

ACT 34

H.B. NO. 901

A Bill for an Act Relating to Elections.

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

SECTION 1. Section 11-23, Hawaii Revised Statutes, is amended to read as follows:

**“§11-23 Changing register; striking names of disqualified voters. (a)** Whenever the clerk receives from the department of health or any informing agency, information of the death, loss of voting rights of a person sentenced for a felony as provided in section 831-2, adjudication as an incapacitated person under the provisions of chapter 560, a mentally retarded person under the provisions of chapter 333, [or a mentally ill person under the provisions of chapter 334,] loss of citizenship, or any other disqualification to vote, of any person registered to vote in [his] that county, or who [he] the clerk has reason to believe may be registered to vote therein, [he] the clerk shall thereupon make such investigation as [he] may [deem] be necessary to prove or disprove the information, giving the person concerned, if available, notice and an opportunity to be heard. If after the investigation [he] the clerk finds that the person is dead, or incapacitated to the extent that [he] the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning voting, or has lost [his] voting rights pursuant to section 831-2, or has lost [his] citizenship, or is disqualified for any other reason to vote, [he] the clerk shall remove the name of the person from the register.

(b) The clerk shall make and keep an index of all information furnished to [him] the clerk under any requirements of law concerning any of the matters in this section. Whenever any person applies to register as a voter, the clerk shall, before registering the person, consult the index for the purpose of ascertaining whether or not the person is in any manner disqualified to vote. Any person whose name is removed from the register of voters under this section may appeal in the manner provided by sections 11-26 and 11-51, and such proceedings shall be had upon the appeal as in other appeals under these sections.”

SECTION 2. Section 11-41, Hawaii Revised Statutes, is amended to read as follows:

**“§11-41 Boards of registration, appointment, tenure. (a)** There shall be four boards of registration: one for the island of Hawaii; one for the islands of Maui, Molokai, Lanai, and Kahoolawe; one for the island of Oahu; and one for the islands of Kauai and Niihau. The boards, which shall be in the office of the lieutenant governor for administrative purposes, shall consist of three members each [,] and shall be appointed by the governor by and with the advice and consent of the senate; [and] their terms of office shall be four years.

(b) In no case shall any board consist entirely of members of one political party.

(c) The several boards of registration shall sit in the county seats of their respective counties on election day. The boards shall also sit at such other times as the clerk determines within the various representative districts in their respective counties to hear appeals, provided there are any, from the voters registered within such districts. The boards shall continue their sittings until all appeals have been heard.

(d) Reasonable notices of the sitting of the boards shall be given by publication in newspapers of general circulation in their respective districts or counties."

SECTION 3. Section 11-61, Hawaii Revised Statutes, is amended to read as follows:

**"§11-61 "Political party" defined.** (a) The term "political party" shall mean any party which was on the ballot at the last general election which has not been disqualified by this section and any political group which shall hereafter undertake to form a political party in the manner provided for in sections 11-62 to 11-64. A political party shall be an association of voters united for the purpose of promoting a common political end or carrying out a particular line of political policy and which maintains a general organization throughout the State, including a regularly constituted central committee and county committees in each county other than Kalawao.

(b) Any party which does not meet the following requirements shall be subject to disqualification:

- (1) A party must have had candidates running for election at the last general election for any of the offices listed in paragraphs (2) to (5) whose terms had expired. This does not include those offices which were vacant because the incumbent had died or resigned before the end of [his] the incumbent's term;
- (2) The party received at least ten per cent of all votes cast for any of the offices voted upon by all the voters in the State; [or,]
- (3) The party received at least ten per cent of all the votes cast in at least fifty per cent of the congressional districts; [or,]
- (4) The party received at least ten per cent of all the votes cast in at least [fifty per cent of the senatorial districts] the six senatorial districts with the lowest votes cast for the office of state senator; or[,]
- (5) The party received at least ten per cent of all the votes cast in at least fifty per cent of the representative districts for the office of state representative."

SECTION 4. Section 11-62, Hawaii Revised Statutes, is amended to read as follows:

**"§11-62 Formation of new parties; petition.** (a) Any group of persons hereafter desiring to form a new political party in the State shall file with the chief election officer a petition as hereinafter provided. The petition for the formation of a new political party shall:

- (1) Be filed not later than 4:30 p.m. on the one hundred fiftieth day prior to the next primary;
- (2) Declare as concisely as may be the intention of signers thereof to form such new statewide political party in the State[;] and state the name of the new party;
- (3) Contain the signatures of currently registered voters comprising not less than one per cent of the total registered voters of the State [at the time of filing;] as of the last preceding general election;
- (4) [Contain] Be accompanied by the names and addresses of the officers of the central committee and of the respective county committee, where they exist, of the new political party[;] and by the party rules; and
- (5) Be upon the form prescribed and provided by the chief election officer.

