

ACT 212

H.B. NO. 2301

A Bill for an Act Relating to the Primary and General Elections of the Board of Education.

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

SECTION 1. The legislature finds that, with the exception of the board of education, all congressional, state, and local governmental offices are filled through a system of primary and general elections. This system affords voters the opportunity to fully weigh the attributes and qualifications of all candidates, and to make well-informed, thoughtful decisions when exercising one of our most precious and important constitutional rights.

The legislature also finds that the practice of choosing board of education members through a single election engenders a large, unwieldy field of candidates which generates confusion for voters and makes it nearly impossible for them to assimilate critical information about each candidate. The effect is a circumscription of the electorate's ability to make an informed, thoughtful, and meaningful choice when selecting board members. Because of the impact that board policies and decisions have on the growth and development of the young people of our State, especially during this period of change in Hawaii's public school system, this effect cannot continue.

ACT 212

The legislature further finds that it is in the best interest of the people of Hawaii to preserve and protect their ability to make an informed, meaningful choice when selecting board of education members and that a system of primary and general elections for the board of education will further that interest.

Accordingly, the purpose of this Act is to provide for the election of board of education members through a system of primary and general elections while retaining the nonpartisan character of the elections.

SECTION 2. Section 13-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Members of the board of education shall be [elected at a special election held in conjunction with] nominated at a primary election and elected at the general election. Except as otherwise provided by this chapter, the candidates for the board of education shall be elected in the manner prescribed by this title.

- (1) Nomination papers, preparation of. The chief election officer shall prepare [the] nomination papers in such a manner that a candidate desiring to file for election to the board of education shall be able to specify whether the candidate is seeking a seat requiring residency in a particular departmental school district or a seat without such residency requirement.
- (2) Ballot. The school board ballot shall be prepared in such a manner as to afford every voter eligible to vote in a school board district race, the opportunity to vote for each and every candidate seeking election from [such] that school board district.

The school board ballot shall contain the names of all board candidates arranged alphabetically in a nonpartisan manner; provided that the names of candidates seeking seats requiring residency in a particular departmental school district shall be grouped alphabetically according to departmental school districts.

- (3) Primary election. Two candidates receiving the most votes for each available seat shall be nominated for the general election.
- (4) General election. Each voter in the general election shall be entitled to receive the school board ballot and to vote for the number of seats available in the respective school board districts.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)