

ACT 158

S. B. NO. 1560-72

A Bill for an Act Relating to Voting by the Handicapped.

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

SECTION 1. Section 11-137, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 11-137 Secrecy; removal or exhibition of ballot. No person shall look at or ask to see the contents of the ballot of any voter, except as provided in section 11-139, nor shall any person within the polling place attempt to influence a voter in regard to whom he shall vote for. When a voter is in the voting booth for the purpose of marking or casting his ballot, no other person shall, except as provided in section 11-139, be allowed to enter the booth or to be in a position from which he can observe how the voter marks or casts his ballot.

In those precincts using paper ballots or electronic ballot cards no person shall take a ballot out of the polling place except for the early pickup of electronic ballot cards for delivery to the counting center and as provided in section 11-139. After voting the voter shall leave the voting booth and deliver his ballot to the election inspector in charge of the ballot boxes. The inspector shall make certain he has received the correct ballot and no other and then shall drop the ballot into the ballot box. If any person having received a ballot leaves the polling place without first delivering the ballot to the inspector as provided above, or wilfully exhibits his ballot, except as provided in section

11-139, after the ballot has been marked, such person shall forfeit his right to vote, and the chairman of the inspectors shall cause a record to be made of the proceeding.”

SECTION 2. Section 11-139, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-139 Assistance of illiterate or disabled voter.** Any voter who, by reason of illiteracy or blindness or other physical disability, is unable to mark his ballot, shall, if he so requests, receive the assistance of two election inspectors who are not of the same political party, or of any qualified voter whom he may designate, in the marking thereof. Before rendering assistance or permitting assistance to be rendered, the inspectors shall be satisfied that the physical disability exists. If a voter with a physical disability finds it unduly burdensome for him to enter the polling place, he may be handed a ballot outside the polling place but within one hundred feet thereof by the inspectors, and in their presence but in a secret manner, mark and return the same to the inspectors.

The inspectors shall enter in writing in the record book the following:

- (1) The voter’s name;
- (2) The fact that the voter cannot read the names on the ballot, if that is the reason for requiring assistance, and otherwise, the specific physical disability which requires him to receive assistance; and
- (3) The name or names of the person or persons furnishing the assistance.”

SECTION 3. Statutory material to be repealed 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 30, 1972.)

*Edited accordingly.