

A Bill for an Act Relating to Elections.

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

SECTION 1. Section 11-12, Hawaii Revised Statutes, is amended to read:

“Sec. 11-12. Age; place of registering. Every person who has reached the age legally required of voters for state and county elections; or who will have reached such age prior to the date of the next state or county election, and every person who has reached the age legally required of voters for federal elections, or who will have reached such age prior to the date of the next federal election, and is otherwise qualified to register may do so in the precinct in which he resides. No person shall register or vote in any other precinct than that in which he resides except as provided in section 11-21.”

SECTION 2. Section 11-19, Hawaii Revised Statutes, is amended to read:

“Sec. 11-19. Registration from one county to another. Whenever any person who has registered as a voter in any county removes to and desires to register in some other county, he shall apply to the clerk of the county in which he desires to be registered. Thereupon such clerk, if the person applying is legally qualified to register, shall accept such registration and shall immediately thereafter forward to the clerk of the county in which the person was formerly registered, a notice that the name of the registered voter is to be removed from the general county register of that county. No such change of

registration shall be allowed after the closing of the county register for the primary election.

SECTION 3. Section 11-21, Hawaii Revised Statutes, is amended to read:

“Sec. 11-21. Change of name, transfer on election day. The county clerk may designate a registration clerk, who may be an election official, at any of the polling places in his county on the day of the election. These registration clerks shall take applications for change of name from voters who have been married or who have had their names changed since the last election. Any person whose residence has changed since the last election, and who the county clerk has not transferred under section 11-20 may apply at his old polling place on the day of the election for transfer of his registration to the precinct of his new residence. Where a person was incorrectly placed on a list of voters of a precinct in which he does not actually reside he may correct his registration. No person shall be prevented from voting at the election in the precinct in which his name appears on the voters list due to a change of name, change of registration, or other correction made under this section. However any voter registered in the wrong precinct who shall refuse to correct his registration may be challenged in accordance with law. Any person changing his name or transferring shall receive a copy of the change or transfer form.”

SECTION 4. Section 11-72, Hawaii Revised Statutes, is amended to read:

“Sec. 11-72. Inspectors and clerks; submission of names and assignment; vacancies. All qualified political parties shall submit names for election inspectors and clerks to the chief election officer at least sixty days before the close of filing for any primary or special election. If any party shall fail to submit the required names by the above deadline, the chief election officer may fill such positions with available qualified persons. The chief election officer shall make a list of the inspectors and clerks by representative district at least ten days prior to such election.

“In assigning the inspectors and clerks the following criteria shall be followed:

“(1) The inspectors and clerks shall be registered voters of the precinct in which they serve; but if qualified persons in the precinct are not readily available to serve, they may be chosen from without the precinct so long as they reside in the representative district in which the precinct is located.

“(2) The chief election officer may designate more inspectors and clerks than are needed in order to create a pool of qualified inspectors and clerks who may be assigned to fill vacancies or to perform such duties as needed in any precinct in their respective representative districts. If more qualified persons than are needed for a precinct desire to serve in that precinct, service shall be determined by drawing lots.

“(3) No parent, spouse, child, or sibling of a candidate shall be eligible to serve as an inspector or clerk in any precinct in which votes may be

cast for the candidate; nor shall any candidate for any elective office be eligible to serve as an inspector or clerk in the same election in which he is a candidate. No candidate who failed of nomination in the primary election shall be eligible to serve as an inspector or clerk in the general election next following.

“(4) The chairman of the election inspectors shall be of the same party as the governor and shall be the first named inspector on the list prepared by the chief election officer. The remainder of the election inspectors and clerks shall be apportioned as follows:

“(A) The total votes cast, except those cast for nonpartisan candidates, for all of the following offices which were on the ballot in the next preceding general election shall be divided into the total votes cast for all the candidates of each party for such offices: president and vice president, United States senator, United states representative, governor and lieutenant governor, state senator, state representative, and board of education.

“(B) In the event that a party’s proportion of votes cast exceeds fifty per cent, its share shall be one-half of the election inspectors and clerks. The remaining one-half shall be divided among the remaining parties in proportion to their respective total of votes cast for the offices set forth in subdivision (A).