(b) The petition shall be subject to hearing under chapter 91, if any objections are raised by the chief election officer or any political party. All objections shall be made not later than 4:30 p.m. on the tenth day after the petition has been filed. If no objections are raised by 4:30 p.m. on the tenth day, the petition shall be [deemed] approved. If an objection is raised, a decision shall be rendered not later than 4:30 p.m. on the thirtieth day after filing of the petition or not later than 4:30 p.m. on the one hundredth day prior to the primary, whichever shall first occur.

(c) The chief election officer may check the names of any persons on the petition to see that they are registered voters and [he] may check the validity of their signatures. The petition shall be public information upon filing."

SECTION 5. Section 11-63, Hawaii Revised Statutes, is amended to read as follows:

**"§11-63 Party rules, amendments to be filed.** All existing [and new] parties must file their rules with the chief election officer not later than 4:30 p.m. on the one hundred fiftieth day prior to the next primary. All amendments shall be filed with the chief election officer not later than 4:30 p.m. on the thirtieth day after their adoption. The rules and amendments shall be duly certified to by an authorized officer of the party and upon filing, the rules and amendments thereto shall be a public record."

SECTION 6. Section 11-64, Hawaii Revised Statutes, is amended to read as follows:

**"§11-64 Names of party officers to be filed.** All parties shall submit to the chief election officer and the respective county clerks not later than 4:30 p.m. on the [one hundred twentieth] ninetieth day prior to the next primary, a list of names and addresses of officers of the central committee and of the respective county committees."

SECTION 7. Section 11-77, Hawaii Revised Statutes, is amended to read as follows:

**"§11-77 Appointment of watchers; service.** (a) Each qualified political party shall be entitled to appoint no more than one watcher in each precinct and absentee polling place in which the candidates of such party are on the ballot. Each

party shall submit its list of watchers not later than 4:30 p.m. on the tenth day prior to any election[.] to the chief election officer or to the clerk in county elections. All watchers shall serve without expense to the State or county. All watchers so appointed shall be registered voters. No person shall serve as a watcher who could not qualify to serve as a precinct official under section 11-72(3).

(b) Each watcher shall be provided with identification from the chief election officer, or by the clerk in the case of county elections, stating [his] the watcher's name and the name of the party [he] the watcher represents. On election day the watcher shall present [his] identification to the [chairman] chairperson of precinct officials of the precinct or precincts where [he] the watcher is to serve.

(c) All watchers for precincts shall be permitted to observe the conduct of the election in the precinct. The watchers may remain in the precinct as long as the precinct is in operation subject to section 19-6.

(d) The watcher shall call the attention of the [chairman] chairperson to any violations of the election laws that [he] the watcher observes. After [his] the chairperson's attention is called to the violation the [chairman] chairperson shall make an attempt to correct such violation. If the [chairman] chairperson fails to correct the violation, the watcher may appeal to the clerk of the county.

(e) The watchers shall be permitted to observe the operations of the absentee polling place. Any violation of the election laws shall be reported to the clerk."

SECTION 8. Section 11-92, Hawaii Revised Statutes, is hereby repealed.

SECTION 9. The Hawaii Revised Statutes is amended by adding a new section to read as follows:

**"§11-92.1 Election proclamation: establishment of a new precinct.** (a) The chief election officer shall issue a proclamation whenever a new precinct is established in any representative district. The chief election officer shall provide a suitable polling place for each precinct. Schools, recreational halls, park facilities, and other publicly owned or controlled buildings shall, whenever possible and convenient, be used as polling places. The chief election officer shall make arrangements for the rental or erection of suitable shelter for this purpose whenever public buildings are not available and shall cause such polling places to be equipped with the necessary facilities for lighting, ventilation, and equipment needed for elections on any island.

(b) No change shall be made in the boundaries of any precinct later than 4:30 p.m. on the ninetieth day prior to an election."<sup>1</sup>

SECTION 10. The Hawaii Revised Statutes is amended by adding a new section to read as follows:

**"§11-92.2 Multiple polling place sites.** (a) The chief election officer may establish multiple polling place sites for contiguous precincts, notwithstanding district boundaries, when it is convenient and readily accessible for the voters of the precincts involved.

