

PERJURY.

SECTION 84. Any person taking any oath herein prescribed or authorized to be administered, and wilfully making oath to any false statement of fact, or wilfully making a false answer to any question put to him thereunder, shall be guilty of "Perjury" in the second degree.

BALLOTS.

SECTION 85. All elections shall be held by ballot only. A ballot is a written or printed, or partly written and partly printed paper containing the names of persons to be voted for and the office to be filled.

CONTENTS OF BALLOT.

SECTION 86. A ballot shall contain the name or names of the person or persons to be voted for; the office or offices for, and the district in, which the election is being held; and the term or terms of the respective offices being voted for.

The name or names of the Candidate or Candidates shall be printed with the Hawaiian or English equivalent, if such there be, if the Candidate shall so request the Minister in writing at the time his nomination is filed with the Minister.

A ballot shall bear no word, motto, device, sign or symbol other than allowed herein, and shall be so printed that the type shall not show a trace on the back.

COLOR OF BALLOTS.

SECTION 87. The ballots for Senators shall be of blue paper and the ballots for Representatives of white paper.

BALLOTS FOR SENATORS.

SECTION 88. The ballots used in any Senatorial election district for the election of Senators, shall be of uniform size, weight, shape, thickness and of the same sizing color.

Except as provided in section 55 hereof, the ballots for each Senatorial election district shall contain the names of all candidates for Senators for such district who have been duly nominated in manner herein provided, and shall contain no other name.

BALLOTS FOR REPRESENTATIVES.

SECTION 89. The ballots used in any Representative election district for the election of Representatives, shall be of uniform size, weight, shape, thickness and of the same sizing color.

Except as provided in section 56 hereof, the ballots for each Representative election district shall contain the names of all candidates for Representatives for such district who have been duly nominated in manner herein provided, and shall contain no other name.

ARRANGEMENT OF NAMES OF CANDIDATES ON BALLOT.

SECTION 90. The names of the candidates shall be placed upon the ballot in alphabetical order.

A horizontal line shall be ruled between each name and its equivalent, if any, and the next name.

Immediately after all the names, on the right hand side of the ballot, a vertical line shall be ruled, so that, in conjunction with said horizontal lines, a rectangular space shall be enclosed opposite each name and its equivalent, if any, of sufficient size to give ample room in which to designate the choice of the voter in the manner herein prescribed.

All of the names upon a ballot shall be placed at a uniform distance from the left hand edge thereof, and close thereto.

ENVELOPES NOT ALLOWED.

SECTION 91. No ballot enclosed in an envelope or wrapper of any kind shall be received or counted.

BALLOTS TO BE PRINTED BY THE GOVERNMENT.

SECTION 92. The ballots shall be printed by the Minister at Government expense.

There shall be sent to each precinct not less than two ballots for each name upon the Register of Voters at the last preceding election.

In case the boundaries of any precinct shall have been changed since the last preceding election, the number of ballots sent shall be such as shall be estimated by the Minister to be twice the number of voters in such precinct.

ARRANGEMENT OF BALLOTS.

SECTION 93. When printed the ballots shall be fastened together in blocks of one hundred each, in such manner that each ballot may be detached and removed separately.

They shall be forwarded by the Minister to the Inspectors in sealed packages, which shall not be opened until the opening of the polls in manner herein provided.

A record of the number of ballots sent to each Board of Inspectors shall be kept by the Minister.

TIME OF SENDING BALLOTS TO INSPECTORS.

SECTION 94. The ballots, specimen ballots, and cards of instruction herein provided for, shall be sent by the Minister to the several Boards of Inspectors so that they shall be received at least two days prior to the election.

BLANK BALLOTS.

SECTION 95. As soon as practicable after the appointment of the several Boards of Inspectors, or immediately after a special election is ordered, the Minister shall supply the several Boards of Inspectors with blank ballots of the paper and character and lined as required herein.

The number of such blanks shall be at least twice as many as the number of voters in the several precincts wherein the election is to take place.

In case of any miscarriage or default whereby the printed ballots herein provided for shall not be available at any precinct for use on election day, whether by reason of their not being received by the Inspectors, or of their destruction or loss, the Inspectors of such precinct shall ascertain, by examination upon oath, or otherwise, who the duly nominated candidates for such district are, and shall cause to be prepared upon such blanks and as near as may be in accordance with the directions herein contained concerning the arrangement of the names, sufficient ballots for the purpose of the election.

In no case other than that named in this section shall such blanks be used; and immediately after each election the Inspectors shall return all unused blanks to the Minister.

METHOD OF FOLDING BALLOT.

SECTION 96. Before delivering a ballot to a voter the Inspectors shall fold it twice, first across the middle so as to form a rectangle, and again in the same manner and in the same direction, and in such manner as to

DELIVERY OF BALLOT TO THE VOTER.

