

ACT 236

S.B. NO. 1065

A Bill for an Act Relating to Election Offenses.

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

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

**“§11-95 Employees entitled to leave on election day for voting.** (a) 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.]

(b) Any person, business, or corporation who refuses an employee the privileges conferred by this section, or subjects an employee to a penalty or deduction of wages because of the exercise of the privileges, or who directly or indirectly violates this section, shall be subject to a fine of not less than \$50 nor more than \$300.

(c) Any action taken to impose or collect the fines established in this section shall be a civil action.”

SECTION 2. Section 19-7, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 19-8, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 19-9, Hawaii Revised Statutes, is repealed.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed.<sup>1</sup> New statutory material is underscored.

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SECTION 7. This Act shall take effect upon its approval.

(Approved July 20, 1998.)

### **Note**

1. Edited pursuant to HRS §23G-16.5.