(b) No multiple polling place site shall be established later than 4:30 p.m. on the ninetieth day prior to an election."<sup>1</sup>

SECTION 11. The Hawaii Revised Statutes is amended by adding a new section to read as follows:

**"§11-92.3 Consolidated precincts: natural disasters; special elections.**

(a) In the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster occurring prior to an election which makes a precinct inaccessible, the chief election officer or county clerk in the case of county elections may consolidate precincts within a representative district. The chief election officer or county clerk in the case of county elections shall give notice of the consolidation in the affected county prior to the opening of the precinct polling place by whatever possible news or broadcast media. Precinct officials and workers affected by the consolidation shall not forfeit their pay.

(b) In the event the chief election officer or the county clerk in a county election determines that the number of candidates or issues on the ballot in a special, special primary, or special general election does not require the full number of established precincts, such precincts may be consolidated for the purposes of the special, special primary, or special general election into a small number of special, special primary, or special general election precincts. A special, special primary, or special general election precinct shall be considered the same as an established precinct for all purposes, including precinct official requirements provided in section 11-71. Not later than 4:30 p.m. on the tenth day prior to the special, special primary, or special general election the chief election officer or the county clerk shall give public notice in a newspaper of general circulation in the area in which the special, special primary, or special general election is to be held of the special, special primary, or special general election precincts and their polling places. Notices of such consolidation shall also be posted on election day at the established precinct polling places giving the location of the special, special primary, or special general election precinct polling place."

SECTION 12. Section 11-97, Hawaii Revised Statutes, is amended to read as follows:

**"§11-97 Records open to inspection.** The register of voters and all records appertaining to the registry of voters, or to any election, in the possession of the board of registration, the precinct officials, the chief election officer, or the clerk shall, at all reasonable times, be open to the inspection of any voter[.] with the following exception: the voted ballots and other sealed election materials shall not be open to the inspection of any voter until after the end of the contest period unless opened upon order of the court."

SECTION 13. Section 11-112, Hawaii Revised Statutes, is amended to read as follows:

**"§11-112 Contents of ballot.** (a) [A] The ballot shall contain the names of the candidates, their party affiliation or nonpartisanship[,], in partisan election contests, the offices for which they are running, and the district in which the election is being held. In multimember races the ballot shall state that the voter shall not vote for more than the number of seats available or the number of candidates listed where such number is less than the seats available.

(b) The ballot may include questions concerning proposed state constitutional amendments, proposed county charter amendments, or proposed initiative or referendum issues.

(c) [The chief election officer, at his] At the chief election officer's discretion, the ballot may have a background design imprinted onto [the ballot.] it.

(d) When the electronic voting system is used, the ballot may have pre-punched codes and printed information which identify the voting districts, precincts, and ballot sets to facilitate the electronic data processing of these ballots.

(e) The name of the candidate may be printed with the Hawaiian or English equivalent or nickname, if the candidate so requests in writing at the time [his] the candidate's nomination papers are filed. Candidates' names, including the Hawaiian or English equivalent or nickname, shall be set on one line. [In multirace districts the ballot shall state that the voter shall not vote for more than the number of seats available or the number of candidates listed where such number is less than the seats available.]

(f) [A] The ballot shall bear no word, motto, device, sign, or symbol other than allowed in this title."

SECTION 14. Section 11-113, Hawaii Revised Statutes, is amended to read as follows:

**"§11-113 Presidential ballots.** (a) In presidential elections, the names of the candidates for president and vice president shall be used on the ballot in lieu of the names of the presidential electors, and the votes cast for president and vice president of each political party shall be counted for the presidential electors and alternates nominated by each political party.

(b) A "national party" as used in this section shall mean a party established and admitted to the ballot in at least one state other than Hawaii or one which is determined by the chief election officer to be making a bona fide effort to become a national party. If there is no national party or the national and state parties or factions in either the national or state party do not agree on the presidential and vice presidential candidates, the chief election officer may determine which candidates' names shall be placed on the ballot or may leave the candidates' names off the ballot completely.

[(b)] (c) All candidates for president and vice president of the United States shall be qualified for inclusion on the general election ballot under either of the following procedures:

- (1) In the case of candidates of political parties which have been qualified to place candidates on the primary and general election ballots, the appropriate official of [such party] those parties shall file a sworn application with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election, which shall include:
  - (A) The name and address of each of the two candidates;
  - (B) A statement that each candidate is legally qualified to serve under the provisions of the United States Constitution;
  - (C) A statement that the candidates are the duly chosen candidates of both the state and the national party, giving the time, place, and manner of [such] the selection.