SECTION 97. When any duly qualified voter shall offer to vote, the Chairman of Inspectors shall deliver to such voter a ballot or ballots for Representatives or Senators, as the case may be, properly folded as herein provided.

EXPLANATION TO VOTER.

SECTION 98. The Inspectors of Election may, and upon request shall, explain to the voter the mode of voting.

METHOD OF VOTING.

SECTION 99. Upon receiving the ballot so folded as aforesaid, the voter receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and therein mark his ballot in the manner herein prescribed.

He shall then refold the ballot or ballots in the same folds as it or they were in when handed to him by the Inspectors, and shall, without delay and without showing or in any way displaying the contents of the ballot to anyone except as provided in section 104 hereof, leave the compartment and deliver such ballot or ballots so folded, to the Inspector of Election in charge of the ballot boxes, who shall not open or unfold the same, but shall examine the ends of the same sufficiently to be satisfied that there is but one ballot enfolded, whereupon the ballot or ballots shall be immediately dropped into the proper box or boxes by such Inspector.

METHOD OF MARKING BALLOT.

SECTION 100. A voter shall designate his choice for Senators by making a cross, thus, X, on the righthand side of the ballot in the space or spaces provided for such purpose, opposite the name or names of the Candidate or Candidates for whom he desires to vote.

A voter shall designate his choice for Representatives by making an Arabic numeral or numerals on the righthand side of the ballot, in the space or spaces provided for such purpose, opposite the name or names of the candidate or candidates for whom he desires to vote, indicating the number of votes which he wishes to cast for such candidate or candidates.

SECRECY OF BALLOT AND INDEPENDENCE OF VOTER.

SECTION 101. No voter shall exhibit his ballot to any other person, nor shall any person look at or ask to see the contents of the ballot of any voter, except as provided in section 103 hereof; nor shall any person within the space set apart for a polling place attempt to influence a voter in regard to whom he shall vote for.

When a voter is in the balloting compartment for the purpose of marking his ballot, no other person shall, except as provided in section 103 hereof, be allowed to enter the compartment or to be in a position from which he can observe how the voter is marking his ballot.

BALLOT NOT TO BE TAKEN FROM POLLING PLACE.

SECTION 102. No person shall take a ballot out of the polling place; and, if any person having received a ballot shall leave the polling place without first delivering the same to the Inspector of Election as provided herein, or shall wilfully exhibit his ballot except as provided in section 103, after same shall have been marked, he shall thereby forfeit his right to vote, and the Chairman of Inspectors shall cause a record to be made of such proceeding.

A copy of such tabulated returns and of each certificate of election shall immediately be forwarded by the Marshal or Sheriff, as the case may be, to the Minister. Such copy of a certificate sent to the Minister shall be considered an original.

INSPECTORS MAY ASSIST PHYSICALLY DISABLED VOTERS.

SECTION 103. Any voter, who, by reason of blindness or other physical disability, is unable to mark his ballot, shall, if he so requests, receive the assistance of one of the Inspectors in the marking thereof.

Before rendering such assistance the Inspectors shall be satisfied that such physical disability exists.

SPOILED BALLOTS.

SECTION 104. If a voter spoils a ballot he may obtain one other, upon returning the spoiled one. The ballot thus returned shall be immediately cancelled, and the reasons for such cancellation endorsed thereon and signed by the Chairman of Inspectors.

COUNTING BALLOTS.

SECTION 105. In so far as the limits of the room in which the voting takes place shall reasonably allow, no person shall be prevented from attending the counting of the ballots on election day, unless it is necessary so to do to preserve the peace.

METHOD OF COUNTING THE BALLOTS.

SECTION 106. Immediately after the close of the polls the Chairman of Inspectors shall open the ballot box and proceed to count the votes as follows:

The whole number of ballots shall first be counted to see if their number corresponds with the number of ballots cast as recorded by the Inspectors.

If there are more ballots than such record calls for, the Chairman of Inspectors shall replace all the ballots in the ballot box, and close, lock and shake the same so as to thoroughly mix the ballots.

The box shall then be opened and a cloth laid over it, and the Chairman of Inspectors, having first held up his open hand with the arm bared to his elbow, shall introduce his hand under the cloth covering the ballot box and draw therefrom, without looking, one ballot at a time, until the number of ballots in the ballot box is reduced to correspond with the number of names of voters who have voted, as recorded on the Inspector's list.

The ballots so removed shall be marked immediately, before proceeding further with the count, in such manner that they can afterwards be identified, and signed by the Chairman of Inspectors and shall be preserved with the records.

SECTION 107. If the number of ballots correspond with the number of persons recorded by the Inspectors as having voted, or shall be less than such number, or shall, by the means provided herein have been made to correspond therewith, the Inspectors shall then proceed to count the vote cast for each candidate.

