equal to the lowest vote received by the partisan
20 candidate who was nominated in the primary or special primary~~[7]~~
21 election, shall also be a candidate at the following election;



1 provided that when more nonpartisan candidates qualify for
2 nomination than there are offices to be voted for at the general
3 or special general election, there shall be certified as
4 candidates for the following election those receiving the
5 highest number of votes, but ~~not~~ no more candidates than are
6 to be elected.

7 (c) Notwithstanding subsections (a) and (b), a candidate
8 who receives the most votes in a presidential preference primary
9 election shall not necessarily appear on the general election
10 ballot. The candidates who appear on the general election
11 ballot shall be determined in a manner consistent with section
12 11-113.

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

18 SECTION 18. Section 12-42, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§12-42 Unopposed candidates declared elected.** (a) Any
21 candidate running for any office in the State ~~[of Hawaii]~~ in a



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

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



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

4 SECTION 19. Beginning with the 2028 election, the State
5 shall conduct a presidential preference primary election.

6 SECTION 20. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2025-2026 and
9 the same sum or so much thereof as may be necessary for fiscal
10 year 2026-2027 for the administration of the presidential
11 preference primary election in 2028.

12 The sums appropriated shall be expended by the office of
13 elections for the purposes of this Act.

14 SECTION 21. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2025-2026 and
17 the same sum or so much thereof as may be necessary for fiscal
18 year 2026-2027 as a grant-in-aid to the counties for the
19 administration of the presidential preference primary election
20 in 2028 as follows:

21 (1) \$ to the county of Hawai'i;



- 1 (2) \$ to the city and county of Honolulu;
2 (3) \$ to the county of Kaua'i; and
3 (4) \$ to the county of Maui.

4 The sums appropriated shall be expended by the counties for
5 the purposes of this Act.

6 SECTION 22. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 23. This Act shall take effect on April 23, 2057;
9 provided that sections 1 through 18 shall take effect June 1,
10 2026.



S.B. NO. 114 S.D. 1

Report Title:

Presidential Preference Primary Election; Establishment;
Appropriations

Description:

Beginning 6/1/2026, establishes presidential preference primary elections for the 2028 election cycle. Appropriates funds. Effective 4/23/2057. (SD1)

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

