

## ACT 9

An Act Relating to Elections and Presidential Electors.

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

SECTION 1. Chapter 11 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) Section 11-91 is hereby amended to read as follows:

**“Sec. 11-91. Nomination of candidates.** All candidates for elective office, except as provided in section 11-94.5, shall be nominated in accordance with the provisions of this part and not otherwise. This part shall apply to special elections, except as otherwise provided by law for special primary elections.

(b) Add a new section as section 11-94.5 to read as follows:

**“Sec. 11-94.5. Nomination of presidential electors and alternates; certification; notification of nominees.** Beginning with the year 1960, and quadrennially thereafter, or in each year when electors of president and vice president of the United States are to be chosen, each of the political parties shall hold a state party convention pursuant to the constitution, by-laws and rules of such political party, and nominate as candidates for its party as many electors, and a first and second alternate for each elector, of president and vice president of the United States as the state is then entitled. The electors and alternates shall be registered voters of the state. The names and addresses of the nominees shall be certified by the chairman and secretary of the convention of the respective parties and submitted to the Lieutenant Governor no later than October 15 of the same year. The Lieutenant Governor upon receipt thereof, shall immediately notify each of the nominees for elector and alternate elector of his nomination.”

(c) Add a new section as section 11-109.5 to read as follows:

**“Sec. 11-109.5. Contested nominations of presidential electors and alternates.** Should more than one certificate of choice and selection of presidential electors and alternate electors of the same political party be filed with the Lieutenant Governor, it shall be the duty of the Lieutenant Governor, as chairman of the contested presidential electors’ committee hereby constituted, to notify the state comptroller and attorney general, who are the remaining members of the committee, of the date, time and place of the hearing to be held for the purpose of making a determination of which set of electors and alternate electors were lawfully chosen and selected by the political party. Notice of the hearing

shall be given to the chairman of the state central committee of each political party, contestants for the positions of electors and alternate electors by written notice, and to all other interested parties by publication at least once in a newspaper of general circulation. A determination shall be made by the committee by majority vote no later than October 30 of the same year and such determination shall be final. Notice of the results shall be given to the nominees duly determined to have been chosen. The committee shall have all the powers enumerated in section 11-21."

(d) Amend the first two sentences of section 11-36, as amended, to read as follows:

**"Sec. 11-36. Ballot boxes.** The Lieutenant Governor shall provide suitable ballot boxes for each polling place. Such boxes shall be marked in plain letters 'For President and Vice President, Members of Congress and State Offices' and shall bear no other device or mark in presidential election years, and such boxes shall be marked in plain letters 'For Members of Congress and State Offices' and shall bear no other device or mark in non-presidential election years."

(e) Section 11-39, as amended, is hereby amended to read as follows:

**"Sec. 11-39. President and vice president of the United States, members of Congress, and state offices.** There shall be but one ballot for president and vice president of the United States, members of Congress and state offices. The positions on a ballot shall be arranged substantially as follows: First, president and vice president of the United States in one box; next, United States senators; next, members of the United States house of representatives; next, governor; next, lieutenant governor; next state senators; and next, state representatives. The color, size, weight, shape and thickness of the ballot shall be determined by the Lieutenant Governor, and except as provided in section 11-3 shall contain the names of all candidates for Congress and for state office who may have been nominated according to law. In presidential elections the ballots also shall contain the names provided by section 11-39.5."

(f) Add a new section as section 11-39.5, to read as follows:

**"Sec. 11-39.5. Presidential ballots.** In presidential elections, the names of the candidates for president and vice president shall be used on the ballot in lieu of the names of the presidential electors, and the votes cast for president and vice president of each political party shall be counted for the presidential electors and alternates nominated by such political party."

(g) Section 11-40 is hereby amended to read as follows:

**"Sec. 11-40. Arrangement of names, etc.** Subject to the provisions of section 11-42, as amended, and except as otherwise provided under Part IV herein, the names of the candidates shall be placed upon the ballots in alphabetical order, except in the case of the candidates for vice president. Their names shall be placed immediately below the name of the candidate for president of the same political party. A horizontal line shall be ruled between each name and its equivalent, if any, and the next name, except that in case of presidential and vice presidential candidates of the same political party, there shall be no horizontal line between said candidates; the said horizontal line being ruled after the name of

the vice presidential candidate of the same political party, thereby grouping the presidential and vice presidential candidate of the same political party within the same pair of horizontal lines. Immediately after all the names, on the right-hand side of the ballot, two vertical lines shall be ruled, so that in conjunction with such horizontal lines, a square shall be formed opposite each name and its equivalent, if any, and in case of the candidates for president and vice president of the same political party, only one square shall be formed opposite their set of names. The squares shall be of sufficient size to give ample room in which to designate the choice of the voter in the manner in this chapter prescribed. All of the names upon a ballot shall be placed at uniform distance from the left-hand edge and close thereto, and shall be of uniform size and print, except that the names of vice presidential candidates may be of smaller print."

