

ACT 263

A Bill for an Act to Amend Chapter 11, Revised Laws of Hawaii 1955, as Amended, Relating to Elections.

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

SECTION 1. Section 11-7, Revised Laws of Hawaii 1955, as amended is hereby amended by deleting the last sentence thereof, and the form prescribed thereby.

SECTION 2. Section 11-9, Revised Laws of Hawaii 1955, as amended is hereby amended to read as follows:

"Section 11-9. Application when not made in person. Any qualified elector unable for any cause to present himself in person before the clerk for registration may secure from such clerk a blank to be filled out by such elector and sworn to before a notary public or district magistrate, free of charge, or any officer authorized by law to administer oaths. Upon receipt of such application properly made out, the clerk shall proceed to number the same and register the name of the elector in the general county register as provided in section 11-8."

SECTION 3. Section 11-14, Revised Laws of Hawaii 1955, as amended is hereby amended by deleting the first sentence thereof, and substituting the following in lieu thereof:

"At midnight immediately preceding the fifth Friday before each special or primary election, the general county register shall be closed to registration and remain closed until after such election, subject to change only as provided in sections 11-15 to 11-17. At midnight of the tenth day after the primary election, the general county register shall be closed to registration and remain closed until after the general election next following, subject to change only as provided in sections 11-15 to 11-17."

SECTION 4. The first sentence of the second paragraph of section 11-16, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The several boards of registration shall sit in the following places within their respective districts: Hilo, Kailua, Wailuku, Honolulu and Lihue, on the second Wednesday before each special or primary election, and on the eleventh day after a primary election, to hear such appeals, and shall continue their sittings from time to time until all appeals noted have been heard."

SECTION 5. Section 11-20, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following sentence at the end thereof:

"No such board shall consist entirely of members of one political party."

SECTION 6. Section 11-23, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-23. Appeal from board to supreme court. Any legal voter, or any clerk, may, at any time within ten days after the decision of such board, appeal to the supreme court in the manner provided by law for civil appeals to the supreme court from the circuit court, or in such manner as may be provided by law."

SECTION 7. The third sentence of section 11-36, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The boxes shall be made of material selected by the lieutenant governor."

SECTION 8. The first sentence of the second paragraph of section 11-41, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "twelve" appearing therein, and substituting in lieu thereof the word "fifteen."

SECTION 9. The second sentence of the first paragraph of section 11-43, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"There shall be delivered to each precinct not less than one hundred ballots more than there are registered voters for the election for which the ballots are printed, and not less than two hundred ballots shall be delivered to each county clerk not less than seven days prior to the date of any election for use by absentee voters authorized to vote under provisions of Part III; provided, that in precincts where voting machines are used, the lieutenant governor may deliver such quantity of ballots as he may deem necessary."

SECTION 10. The fifth paragraph of section 11-29, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the number "20" and substituting in lieu thereof the number "25".

SECTION 11. Section 11-48, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 12. Section 11-65, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-65. Validity of ballot decided immediately. All questions as to the validity of any paper ballot shall be decided immediately, and the opinion of a majority of the board of inspectors of election at each polling precinct shall be final and binding, except as otherwise hereinafter provided in Part IA of this chapter."

SECTION 13. Section 11-97, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Section 11-97. Time of filing papers; fee. Nomination papers shall be filed as follows:

“(a) For members of Congress and state offices, with the lieutenant governor at least thirty days prior to the day for holding the primary, provided that any candidate from the counties of Hawaii, Maui and Kauai may file their declaration of candidacy with his respective county clerk. The clerk shall transmit to the office of the lieutenant governor such candidate’s declaration of candidacy without delay.

“(b) For county offices, with the county clerk, at least thirty days prior to the day for holding the primary.

“(c) There shall be deposited with each nomination a fee on account of the expenses attending the holding of the primary, which shall be paid in to the treasury of the State, or the county, as the case may be, as a realization:

For governor, lieutenant governor, United States senators and United States representatives—\$75;

For mayor, county chairmen except county supervisors and city councilmen—\$50; and

For all other offices—\$25.