- (2) In the case of candidates of parties or groups not qualified to place candidates on the primary or general election ballots, the person desiring to place [such] the names on the general election ballot shall file with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election:

- (A) A sworn application which shall include the information required under (1) (A) and (B) above, and (C) where applicable;
- (B) A petition which shall be upon the form prescribed and provided by the chief election officer containing the signatures of currently registered voters which constitute not less than one per cent of the votes cast in the State at the last [general] presidential election. The petition shall contain the names of the candidates, a statement that the persons signing intend to support [such] those candidates, the address of each signatory, the date of [his] the signer's signature and other information as determined by the chief election officer.

Prior to being issued the petition form, the person desiring to place the names on the general election ballot shall submit a notarized statement from each candidate of that person's intent to be a candidate for president or vice president of the United States on the general election ballot in the State of Hawaii.

(d) Each applicant, and the candidates named, shall be notified in writing of [his] the applicant's or candidate's eligibility or disqualification for placement on the ballot not later than 4:30 p.m. on the tenth day after filing or not later than 4:30 p.m. on the fiftieth day prior to the presidential election, whichever is less.

(e) If the applicant, or any other party, individual, or group with a candidate on the presidential ballot, objects to the finding of eligibility or disqualification [he or they] the person may, not later than 4:30 p.m. on the fifth day after the finding, file a request in writing with the chief election officer for a hearing on the question. [Such] A hearing [will] shall be called not later than 4:30 p.m. on the tenth day after the receipt of the request and [will] shall be conducted in accord with chapter 91. A decision [will] shall be issued not later than 4:30 p.m. on the fifth day after the conclusion of the hearing."

SECTION 15. Section 11-117, Hawaii Revised Statutes, is amended to read as follows:

**"§11-117 Withdrawal of candidates; disqualification; death; notice.** (a) Any candidate may withdraw not later than 4:30 p.m. on the day immediately following the close of filing for any reason and may withdraw after the close of filing up to 4:30 p.m. on the [tenth] twentieth day prior to an election for reasons of ill health [when the notice is accompanied]. When a candidate withdraws for ill health, the candidate shall give notice in writing to the chief election officer if the candidate was seeking a Congressional or state office, or the candidate shall give notice in writing to the county clerk if the candidate was seeking a county office. The notice shall be 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].

(b) On receipt of the notice of withdrawal the chief election officer or the clerk shall inform the [chairman] chairperson 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 order that a notice of the disqualification, withdrawal, or death be prominently posted at the appropriate polling [place] places on election day.

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

SECTION 16. Section 11-118, Hawaii Revised Statutes, is amended to read as follows:

**"§11-118 Vacancies; new candidates; insertion of names on ballots.** In case of death, withdrawal, or disqualification of any party candidate after filing, the vacancy so caused may be filled by the appropriate committee of the party. The party shall be notified by the chief election officer or the clerk in the case of a county office immediately after the death, withdrawal, or disqualification. If the party fills the vacancy, and so notifies the chief election officer or clerk not later than 4:30 p.m. on the third day after the vacancy occurs, but not later than 4:30 p.m. on the [thirtieth] fiftieth day prior to a primary[,], or special primary[,], election or not later than 4:30 p.m. on the fortieth day prior to a special, general, or special general election, the name of the replacement shall be printed in an available and appropriate place on the ballot, not necessarily in alphabetical order. If no substitution is made, the candidacy involved shall be declared vacant."

SECTION 17. Section 11-134, Hawaii Revised Statutes, is amended to read as follows:

**"§11-134 Ballot transport containers; ballot boxes.** (a) The seals of the ballot transport containers shall be broken and opened on election day only in the presence of at least two precinct officials not of the same political party.

(b) The chief election officer shall provide suitable ballot boxes for each polling place needed. They shall have a hinged lid fastened securely by a nonreusable seal. In the center of the lid there shall be an aperture of the appropriate size for the voting system used. The ballot boxes shall be placed at a point convenient for the deposit of ballots and where they can be observed by the precinct officials.

(c) At the opening of the polls for election, the [chairman] chairperson of the precinct officials shall publicly open the ballot boxes and expose them to all persons present to show that they are empty. The ballot boxes shall be closed and sealed; they shall remain sealed [until the polls are closed;] until transported to the counting center; provided that, in precincts where the electronic voting system is used, the ballot boxes shall not be opened at the polling places except [on the island of Niihau.] as provided by rules adopted pursuant to chapter 91."

