

ACT 14

H.B. NO. 894

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 certain features of Hawaii's election law are not only archaic, but also no longer serve any legitimate purpose. The requirement that the precinct chair of a polling place be of the same political party as the governor is one such example. This requirement is flawed for two reasons. First, it creates the appearance of a conflict of interest by permitting the political party in power to control and manage Hawaii's elections at the ballot box. Moreover, the perception of unfairness that arises from this requirement taints the process even if there is no actual impropriety.

Second, from a practical standpoint, it has proven difficult to satisfy this requirement. Often, the office of elections needlessly expends time and resources in trying to meet this requirement, but in the end, the chief election officer often resorts

to using individuals who do not satisfy this requirement. Nonetheless, these individuals conduct themselves with the highest integrity and impartiality in carrying out the duties of a precinct chair, thus further undermining the basis for the current law.

The purpose of this Act is to remove the requirement that the precinct chair of a polling place be of the same political party as the governor.

SECTION 2. Section 11-72, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In assigning the precinct officials the following criteria shall be followed:

- (1) The precinct officials shall be registered voters of the precinct in which they serve; but if qualified persons in the precinct or representative district are not readily available to serve, they may be chosen from without the precinct or representative district, or if qualified persons either in or without the precinct or representative district are not available to serve, the chief election officer may designate precinct officials who are not registered voters if the persons so designated are otherwise qualified and shall have attained the age of sixteen years on or before June 30, of the year of the election in which they are appointed to work.
- (2) The chief election officer may designate more precinct officials than are needed in order to create a pool of qualified precinct officials who may be assigned to fill vacancies or to perform such duties as needed in any precinct.
- (3) No parent, spouse, child, or sibling of a candidate shall be eligible to serve as a precinct official in any precinct in which votes may be cast for the candidate; nor shall any candidate for any elective office be eligible to serve as a precinct official in the same election in which the person is a candidate. No candidate who failed to be nominated in the primary or special primary election shall be eligible to serve as a precinct official in the general election next following.
- (4) The chairperson of the precinct officials shall be ~~[of the same party as the governor and shall be]~~ the first named precinct official on the list prepared by the chief election officer. The remainder of the precinct officials shall be apportioned as follows:
  - (A) The total votes cast, except those cast for nonpartisan candidates, for all of the following offices which were on the ballot in the next preceding general election shall be divided into the total votes cast for all the candidates of each party for such offices: president and vice-president, United States senator, United States representative, governor and lieutenant governor, state senator, and state representative.
  - (B) In the event that a party's proportion of votes cast exceeds fifty per cent, its share shall be one-half of the precinct officials. The remaining one-half shall be divided among the remaining parties in proportion to their respective total of votes cast for the offices set forth in subparagraph (A).
  - (C) In the case of the above division resulting in parties having fractional positions a whole position shall go to the party with the larger number of votes cast.
  - (D) Newly qualified parties may be assigned up to ten per cent of the total positions available at the discretion of the chief election officer.”

SECTION 3. Statutory material to be repealed is bracketed and stricken.

**SECTION 4.** This Act shall take effect upon its approval.

(Approved April 19, 2005.)