“(d) Upon the receipt at the office of the lieutenant governor or at the office of the county clerk of a nomination of a candidate, the day, hour and minute when it was received shall be indorsed thereon.”

SECTION 14. Section 11-76, Revised Laws of Hawaii 1955, as amended, is hereby further amended by (a) deleting the number “12” and inserting in lieu thereof the number “20”, and (b) deleting the number “25” and inserting in lieu thereof the number “30”.

SECTION 15. Section 11-136, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new paragraph at the end thereof, to read as follows:

“Any such person designated by the county clerk shall be paid \$25 for such services, if he shall have served for not less than six days. In addition thereto, such person shall receive compensation in an amount equal to ten cents per mile for travel expenses related to the performance of such services. All compensation herein provided for shall be paid out of county appropriations.”

SECTION 16. Section 11-170, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) The third paragraph being the definition of “clerk” is amended to read as follows:

“‘Clerk’ refers to the appropriate clerk of any county, except where it obviously refers to a clerk of election.”

(b) The eighth paragraph being the definition of “Board” is deleted in its entirety.

SECTION 17. Section 11-171, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-171. Voting machines authorized. Subject to the provisions of this part, voting machines which have been approved by the lieutenant governor are authorized for use in all State and county elections, whether a general, special or primary election."

SECTION 18. Section 11-172, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-172. Duties of lieutenant governor; employees. The lieutenant governor shall be responsible for the selection of voting machines and for the use of such machines in accordance with the provisions of this part and any other laws applicable to the use of voting machines.

"The lieutenant governor may employ such technicians, clerks and other assistants as he may find necessary, none of whom shall be subject to the civil service or classification laws of the State or be required to become members of the employees' retirement system."

SECTION 19. Section 11-174, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "board" appearing therein, and substituting in lieu thereof the words "lieutenant governor."

SECTION 20. Section 11-175, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-175. Experimental use of voting machines. The lieutenant governor may provide for the experimental use at any election, in one or more precincts, of a machine or device without a formal adoption thereof and its use at such election shall be as valid for all purposes as if it had been permanently adopted, notwithstanding that such machine or device may not meet the requirements of section 11-173."

SECTION 21. Section 11-176, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "board" appearing therein, and substituting in lieu thereof the words "lieutenant governor."

SECTION 22. Section 11-183, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-183. Election inspectors; clerks. The governor shall appoint, and may remove, three inspectors of election for each precinct where voting machines are to be used. The election inspectors so appointed shall, so far as reasonably practicable, be from opposing parties, and shall be registered electors of the precinct in which they serve. The inspectors shall enforce all regulations prescribed for the use of such voting machines and carry out all of the provisions of this part and all of the other provisions of this chapter except such as are rendered inapplicable by the use of voting machines.

"In precincts where only one voting machine is used, no clerks shall be employed, but in precincts where more than one voting machine is used, the lieutenant governor may authorize the employment of more than one clerk."

"The provisions of sections 11-27 and 11-28 shall apply except as otherwise provided in this section."

SECTION 23. Section 11-184, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 24. The last sentence of section 11-188, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Thereupon he shall be assisted by any qualified elector he may select, or by one of the election inspectors, who shall aid him in voting; and the inspector shall forthwith enter in writing on the record of assisted voters: (a) the voter's name (b) the fact that the voter cannot read the names on the voting machine, if that be the reason for requiring assistance, and otherwise, the specific physical disability which requires him to receive assistance; and (c) the name of the person furnishing the assistance."

SECTION 25. The first sentence of section 11-192, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"At all elections in which voting machines may be used, the arrangement of the polling room shall be the same as is now provided by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the election officers."

SECTION 26. Section 11-47, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the words "three hundred" wherever they appear therein and substituting therefor in each such place the words "one thousand" and by deleting from the first sentence the parenthesis and the words appearing therein, to wit: "(excepting private residences, buildings, and other private establishments falling within such radius)."

SECTION 27. This Act shall take effect upon its approval.
(Approved July 9, 1965.) **H.B. 265.**