

**ACT 151**

**H. B. 355.**

A Bill for an Act Providing for the Nomination of Nonpartisan Candidates at Primary Elections by Amending Chapters 11 and 149 of the Revised Laws of Hawaii 1955, as Amended.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 11-90, Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

(a) By amending the definition of the word "primary" to read as follows:

"'Primary,' a preliminary election in which voters nominate candidates for office as provided for in this part."

(b) By adding thereto the following, next following the definition of "primary";

"'Primary ballot,' the ballot of a party or a nonpartisan ballot used at a primary."

SECTION 2. Section 11-94, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending the second principal paragraph thereof to read as follows:

"All nomination papers shall have substantially the above form written

or printed thereon; provided, that those filed for nonpartisan candidates may omit the words 'and members of the . . . . . party' and the certificate at the foot thereof. No signatures shall be counted, unless they are upon sheets, each having this form written or printed thereon, which shall be provided by the county clerk."

(b) By amending the last paragraph thereof to read as follows:

"Nomination papers shall not be filed in behalf of any person for more than one party or for more than one office; nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate."

SECTION 3. Section 11-96, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting said section in its entirety and substituting therefor the following:

**"§ 11-96. Nonpartisan candidates.** Nomination papers may be filed on behalf of nonpartisan candidates. Such papers shall be similar in form and signed in the manner as in the case of party candidates, and no nominator shall be allowed to sign any paper who has previously signed any nomination paper for the same primary as a member of a political party."

SECTION 4. Section 11-98, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

**"§ 11-98. List of candidates.** At least fifteen days before any primary the lieutenant governor shall transmit to each county clerk certified lists containing the names of all persons, with their party designation, or designation of nonpartisanship, as the case may be, for whom nomination papers have been duly filed in his office and who are entitled to be voted for in the county at the primary, also designating the office for which each is a candidate.

"The county clerk shall, at least twelve days before any primary, prepare lists containing the names of all persons, with their party designation, or designation of nonpartisanship, for whom nomination papers have been duly filed in his office and who are entitled to be voted for in the county at the primary, also designating the office for which each is a candidate.

"The clerk shall transmit without delay to each candidate named in the lists a true copy of such lists."

SECTION 5. Chapter 11, Part II, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to be designated and to read as follows:

**"§ 11-99.5. Official nonpartisan ballots.** There shall be only one primary ballot containing the names of all nonpartisan candidates to be voted for and the offices for which they are candidates. At the top of said ballot shall be printed in large capital letters the words 'NONPARTISAN PRIMARY BALLOT'. Said ballot shall, in all other respects, conform to the requirements relative to official party ballots."

SECTION 6. Section 11-101, Revised Laws of Hawaii 1955, as

amended, is hereby amended by amending the second paragraph thereof to read as follows:

“In all primary elections held in 1970 and subsequently the clerk shall include on the list of duly qualified electors information to show the primary ballot selected by each of such electors at the next preceding primary election or the registered change of primary ballot selection by any such elector.”

SECTION 7. Section 11-102, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the second paragraph thereof to read as follows:

“Any person desiring to vote at a primary shall state his name, residence and party preference, or nonpartisanship, to the inspectors of election. If the person desiring to vote is not challenged, one of the inspectors shall give to him one and only one official primary ballot of the party designated, or the official nonpartisan primary ballot if so designated, folded in a uniform manner so that the contents thereof shall be concealed, or direct him to the appropriately marked machine. The voter shall proceed to one of the compartments provided for the purpose and therein mark the ballot. In the instance of a paper ballot, he shall then refold the ballot in the same fold as handed to him and return it to an inspector. The marked ballot shall immediately be placed in the ballot box provided for the purpose.”

SECTION 8. Section 11-102.5, Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

“No person shall be entitled to vote at a primary election who shall refuse to state his party preference or nonpartisanship as required by this part.

“In any primary election in the year 1970 and thereafter, no person shall be entitled to select a primary ballot of a type other than that which he had selected at the next preceding primary election in which he voted, unless, prior to three months preceding the primary election in which such ballot is to be selected, he has registered with the county clerk to change his selection of primary ballot to that primary ballot which he now chooses to select. If a person did not vote in the next preceding primary election he shall be entitled to select any one primary ballot without being restricted by a selection of ballot at any previous primary election.

“Any provision in this chapter to the contrary notwithstanding, at all primary elections to be held prior to the year 1970, all duly registered voters shall be entitled to select any one primary ballot without being restricted by a selection of ballot at any previous primary election.

“The several boards of inspectors shall transmit to the county clerks, immediately after every primary election, the list of voters furnished by the county clerk and a list showing the names of all who voted in the primary; provided, that after each primary election held in the year 1968 and thereafter the lists of all who voted shall also show the primary ballot selected by each voter.”

SECTION 9. Section 11-105, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“The person receiving the greatest number of votes at the primary as a candidate of a party for an office shall be the candidate of the party at the following election; provided that any candidate for any county office who is the sole candidate for such office at the primary election, or who is only opposed by a candidate or candidates running on his own ticket and is not opposed by any candidate running on any other ticket, nonpartisan or otherwise, and is nominated at such primary shall, after such primary, be deemed and declared to be duly and legally elected to the office for which he is a candidate at such primary regardless of the number of votes received by him. Any nonpartisan candidate receiving at least 10 per cent of the total votes cast for the office for which he is a candidate at such primary shall also be a candidate at the following election; provided, however, that when more nonpartisan candidates qualify for nomination than there are offices to be voted for at the general election, there shall be certified as candidates for the following election those receiving the highest number of votes, but not more candidates than are to be elected.”

SECTION 10. The provisions of any law which are contrary to or inconsistent with the provisions of this Act are hereby amended to conform herewith.

SECTION 11. This Act shall take effect upon its approval.

(Approved May 29, 1967.)