

ACT 97

S.B. NO. 281

A Bill for an Act Relating to Elections.

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

SECTION 1. The legislature finds that children are greatly influenced by example and in order to promote good citizenship and facilitate positive role models, children should be encouraged to participate in the electoral process in suitable fashion. The purpose of this Act is to make children feel they are a part of

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every election by permitting them to accompany a parent or adult into the voting booth.

SECTION 2. Section 11-132, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) Admission within the polling place shall be limited to the following:
- (1) Election officials;
 - (2) Watchers, if any, pursuant to section 11-77;
 - (3) Candidates;
 - (4) Any voters actually engaged in voting, going to vote or returning from voting;
 - (5) Any person, designated by a voter who is physically disabled, while the person is assisting the voter; [and]
 - (6) Any person or nonvoter group authorized by the chief election officer or the clerk in county elections to observe the election at designated precincts for educational purposes provided that they conduct themselves so that they do not interfere with the election process[.]; and
 - (7) A child for the purpose of observing the voting process when accompanied by an adult who is voting provided that this activity does not disrupt or interfere with normal voting procedures.”

SECTION 3. Section 11-137, Hawaii Revised Statutes is amended to read as follows:

“**§11-137 Secrecy; removal or exhibition of ballot.** No person shall look at or ask to see the contents of the ballot or the choice of party or nonpartisan ballot of any voter, except as provided in section 11-139[,] and 11-132, nor shall any person within the polling place attempt to influence a voter in regard to whom the voter shall vote for. When a voter is in the voting booth for the purpose of voting, no other person [shall], except as provided in section 11-139[,] and 11-132, shall be allowed to enter the booth or to be in a position from which the person can observe how the voter votes.

No person shall take a ballot out of the polling place except as provided in sections 11-135 and 11-139. After voting the voter shall leave the voting booth and deliver the voter's ballot to the precinct official in charge of the ballot boxes. The precinct official shall make certain that the precinct official has received the correct ballot and no other and then shall deposit the ballot into the ballot box. No person shall look at or ask to see the contents of the unvoted ballots. If any person having received a ballot leaves the polling place without first delivering the ballot to the precinct official as provided above, or wilfully exhibits the person's ballot or the person's unvoted ballots in a special primary or primary election, except as provided in section 11-139[,] and 11-132, after the ballot has been marked, [such] the person shall forfeit the person's right to vote, and the [chairman] chairperson of the precinct officials shall cause a record to be made of the proceeding.”

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

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

(Approved May 7, 1993.)