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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 14-28, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§14-28 Convening and voting for president and vice  
4 president; party vote[-]; invalid vote. (a) The electors, when  
5 convened, if both candidates are alive, shall vote by ballot for  
6 that person for president and that person for vice president of  
7 the United States, whose names appeared on the presidential  
8 general election ballot and, who are, respectively, the  
9 candidates of the political party or group which they represent,  
10 one of whom, at least, is not an inhabitant of this State.

11           (b) If an elector fails to vote for the presidential and  
12 vice presidential candidate pursuant to subsection (a), the  
13 elector's vote shall be invalidated and an alternate elector  
14 selected pursuant to section 14-21 shall vote for the candidates  
15 whose names appeared on the presidential general election ballot  
16 and who are of the political party or group which the alternate  
17 elector represents. If an alternate elector fails to vote for



1 the candidates whose names appeared on the presidential general  
2 election ballot and who are of the political party or group  
3 which the alternate elector represents, the alternate elector's  
4 vote shall be invalidated. This subsection shall not apply if  
5 the presidential candidate of the political party or group that  
6 the elector represents has released the elector without  
7 condition, has died, or has become mentally disabled.

8 (c) For purposes of this section, "mentally disabled"  
9 means an individual:

- 10 (1) With a mental impairment that substantially limits one  
11 or more major life activities of the individual;  
12 (2) With no ability to make decisions for oneself; or  
13 (3) With a syndrome of clinically significant  
14 psychological, biological, or behavioral abnormalities  
15 that results in personal distress or suffering,  
16 impairment of capacity for functioning, or both."

17 SECTION 2. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Faithless Electors; Presidential Elections; Invalid Vote

**Description:**

Requires an elector to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group they represent and invalidates an elector's vote for failure to vote accordingly. Requires an alternate to vote in place of the original elector if the original elector fails to vote for the proper candidate. Requires an alternate elector to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group that the alternate elector represents and invalidates an alternate elector's vote for failure to vote accordingly. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

