

A Bill for an Act Relating to Elections.

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

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended as follows:

(1) Section 11-95, Hawaii Revised Statutes, is amended to read as follows:

**“§11-95 Employees entitled to leave on election day for voting.** Any voter shall on the day of the election be entitled to be absent from any service or employment in which such voter is then engaged or employed for a period of not more than two hours (excluding any lunch or rest periods) between the time of opening and closing the polls to allow two consecutive hours in which to vote. Such voter shall not because of such absence be liable to any penalty, nor shall there be any rescheduling of normal hours or any deduction made, on account of the absence, from any

usual salary or wages; provided that the foregoing shall not be applicable to any employee whose hours of employment are such that the employee has a period of two consecutive hours (excluding any lunch or rest periods) between the time of opening and closing the polls when the employee is not working for the employer. If, however, any employee fails to vote after taking time off for that purpose the employer, upon verification of that fact, may make appropriate deductions from the salary or wages of the employee for the period during which the employee is hereunder entitled to be absent from employment. Presentation of a voter's receipt by an employee to the employer shall constitute proof of voting by the employee. Any person violating this section shall be guilty of an offense under section 19-8."

(2) Section 11-133, Hawaii Revised Statutes, is amended to read as follows:

**"§11-133 Voting booths; placement of visual aids.** The precinct officials shall provide sufficient voting booths within the polling place at or in which the voters may conveniently cast their ballots. The booths shall be so arranged that in casting the ballots the voters are screened from the observation of others.

Visual aids shall be posted at or in each voting booth and in conspicuous places outside the polling place before the opening of the polls."

(3) Section 11-140, Hawaii Revised Statutes, is amended to read as follows:

**"§11-140 Spoiled ballots.** In elections using the paper ballot and electronic voting systems, if a voter spoils a ballot, the voter may obtain another upon returning the spoiled one. Before returning the spoiled ballot, the voter shall conform to the procedure promulgated by the chief election officer to retain the secrecy of the vote."

SECTION 2. Chapter 14, Hawaii Revised Statutes is amended as follows:

(1) Section 14-21, Hawaii Revised Statutes, is amended to read as follows:

**"§14-21 Nomination of presidential electors and alternates; certification; notification of nominees.** In each year when electors of president and vice president of the United States are to be chosen, each of the political parties or parties or groups qualified under section 11-113 shall hold a state party or group convention pursuant to the constitution, bylaws, and rules of the party or group; and nominate as candidates for its party or group as many electors, and a first and second alternate for each elector, of president and vice president of the United States as the State is then entitled. The electors and alternates shall be registered voters of the State. The names and addresses of the nominees shall be certified by the chairman and secretary of the convention of the respective parties or groups and submitted to the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election of the same year. The chief election officer upon receipt thereof, shall immediately notify each of the nominees for elector and alternate elector of the nomination."

(2) Section 14-22, Hawaii Revised Statutes, is amended to read as follows:

**"§14-22 Contested nominations of presidential electors and alternates.** If more than one certificate of choice and selection of presidential electors and alternate electors of the same political party or group is filed with the chief election officer, as chairman of the contested presidential electors' committee hereby constituted, the chief election officer shall notify the state comptroller and attorney general, who are the remaining members of the committee, of the date, time, and

place of the hearing to be held for the purposes of making a determination of which set of electors and alternate electors were lawfully chosen and selected by the political party or group. Notice of the hearing shall be given to the chairman of the state central committee of each political party and the chairman of each party or group qualified under section 11-113, contestants for the positions of electors and alternate electors by written notice, and to all other interested parties by publication at least once in a newspaper of general circulation. A determination shall be made by the committee by majority vote not later than 4:30 p.m. on October 30 of the same year and the determination shall be final. Notice of the results shall be given to the nominees duly determined to have been chosen. The committee shall have all the powers enumerated in section 11-43."

(3) Section 14-24, Hawaii Revised Statutes, is amended to read as follows:

"§14-24 Certificate of election, notice of meeting. Not later than 4:30 p.m. on the last day in the month of the election, or as soon as the returns have been received from all counties in the State, if received before that time, the chief election officer shall certify to the governor the names of the presidential electors and alternates of the same political party or group as the candidates for president and vice president receiving the highest number of votes as elected as presidential electors and alternates. Thereupon the governor shall in accordance with the laws of the United States, communicate by registered mail under the seal of the State of Hawaii to the administrator of general services of the United States, the certificates of persons elected as presidential electors, setting forth the names of the electors and the total number of votes cast for each elector. The chief election officer shall thereupon, together with a notice of the time and place of the meeting of the electors, cause to issue and transmit to each elector and alternate a certificate of election signed by the governor in substantially the following form:

CERTIFICATE OF ELECTION OF PRESIDENTIAL ELECTORS

I, \_\_\_\_\_ Governor of the State of Hawaii, do hereby certify that \_\_\_\_\_, a member of the \_\_\_\_\_ party or group, was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, duly elected a Presidential Elector for the State of Hawaii for the presidential election of 19\_\_\_\_\_.

CERTIFICATE OF ELECTION OF ALTERNATE PRESIDENTIAL ELECTOR

I, \_\_\_\_\_ Governor of the State of Hawaii, do hereby certify that \_\_\_\_\_, a member of the \_\_\_\_\_ party or group, was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, duly elected \_\_\_\_\_ Alternate Presidential Elector for Presidential Elector \_\_\_\_\_ for the State of Hawaii for the presidential election of 19\_\_\_\_\_."

(4) Section 14-27, Hawaii Revised Statutes, is amended to read as follows:

**“§14-27 Filling vacancies of presidential electors.** In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the vacancy or vacancies shall be filled by the alternates in the order of their numerical designation for their respective electors causing the vacancy or vacancies, and in the event that vacancy or vacancies still exist, then the electors present shall select from the members of the same political party or group as many persons as will supply the deficiency. Certificates for the alternates or substitutes as presidential electors shall be issued by the governor.”

(5) Section 14-28, Hawaii Revised Statutes, is amended to read as follows:

**“§14-28 Convening and voting for president and vice president; party vote.** The electors, when convened, if both candidates are alive, shall vote by ballot for that person for president and that person for vice president of the United States, who are, respectively, the candidates of the political party or group which they represent, one of whom, at least, is not an inhabitant of this State.”

SECTION 3. Section 17-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Whenever any vacancy in the membership of the board of education occurs, the vacancy shall be filled as provided in this section.

(b) In the case of a vacancy, the term of which does not end at the time of the next succeeding general election:

(1) If it occurs not later than on the thirtieth day prior to the next succeeding general election, the vacancy shall be filled for the unexpired term at the next succeeding general election. The chief election officer shall issue a proclamation designating the election for filling the vacancy. All candidates for the unexpired term shall file nomination papers not later than 4:30 p.m. on the thirtieth day prior to the general election (but if such day is a Saturday, Sunday, or holiday then not later than 4:30 p.m. on the first working day immediately preceding) and shall be elected in accordance with this title. Pending the election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill such vacancy.

(2) If it occurs after the thirtieth day prior to the next succeeding general election, the governor shall make an appointment to fill the vacancy for the unexpired term.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved June 8, 1981.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.