SECTION 18. Section 11-135, Hawaii Revised Statutes, is amended to read as follows:



**“§11-135 Early collection of ballots.** [The] In an electronic ballot system election the chief election officer may authorize collection of voted ballots before the closing of the polls in order to facilitate the counting of ballots; provided that the voted ballots shall be returned to the counting center in sealed ballot boxes.”

SECTION 19. Section 12-3, Hawaii Revised Statutes, is amended to read as follows:

**“§12-3 Nomination paper: format; limitations.** (a) The name of no candidate shall be printed upon any official ballot to be used at any primary, special primary, or special election unless a nomination paper was filed in [his] the candidate's behalf and in the name by which [he] the candidate is commonly known. The nomination paper shall be in a form prescribed by the chief election officer containing substantially the following information:

- (1) A statement by the registered voters of the district from which the candidate is running signing the form that they are eligible to vote for the candidate at the next election;
- (2) A statement by the registered voters signing the form that they nominate the candidate for the office on the nomination paper;
- (3) The residence address and county in which the candidate resides;
- (4) The name of the candidate and the office for which [he] the candidate is running, which name and office [is] are to be placed on the nomination paper by the chief election officer or the clerk prior to releasing the form to the candidate;
- (5) Space for the names of the registered voters signing the form and their district or districts and precinct or precincts;
- (6) A certification by the candidate that [he] the candidate will qualify under the law for the office [he] the candidate is seeking;
- (7) A certification by a party candidate that [he] the candidate is a member of the party[, that he believes in the principles and policies of that party, that if elected he will carry out the provisions and pledges of the political platform of the party and will abide by the party's rules and regulations];
- (8) A certification, where applicable, by the candidate that [he] the candidate has complied with the provisions of Article II, section 7, of the Constitution of the State of Hawaii [.]; and
- (9) The name the candidate wishes inserted on the ballot and the post office address of the candidate.

(b) No signatures shall be counted, unless they are upon the nomination paper having the format set forth above, written or printed thereon, and if there are separate sheets to be attached to the nomination paper, the sheets shall have the name of the person and the office for which [he] the candidate is running placed thereon by the chief election officer or the clerk. The nomination paper and separate sheets shall be provided by the chief election officer or the clerk.

(c) Nomination papers shall not be filed in behalf of any person for more than one party or for more than one office; nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate.

(d) The office for which the candidate is running and [his] the candidate's name may not be changed from that indicated on the nomination paper and separate sheets. If the candidate wishes to run for an office different from that for which the nomination paper states, [he] the candidate may request the appropriate nomination paper from the chief election officer or clerk and have it signed by the required number of voters."

SECTION 20. Section 12-6, Hawaii Revised Statutes, is amended to read as follows:

**"§12-6 Nomination paper: time for filing; fees.** (a) Nomination papers shall be filed as follows: [(1) For] for members of Congress, state, and county offices, and the board of trustees of the office of Hawaiian affairs, with the chief election officer, or clerk in case of county offices, not later than 4:30 p.m. on the sixtieth calendar day prior to the primary, special primary, or special 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); provided that any state candidate from the counties of Hawaii, Maui, and Kauai may file [his] the declaration of candidacy with [his] the respective clerk. The clerk shall transmit to the office of the chief election officer the state candidate's declaration of candidacy without delay. However, if a special primary or special election is to be held by a county and the county charter requires that the council shall issue a proclamation calling for the election to be held within a specified period of time, and if that requirement would not allow the filing of nomination papers with the appropriate office by the sixtieth calendar day prior to the day for holding [such] the special primary or special election, the council shall establish the deadline for the filing of nomination papers in the proclamation calling for the election.

[(2)] (b) There shall be deposited with each nomination paper a filing fee on account of the expenses attending the holding of the primary, special primary, or special election which shall be paid into the treasury of the State, or county, as the case may be, as a realization:

[(A)] (1) For United States senators and United States representatives—\$75;

[(B)] (2) For governor and lieutenant governor—\$750;

[(C)] (3) For mayor—\$500; and

[(D)] (4) For all other offices—\$250.

[(3)] (c) Upon the receipt by the chief election officer or the clerk of the nomination paper of a candidate, the day, hour, and minute when it was received shall be endorsed thereon.

