

ACT 203

H.B. NO. 1257

A Bill for an Act Relating to Elections.

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

SECTION 1. Section 11-18, Hawaii Revised Statutes, is amended to read as follows:

“§11-18 Transfer of registration on removal from one precinct to another in same county. A registered voter who changes [his] residence from one precinct to another shall notify the clerk and change [his] the registration to the proper precinct; provided[,] that no [such] change of registration shall be allowed or required after the close of registration for an election. The change of registration due to a change of residence may be challenged as provided in section 11-25.”

SECTION 2. Section 11-21, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) No person shall be prevented from voting at the election in the precinct in which the person’s 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 make

the correction of registration may be challenged in accordance with [law.] section 11-25.”

SECTION 3. Section 11-25, Hawaii Revised Statutes, is amended by amending subsection (b) and (c) to read as follows:

“(b) Challenging on election day. Any voter rightfully in the polling place may challenge the right to vote of any person [presenting himself] who comes to the precinct officials for voting purposes. The challenge shall be on the grounds that the voter is not the person [he] the voter alleges [himself] to be, or that the voter is not entitled to vote in that precinct; provided that only in an election of members of the board of trustees of the office of Hawaiian affairs, a person registered to vote in that election may also challenge on the grounds that the voter is not Hawaiian. No other or further challenge shall be allowed. Any person thus challenged shall first be given the opportunity to make the relevant correction pursuant to section 11-21. The challenge shall be considered and decided immediately by the precinct officials and the ruling shall be announced.

(c) If neither the challenger nor the challenged voter shall appeal the ruling of the clerk or the precinct officials, then the voter shall either be allowed to vote or be prevented from voting in accordance with the ruling. If an appeal is taken to the board of registration, the challenged voter shall be allowed to vote; provided that [his] ballot is placed in a sealed envelope to be later counted or rejected in accordance with the ruling on appeal. The chief election officer shall [promulgate] adopt rules [and regulations] in accordance with chapter 91 to safeguard the secrecy of the challenged voter’s ballot.”

SECTION 4. Section 11-119, Hawaii Revised Statutes, is amended to read as follows:

“**§11-119 Printing; quantity.** (a) The ballots shall be printed by order of the chief election officer or the clerk in the case of county elections. In any state or county election the chief election officer on agreement with the clerk may consolidate the printing contracts for similar types of ballots where such consolidation will result in lower costs.

(b) Whenever the chief election officer is responsible for the printing of ballots, the exact wording to appear thereon, including, but not limited to, questions and issues shall be submitted to the chief election officer not later than 4:30 p.m. on the sixtieth calendar day prior to the applicable election.

(c) Based upon clarity and available space, the chief election officer or the clerk in the case of county elections shall determine the style and size of type to be used in printing the ballots. The color, size, weight, shape, and thickness of the ballot shall be determined by the chief election officer.

(d) Each precinct shall receive a sufficient number of ballots based on the number of registered voters and the expected spoilage in the election concerned. A sufficient number of absentee ballots shall be delivered to each clerk not later than 4:30 p.m. on the fifteenth day prior to the date of any election.”

SECTION 5. Section 11-139, Hawaii Revised Statutes, is amended to read as follows:

“**§11-139 [Assistance of illiterate or disabled voter.] Voting assistance.** [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 precinct officials who are not of the same political party, or of any qualified voter whom he may designate, in the marking thereof.] (a) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read

or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or agent of the voter's union, or the voter may receive the assistance of two precinct officials who are not of the same political party. Before rendering assistance or permitting assistance to be rendered, the precinct officials 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] the voter may be handed a ballot outside the polling place but within one hundred feet thereof by the precinct officials and in their presence but in a secret manner, mark and return the same to the precinct officials.

(b) The precinct officials 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] the voter to receive assistance; and
- (3) The name or names of the person or persons furnishing the assistance."

SECTION 6. Section 12-42, Hawaii Revised Statutes, is amended to read as follows:

"§12-42 Unopposed candidates declared elected. (a) Any candidate running for any office in the State of Hawaii in a special election or special primary election who is the sole candidate for that office shall, after the close of filing of nomination papers, be deemed and declared to be duly and legally elected to the office for which [he] the person is a candidate. The term of office for a candidate elected under this subsection shall begin respectively on the day of the special election or on the day of the immediately succeeding special general election.

(b) Any candidate running for any office in the State of Hawaii in a special general election who was only opposed by a candidate or candidates running on [his own] the same ticket in the special primary election and is not opposed by any candidate running on any other ticket, nonpartisan or otherwise, and is nominated at the special primary election shall, after the special primary, be deemed and declared to be duly and legally elected to the office for which [he] the person is a candidate at the special primary election regardless of the number of votes received [by him]. The term of office for a candidate elected under this subsection shall begin on the day of the special general election."

SECTION 7¹. Section 13D-3, Hawaii Revised Statutes, is amended to read as follows:

"[[]§13D-3[]] Qualifications of voters; registration. (a) Every person who registers as required by law shall be entitled to vote at any election of board members provided that [he] the person shall have attained the age of eighteen years at the time of the election.

(b) No person shall be eligible to register as a voter for the election of board members unless [he] the person meets the following qualifications:

- (1) The person is Hawaiian;
- (2) The person has attained the age of eighteen years or will have attained such age within one year of the date of the next election of board members; and
- (3) The person is otherwise qualified to register to vote in the State.

(c) Any person eligible to and desiring to register as a voter for the election of board members shall [present himself at] go to any location designated by the clerk of the county, then and there to be examined under oath as to [his] the person's qualifications as a voter. Each applicant shall make and subscribe to an application in the form of an affidavit as provided for under section 11-15.

(d) The clerk of each county shall register all persons in [his] the county who are eligible to and desiring to register as voters for the election of board members. The register may be maintained in conjunction with the general county register; provided that the clerk shall be able to prepare a separate list of voters for the election of board members, capable of segregation by precinct and representative district. The maintenance, reproduction, and transmittal of records and affidavits to a central file shall be in accordance with section 11-14.

(e) The clerk of each county shall amend the general county register to include therein any person, who on November 6, 1984, was registered to vote only for members of the board of trustees, to hereinafter be registered to vote in all elections held in the State."

SECTION 8. Section 15-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Upon receipt of the return envelope from any person voting under this chapter, the clerk or the officials of the absentee voting² place shall [time stamp the return envelope and] deposit it in the correct absentee ballot box; provided that return envelopes delivered to the regular polling places and deposited in the ballot box by a precinct official before the closing of the polls need not be time stamped]. Return envelopes which arrive after the closing of the polls shall be time stamped. The absentee ballot box shall be opened by the officials of the absentee ballot team as provided by rules adopted pursuant to chapter 91."

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 3, 1985.)

Notes

1. Changed to "7" by revisor.
2. Prior to amendment, the word "polling" appeared here.