(h) Add a new section as section 11-180.5 to read as follows:

**"Sec. 11-180.5. Arrangement of names, etc.** Subject to the provisions of Section 11-39 and Section 11-42, as amended, the names of the candidates shall be placed upon the ballot in alphabetical order, except that the names of the presidential and vice presidential candidate of the same political party shall be placed in the same block below the title of the office. The alphabetical arrangement of the names of the candidates for each office shall be as uniform as practicable to comply with the laws governing the use of non-machine ballots at elections insofar as the construction of the voting machine will permit."

(i) Add a new part thereunder as Part VI with the following section numbers and to read as follows:

#### **"PART VI. ELECTIONS FOR PRESIDENTIAL ELECTORS**

**Sec. 11-216. Times for election, number to be chosen.** Beginning with November of 1960, and in each presidential election year thereafter, there shall be elected at large, at the general election, by the voters of the state, as many electors and alternates of president and vice president of the United States as the state is then entitled to elect, in the manner provided under section 11-39.5. The electors and alternates must be residents of the state of Hawaii. The election shall be conducted and the results thereof determined in conformity with the laws governing general elections except as otherwise provided.

**Sec. 11-217. Certificate of election, notice of meeting.** On the last Monday in the month of the election, or as soon as the returns have been received from all the counties in the state, if received before that time, the Lieutenant Governor shall certify to the Governor the names of the presidential electors and alternates of the same political party as the candidates for president and vice president receiving the highest number of votes as elected as presidential electors and alternates. Thereupon the governor shall in accordance with the laws of the United States, communicate by registered mail under the seal of the state of Hawaii to the administrator of general services of the United States, a certificate or certificates of persons elected as presidential electors, setting forth the names of such electors and the total number of votes cast for each elector. The Lieutenant Governor shall thereupon, together with a notice of the time and place of the meeting of the electors, cause to issue

**ACT 9**

and transmit to each such elector and alternate a certificate of election signed by the governor in substantially the following form, viz.:

**CERTIFICATE OF ELECTION OF PRESIDENTIAL ELECTORS**

I, ....., Governor of the state of Hawaii, do hereby certify that....., a member of the.....party, was on the ..... day of ....., 19....., duly elected a Presidential Elector for the state of Hawaii for the presidential election of 19.....

**CERTIFICATE OF ELECTION OF ALTERNATE PRESIDENTIAL ELECTOR**

I, ....., Governor of the state of Hawaii, do hereby certify that....., a member of the.....party, was on the ..... day of ....., 19....., duly elected..... Alternate Presidential Elector for Presidential Elector..... for the state of Hawaii for the presidential election of 19.....

**Sec. 11-218. Duties of the governor.** On or before the day of meeting of the electors the governor shall deliver to the electors a list of the names of electors, and he shall perform any other duties relating to presidential electors which are required of him by laws of the United States.

**Sec. 11-219. Assembly of electors at state capital; time.** The electors chosen shall assemble at the state capital on the first Monday after the second Wednesday in December next following their election, at two o'clock in the afternoon.

**Sec. 11-220. Filling vacancies of presidential electors.** In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the vacancy or vacancies shall be filled by the alternates in the order of their numerical designation for their respective electors causing the vacancy or vacancies, and in the event that vacancy or vacancies still exist, then the electors present shall select from the members of the same political party as many persons as will supply the deficiency. Certificates for the alternates or substitutes as presidential electors shall be issued by the governor.

**Sec. 11-221. Convening and voting for president and vice president; party vote.** The electors, when convened, if both candidates are alive, shall vote by ballot for that person for president and that person for vice president of the United States, who are, respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this state.

**Sec. 11-222. Naming persons voted for in ballots, separate ballots.** The electors shall name in their ballots the person voted for as president, and in separate ballots the person voted for as vice president.

**Sec. 11-223. Lists of persons voted for and number of votes, certification, transmission to president of the senate.** The electors shall separately list the persons voted for as president and as vice president, respectively, and the number of votes for each, which lists they shall sign, certify, seal, and transmit by mail, one copy to the seat of the government of

the United States, directed to the president of the senate of the United States, and make such other disposition of the lists as required by law.

**Sec. 11-224. Compensation and mileage of electors, amounts.** Each presidential elector shall receive fifty dollars for his services, plus the reasonable cost of transportation from his voting residence in the state of Hawaii to the state capital and return. Their accounts shall be certified to by the Lieutenant Governor, and audited by the state comptroller, and shall be payable out of the general fund.

SECTION 2. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any circumstances is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word in other circumstances shall not be affected thereby.

SECTION 3. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 12.**

---