
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 12, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§12- Result of a primary or special primary election.

5 A primary or special primary election shall be conducted to
6 select the candidates for all elective offices in the State.
7 All voters may vote in a primary or special primary election for
8 any candidate without regard to the political party preference
9 disclosed by the candidate or the voter; provided that the voter
10 is otherwise qualified to vote for candidates for the office in
11 question. The candidates who are the top two vote-getters in a
12 primary or special primary election, regardless of party
13 preference, shall compete in the ensuing general or special
14 general election."

15 SECTION 2. Section 12-31, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "~~§12-31 [Selection of party ballot; voting.]~~ Statement of
2 party preference not required. No person eligible to vote in
3 any primary or special primary election shall be required to
4 state a party preference or nonpartisanship as a condition of
5 voting. [~~Each voter shall be issued the primary or special~~
6 ~~primary ballot for each party and the nonpartisan primary or~~
7 ~~special primary ballot. A voter shall be entitled to vote only~~
8 ~~for candidates of one party or only for nonpartisan candidates.~~
9 ~~If the primary or special primary ballot is marked contrary to~~
10 ~~this 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 to vote~~
13 ~~the ballot of any one party or nonpartisan, regardless of which~~
14 ~~ballot the voter voted in any preceding primary or special~~
15 ~~primary election.]"~~

16 SECTION 3. Section 12-41, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§12-41 Result of election. (a) The person or persons~~
19 ~~receiving the greatest number of votes at the primary or special~~
20 ~~primary as a candidate of a party for an office shall be the~~
21 ~~candidate of the party at the following general or special~~



1 ~~general election but not more candidates for a party than there~~
2 ~~are offices to be elected; provided that any candidate for any~~
3 ~~county office who is the sole candidate for that office at the~~
4 ~~primary or special primary election, or who would not be opposed~~
5 ~~in the general or special general election by any candidate~~
6 ~~running on any other ticket, nonpartisan or otherwise, and who~~
7 ~~is nominated at the primary or special primary election shall,~~
8 ~~after the primary or special primary election, be declared to be~~
9 ~~duly and legally elected to the office for which the person was~~
10 ~~a candidate regardless of the number of votes received by that~~
11 ~~candidate.~~

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



1 ~~following election those receiving the highest number of votes,~~
2 ~~but not more candidates than are to be elected."]~~

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on March 22, 2075.



S.B. NO. 2480
S.D. 1

Report Title:

Primary Elections; Top Two Candidates

Description:

Allows voters in a primary or special primary election to vote for any candidate for any office without regard to the voter or candidate's political party preference. Advances the top two candidates in a primary or special primary election, regardless of political party, to the general election. Effective 3/22/2075. (SD1)

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