BALLOTS TO BE REJECTED.

SECTION 108. If more names are voted for on a ballot than there are offices to be filled; or,

If on a ballot for Representatives a larger number of votes are marked than the law authorizes; or,

If a ballot contains any mark or symbol whereby it may be identified, or any mark or symbol contrary to the provisions hereof; or,

If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person; or,

If a ballot in any other way be contrary to the provisions hereof; then such ballot and all it contains must be rejected.

But no ballot shall be rejected for containing a less number of names voted for than the law authorizes.

Each ballot which shall be held to be invalid as aforesaid shall be indorsed on the back by the chairman of Inspectors, with his name or initials, and the word "rejected."

DECISIONS TO BE DELIVERED IMMEDIATELY.

SECTION 109. All questions as to the validity of any ballot shall be decided immediately, and the opinion of a majority of the Inspectors shall be final and binding, subject to revision by the Supreme Court as herein provided.

BALLOTS TO BE READ ALOUD.

SECTION 110. In counting the votes, the names of the persons voted for shall be read in a loud clear voice by one of the Inspectors, and a record thereof shall be made at once by one of the Inspectors.

DECLARATION OF RESULT.

SECTION 111. When the Inspectors have ascertained the number of votes given for each candidate they shall make public declaration of the whole number of votes cast, the names of the persons voted for, and the number of votes for each person.

The Chairman of Inspectors shall cause a full record to be made of the same, in the Inspectors record book; one copy of such result shall be sent to the Sheriff or Marshal as provided herein, and one copy forwarded to the Minister.

DISPOSITION OF ELECTION RECORDS.

SECTION 112. At the completion of the count after the close of the polls and the public announcement of the same, the Inspectors shall immediately, in the presence of the Candidates or of their agents, and of any voters desiring to be present, make up into a packet all of the ballots sent to the Inspectors by the Minister, including all blank ballots whether used or not, and all printed ballots used, cancelled or rejected; together with the Register and Detailed Record of voters received from the Board of Registration, and the list of voters and all other records appertaining to the election, except the copies of the result of the election herein directed to be sent to the Sheriff or Marshal and to the Minister.

Such packet shall be sealed by the Inspectors with their own seal or seals, and the seals of such candidates or agents of candidates as may desire to seal the same.

The Inspectors shall thereupon mark such packet on the outside with the name and title of the Minister of the Interior, and a description, of the contents thereof substantially as follows, viz:—

"Records of election for.....18....Representative District Number.....Polling Precinct Number.....Island of....." and immediately forward the same to the Minister of the Interior. Such packet shall not be opened or examined except in the presence of a Judge of the Supreme Court and after such examination it shall be resealed in the presence of such judge.

After the next general election the ballots may be destroyed by the Minister and the other election records opened and filed in the Interior Department.

TABULATION OF RETURNS AND DELIVERY OF CERTIFICATE.

SECTION 113. Immediately upon receiving the returns of election from the several Boards of Inspectors of any election district, the Marshal or Sheriff, as the case may be, shall immediately tabulate such returns and ascertain the result of the election in such district.

The number of persons to be elected receiving the highest number of votes in any election district shall be declared to be elected, and the Marshal or Sheriff, as the case may be, shall immediately deliver to the persons elected certificates of election.

FORM OF CERTIFICATE OF ELECTION.

SECTION 114. The certificate of election prescribed in the last section shall be substantially in the following form, viz:—

"Certificate of Election.
I.....Sheriff of.....
(or Marshal of the Republic of Hawaii as the case may be) do hereby certify that.....was, on the.....day of.....18...., duly elected a (Senator or Representative, as the case may be).....for the.....Election District for a term expiring on the.....day of.....A. D. 18....
Witness my hand this.....day of.....18....
Sheriff of.....
(or Marshal of the Republic.)"

COMPENSATION OF ELECTION OFFICERS AND EXPENSES OF ELECTION.

SECTION 115. The Minister of Interior shall pay out of such appropriations as may be made by the Legislature for election purposes, to the members of the Board of Registration, \$7.00 a day of not less than six hours, for each day of actual service, which shall include traveling expenses; and to the Inspectors of election the sum of ten dollars each for each election held; and shall also pay the necessary expenses of preparing the polls and holding the election, which expenses shall be regulated and limited by the Minister and shall not include the cost of refreshments.

This section shall not apply to the Board of Registration prior to the first election held hereunder.

SANFORD B. DOLE,

President.

Approved:

FRANCIS M. HATCH,
Minister Foreign Affairs.

S. M. DAMON,
Minister Finance.

J. A. KING,
Minister Interior.

W. O. SMITH,
Attorney-General.

Honolulu, August 31, 1894.