“(C) In the case of the above division resulting in parties having fractional positions a whole position shall go to the party with the larger number of votes cast.

“(D) Newly qualified parties may be assigned up to ten per cent of the total positions available at the discretion of the chief election officer.

“In case of inability, failure, or refusal of any person so assigned to serve as an inspector or clerk the chief election officer shall, so far as reasonably practicable, appoint a person to fill the vacancy from the same party as that of the person to be replaced. In case of doubt as to the party of an inspector or clerk the chief election officer shall use first, the party membership list; then, the primary registration; then the person’s word for his party affiliation.”

SECTION 5. Section 11-117, Hawaii Revised Statutes, is amended to read:

“Sec. 11-117. Withdrawal of candidates; disqualification; death; notice.

Any candidate may withdraw within twenty-four hours after the close of filing for any reason and may withdraw after the close of filing up to ten days prior to an election for reasons of ill health when the notice is accompanied by a statement from a licensed physician indicating that such ill health may endanger the candidate’s life, if he is a candidate for member of Congress or for state office, by giving notice in writing to the chief election officer, or if he is a candidate for a county office, by giving notice in writing to the county clerk of the county in which the candidate was seeking nomination or election.

“On receipt of the notice of withdrawal the chief election officer or the clerk shall inform the chairman of the political party of which the person

withdrawing was a candidate. When a candidate dies, withdraws or is disqualified after the close of filing and the ballots have been printed, the chief election officer or the clerk shall either order the candidate's name stricken from the ballot or that a notice of the disqualification, withdrawal or death be prominently posted at the polling place on election day.

"In no case shall the filing fee be refunded after filing."

SECTION 6. Section 13-2, Hawaii Revised Statutes, is amended to read:

"Sec. 13-2. Qualifications. No person shall be eligible for election or appointment to the board of education unless he is a voter of the school board district or the at-large district from which he is to be elected or appointed. No member of the board shall hold any other public office under the state or county governments. The term 'public office', for the purpose of this section, shall not include notaries public, reserve police officers, or officers of emergency organizations for civilian defense or disaster relief."

SECTION 7. Section 14-3, Hawaii Revised Statutes, is amended to read:

"Sec. 14-3. Application for presidential ballot by new resident. A person desiring to qualify under this chapter in order to vote for presidential and vice presidential electors is not required to register but on or before thirty days prior to the election, shall make an application in the form of an affidavit executed in duplicate in the presence of the clerk of the county.

"The affidavit shall contain a statement by the person containing substantially the following information:

- (1) He is a citizen of the United States;
- (2) His last residence of registration before becoming a resident of this State;
- (3) The date the person became a resident of this State;
- (4) The address at which the person now lives;
- (5) That the person shall be at least the age legally required of voters for federal elections prior to the day of the next presidential election.

The affidavit shall also contain a statement that the person has not and will not vote otherwise than by this ballot at the presidential election for which the application is being made."

SECTION 8. Section 15-2, Hawaii Revised Statutes, is amended to read:

"Sec. 15-2. Request for absentee ballot. Any person entitled to vote under this chapter, except in cases covered by section 15-12, may request an absentee ballot in person or in writing from the county clerk not more than sixty days nor less than seven days prior to the election.

"The request shall include any information which will facilitate the location of his voting precinct, the establishment of his right to a ballot, and the address to which he wishes his ballot forwarded. The request, when made for any primary election, may include an additional request for an absentee ballot to be voted at any election immediately following the primary, provided

the person so indicates in his request and gives reason therefor to the satisfaction of the county clerk.”

SECTION 9. Section 18-1, Hawaii Revised Statutes, is amended to read:

“Sec. 18-1. Congressional districts: reapportionment. The congressional districts and the number of members to be elected from each shall be as follows:

“First congressional district: the eighth through eighteenth representative districts and precincts one to five of the nineteenth representative district, one representative to the Congress of the United States.

“Second congressional district: the first through seventh and twentieth through twenty-fifth representative districts and precincts six and seven of the nineteenth representative district, one representative to the Congress of the United States.”

SECTION 10. 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 11. This Act shall take effect upon its approval.

(Approved May 19, 1972.)

*Edited accordingly.