

ACT 150

H. B. 354.

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

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

SECTION 1. Section 11-144, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“§ 11-144. Marking and return of ballot; voting by absentee voter at polls prohibited. The absentee voter shall mark the ballot in such manner that no person can see or know how the ballot is marked and refold the ballot in the same folds it was received and deposit same in the ballot envelope and securely seal the same. The voter shall then complete and subscribe to the statement on the ballot envelope. The ballot envelope shall then be enclosed and sealed in the covering reply envelope and shall be (a) mailed to reach the county clerk issuing the absentee ballot not later than the established closing hour of business on the day before a primary election, nor later than twelve o'clock noon on the sixth day following a general election; provided that no such ballot shall be accepted by the county clerk unless the reply envelope is postmarked no later than the day before the primary election in the case of the primary election or the day before the general election in the case of the general election; or (b) delivered (other than by the postal service) to the county clerk issuing the absentee ballot not later than the established closing hour of business on the day before the primary or general election.

No person having voted an absentee ballot pursuant to this section shall be entitled to cast a ballot at the polls on election day.”

SECTION 2. Section 11-145, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“§ 11-145. Receipt and disposition of absentee ballots. Upon the receipt of the envelope marked ‘Absentee Ballot Enclosed’ from any person

voting under the provisions of this part, the county clerk shall, if said ballot is received not later than the established closing hour of business on the day before/a primary or general election, open it and remove the ballot envelope and examine the statement as to its proper execution and to the person's qualification to register as an elector and to vote. If the county clerk determines that the person is qualified, the ballot envelope shall be deposited unopened in a container retained for that purpose. The container shall be securely sealed except for an opening sufficient to permit deposit of ballot envelopes and shall be marked with the name and official title of the county clerk and the words "This container holds absentee ballots and must be opened only pursuant to law." The county clerk shall safely keep each container in his office until the day of election and at such time he shall publicly open the container, proceed to count and tabulate said absentee ballots in the same manner as prescribed for the counting and tabulation of ballots in Part I of this chapter, and when the tabulation is completed he shall forthwith notify the lieutenant governor of the result. Records involved in the tabulation of such absentee ballots shall be disposed of in the same manner as prescribed in Part I of this chapter.

In case the statement is found to be insufficient or in case the signatures do not correspond, or in case the voter has not complied with the requirements of section 11-140, or is not a duly qualified elector or the ballot envelope is open or has been opened and resealed, the ballot envelope shall not be opened and the county clerk shall mark across its face 'Rejected', giving the reason therefor, and shall preserve the same in the manner provided by law.

In a general election, if the ballot is received after the established closing hour of business on the day before the election, or at any time thereafter up to twelve o'clock noon on the sixth day following the election, the county clerk shall open it and remove the ballot envelope and examine the statement as to its proper execution and to the person's qualification to register as an elector and to vote. If the county clerk determines that the person is qualified, the ballot envelope shall be deposited unopened in a container retained for that purpose. The container shall be securely sealed except for an opening sufficient to permit deposit of ballot envelopes and shall be marked with the name and official title of the county clerk and the words "This container holds absentee ballots and must be opened only pursuant to law." The county clerk shall safely keep the container in his office until noon on the sixth day following the election and at such time he shall publicly open the container, proceed to count and tabulate said absentee ballots in the same manner as prescribed for the counting and tabulation of ballots in Part I of this chapter, and when the tabulation is completed he shall forthwith notify the lieutenant governor of the result. Records involved in the tabulation of such absentee ballots shall be disposed of in the same manner as prescribed in Part I of this chapter.

If the ballot is postmarked or received after the time or date fixed in section 11-144, the ballot envelope shall be endorsed by the county clerk

with the day and hour of receipt and it shall be safely kept unopened by the county clerk for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed pursuant to the provision of section 11-69.

In case the statement is found to be insufficient or in case the signatures do not correspond, or in case the voter has not complied with the requirements of section 11-140, or is not a duly qualified elector or the ballot envelope is open or has been opened and resealed, the ballot envelope shall not be opened and the county clerk shall mark across its face 'Rejected', giving the reason therefor, and shall preserve the same in the manner provided by law.

If it is found that the voter has already voted, the county clerk shall immediately cancel the ballot envelope and write 'Rejected' across its face, giving the reason therefor and shall preserve the same in the manner provided for by law."

SECTION 3. Material to be deleted is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.
(Approved May 29, 1967.)

* Edited accordingly.