

JAN 22 2016

A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 11-137, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§11-137 Secrecy; removal or exhibition of ballot. No
4 person shall look at or ask to see the contents of the ballot or
5 the choice of party or nonpartisan ballot of any voter, except
6 as provided in section 11-139 and 11-132, nor shall any person
7 within the polling place attempt to influence a voter in regard
8 to whom the voter shall vote for. When a voter is in the voting
9 booth for the purpose of voting, no other person, except as
10 provided in section 11-139 and 11-132, shall be allowed to enter
11 the booth or to be in a position from which the person can
12 observe how the voter votes.

13 No person shall take a ballot out of the polling place
14 except as provided in sections 11-135 and 11-139. After voting
15 the voter shall leave the voting booth and deliver the voter's
16 ballot to the precinct official in charge of the ballot boxes.
17 The precinct official shall make certain that the precinct



1 official has received the correct ballot and no other and then
 2 shall deposit the ballot into the ballot box. No person shall
 3 look at or ask to see the contents of the unvoted ballots. If
 4 any person, other than the voter, having received a ballot
 5 leaves the polling place without first delivering the ballot to
 6 the precinct official as provided above, or wilfully exhibits
 7 the ~~[person's]~~ voter's ballot or the ~~[person's]~~ voter's unvoted
 8 ballots in a special primary or primary election, except as
 9 provided in section 11-139 and 11-132, after the ballot has been
 10 marked, the person shall forfeit the person's right to vote, and
 11 the chairperson of the precinct officials shall cause a record
 12 to be made of the proceeding[-]; provided that subject to
 13 sections 11-139 and 11-132, nothing in this section shall be
 14 construed to diminish or extinguish a voter's right to exhibit
 15 the voter's own marked ballot electronically or digitally to
 16 other persons."

17 SECTION 2. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY:

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S.B. NO. 2242

Michelle Rodani



S.B. NO. 2242

Report Title:

Elections; Secrecy; Removal or Exhibition of Ballot

Description:

Prohibits any person from wilfully exhibiting another person's ballot or another person's unvoted ballots in a special primary or primary election, except as provided in sections 11-132 and 11-139, HRS, after the ballot has been marked. Preserves the right for any voter to exhibit the voter's own marked ballot electronically or digitally to other persons, subject to sections 11-132 and 11-139, HRS.

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