[(4)] (d) Upon the showing of a certified copy of an affidavit which has been filed with the campaign spending commission pursuant to section 11-208 by a candidate who has voluntarily agreed to abide by spending limits, the chief election officer or clerk shall discount the filing fee of the candidate by the following amounts:

[(A)] (1) For the office of governor and lieutenant governor—\$675;

[(B)] (2) For the office of mayor—\$450; and

[(C)] (3) For all other offices—\$225.

[ (5) ] (e) The chief election officer of clerk shall waive the filing fee in the case of a person who declares [himself], by affidavit, [to be] that the person is indigent and who has filed a petition signed by currently registered voters who constitute at least one-half of one per cent of the total voters registered at the [time of filing] last preceding general election in the respective district or districts which correspond to the specific office for which the indigent person is a candidate. This petition shall be submitted on the form prescribed and provided by the chief election officer together with the nomination paper required by this chapter.”

SECTION 21<sup>2</sup>. Section 12-41, Hawaii Revised Statutes, is amended to read as follows:

“**§12-41 Result of election.** (a) The person or persons receiving the greatest number of votes at the primary or special primary as a candidate of a party for an office shall be the candidate of the party at the following general or special general election but not more candidates for a party than there are offices to be elected; [provided that any candidate for any county office who is the sole candidate for that office at the primary or special primary election, or who is only opposed by a candidate or candidates running on his own ticket and is not opposed by any candidate running on any other ticket, nonpartisan or otherwise, and is nominated at the primary or special primary shall, after the primary or special primary be deemed and declared to be duly and legally elected to the office for which he is a candidate at the primary or special primary regardless of the number of votes received by him.] provided that any candidate for any county office who is the sole candidate for that office at the primary or special primary election, or who would not be opposed in the general or special general election by any candidate running on any other ticket, nonpartisan or otherwise, and who is nominated at the primary or special primary election shall, after the primary or special primary election, be declared to be duly and legally elected to the office for which the person was a candidate regardless of the number of votes received by that candidate.

(b) Any nonpartisan candidate receiving at least ten per cent of the total votes cast for the office for which [he] the person is a candidate at the primary or special primary, or a vote equal to the lowest vote received by the partisan candidate who was nominated in the primary or special primary, shall also be a candidate at the following election; provided, that when more nonpartisan candidates qualify for nomination than there are offices to be voted for at the general or special general election, there shall be certified as candidates for the following election those receiving the highest number of votes, but not more candidates than are to be elected.”

SECTION 22. Section 15-9, Hawaii Revised Statutes, is amended to read as follows:

“**§15-9 Return and receipt of absentee ballots.** (a) The return envelope shall be:

- (1) Mailed and must be received by the clerk issuing the absentee ballot not later than the closing of the polls on any election day; or
- (2) Delivered other than by mail to the clerk issuing the absentee ballot not later than the closing of the polls on any election day; or

- (3) Delivered other than by mail to [the regular] any polling place [at] within the county in which the voter is registered and deposited by a precinct official in the ballot box before the closing of the polls on any election day.

(b) Upon receipt of the return envelope from any person voting under this chapter, the clerk or the officials of the absentee polling 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 [place] places and deposited in the ballot box by a precinct official before the closing of the polls need not be time stamped. [On election day] The absentee ballot box shall be opened by the officials of the absentee ballot team[.] as provided by rules adopted pursuant to chapter 91.

[(b)] (c) Prior to opening the return and ballot envelopes and counting the ballots, the return envelopes shall be checked for the following:

- (1) Signature on the affirmation statement;
- (2) Whether the signature corresponds with the absentee request or register as prescribed in the rules [promulgated] adopted by the chief election officer; and
- (3) Whether the person is a registered voter and has complied with the requirements of section 11-15 and 11-16.

(d) If any of the above requirements is not met or if the return or ballot envelope appears to be tampered with, the clerk or the absentee ballot team official shall mark across the face of the envelope "invalid" and it shall be kept in the custody of the clerk and disposed of as prescribed for ballots in section 11-154.

(e) If an absentee polling place is established at the clerk's office prior to election day, the officials of the absentee polling place shall check the return or ballot envelopes for the above requirements prior to depositing them in the correct absentee ballot box."

SECTION 23. Statutory material to be repealed is bracketed. New material is underscored.<sup>1</sup>

SECTION 24. This Act shall take effect upon its approval.

(Approved May 12, 1983.)

**Notes**

1. Edited pursuant to HRS §23G-16.5.
2. Changed from "20" to correct obvious error.