
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 11-139, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§11-139 Voting assistance.** (a) [Any] Except as
4 otherwise provided, any voter who requires assistance to vote at
5 a polling place or by absentee ballot may be given assistance by
6 a person of the voter's choice~~[, other than the voter's employer~~
7 ~~or agent of that employer or agent of the voter's union, or].~~
8 If the voter requires assistance at a polling place, the voter
9 may choose to receive the assistance of two precinct officials
10 who are not of the same political party. Additionally, [A] a
11 voter needing assistance at a polling place may choose to be
12 handed a ballot outside the polling place but within one hundred
13 feet thereof or within the polling place parking lot by the
14 precinct officials and in their presence but in a secret manner,
15 mark and return the same to the precinct officials. The voter's
16 employer or agent of that employer, agent of the voter's union,
17 or a candidate for any office that is listed on that ballot
18 shall not provide assistance.



1 (b) ~~[The]~~ If assistance is provided pursuant to subsection
2 (a), the precinct officials providing assistance shall enter in
3 writing in the record book the following:

4 (1) The voter's name;

5 (2) The fact that the voter cannot read the names on the
6 ballot, if that is the reason for requiring
7 assistance, and otherwise, the specific physical
8 disability which requires the voter to receive
9 assistance; and

10 (3) The name or names of the person or persons furnishing
11 the assistance.

12 (c) Violation of this section by an employer or agent of
13 that employer, agent of the voter's union, or candidate who
14 violates this section shall constitute election fraud as
15 provided under section 19-3."

16 SECTION 2. Section 11-91.5, Hawaii Revised Statutes,
17 is amended to read as follows:

18 "~~{}~~§11-91.5~~{}~~ **Federal, state, and county elections by**
19 **mail.** (a) Any federal, state, or county election held other
20 than on the date of a regularly scheduled primary or general
21 election may be conducted by mail.



1 (b) The chief election officer shall determine whether a
2 federal or state election, other than a regularly scheduled
3 primary or general election, may be conducted by mail or at
4 polling places.

5 (c) The county clerk shall determine whether a county
6 election, held other than on the date of a regularly scheduled
7 primary or general election, may be conducted by mail or at
8 polling places. An election by mail in the county shall be
9 under the supervision of the county clerk.

10 (d) Any ballot cast by mail under this section shall be
11 subject to the voting assistance requirements for absentee
12 ballots pursuant to section 11-139 and section 15-6 including
13 the provision of any penalties thereof.

14 [~~(d)~~](e) The chief election officer shall adopt rules
15 pursuant to chapter 91 to provide for uniformity in the conduct
16 of federal, state, and county elections by mail."

17 SECTION 3. Section 15-6, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§15-6 Return envelope, ballot envelope; instructions.**

20 The clerk shall provide the absentee voter with the ballots,
21 ballot envelopes, and a return envelope [~~which~~] that shall
22 contain a statement to be subscribed to by the voter [~~which~~]



1 that affirms the fact that the voter is the person voting[7] and
2 that the voter's employer or agent, agent of the voter's union,
3 or any candidate listed on the ballot did not assist the voter,
4 along with the instruction that the voter's ballot will be valid
5 only if the affirmation statement is signed, materials
6 summarizing the provisions in sections 19-3, 19-3.5, 19-4, and
7 19-6, and any other information prescribed by the rules
8 promulgated by the chief election officer."

9 SECTION 4. Section 19-3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§19-3 Election frauds.** The following persons shall be
12 deemed guilty of an election fraud:

13 (1) Every person who, directly or indirectly, personally
14 or through another, gives, procures, or lends, or
15 agrees or offers to give, procure, or lend, or who
16 endeavors to procure, any money or office or place of
17 employment or valuable consideration to or for any
18 elector, or to or for any person for an elector, or to
19 or for any person in order to induce any elector to
20 vote or refrain from voting, or to vote or refrain
21 from voting for any particular person or party, or who
22 does any such act on account of any person having



1 voted or refrained from voting for any particular
2 person at any election;

3 (2) Every person who advances or pays, or causes to be
4 paid, any money to, or to the use of, any other
5 person, with the intent that the money, or any part
6 thereof, shall be expended in bribery at any election,
7 or for any purpose connected with or incidental to any
8 election; or who knowingly pays or causes to be paid
9 any money to any person in the discharge or repayment
10 of any money wholly or partly expended in bribery at
11 any election, or for any purpose connected with or
12 incidental to any election;

13 (3) Every elector who, before, during or after any
14 election, directly or indirectly, personally or
15 through another, receives, agrees, or contracts for
16 any money, gift, loan, or valuable consideration,
17 office, place, or employment for oneself or any other
18 person for voting or agreeing to vote, or for
19 refraining to vote or agreeing to refrain from voting,
20 or for voting or refraining to vote for any particular
21 person or party;



- 1 (4) Every person who, directly or indirectly, personally
2 or through another, makes use of, or threatens to make
3 use of, any force, violence, or restraint; or inflicts
4 or threatens to inflict any injury, damage, or loss in
5 any manner, or in any way practices intimidation upon
6 or against any person in order to induce or compel the
7 person to vote or refrain from voting, or to vote or
8 refrain from voting for any particular person or
9 party, at any election, or on account of the person
10 having voted or refrained from voting, or voted or
11 refrained from voting for any particular person or
12 party; or who by abduction, distress, or any device or
13 contrivance impedes, prevents, or otherwise interferes
14 with the free exercise of the elective franchise;
- 15 (5) Every person who, at any election, votes or attempts
16 to vote in the name of any other person, living or
17 dead, or in some fictitious name, or who, having once
18 voted, votes or attempts to vote again, or knowingly
19 gives or attempts to give more than one ballot for the
20 same office at one time of voting;



- 1 (6) Every person who, before or during an election,
2 knowingly publishes a false statement of the
3 withdrawal of any candidate at the election;
- 4 (7) Every person who induces or procures any person to
5 withdraw from being a candidate at an election in
6 consideration of any payment or gift or valuable
7 consideration; or of any threat; and every candidate
8 who withdraws from being a candidate in pursuance of
9 such inducement or procurement;
- 10 (8) Every public officer by law required to do or perform
11 any act or thing with reference to any of the
12 provisions in any law concerning elections who
13 wilfully fails, neglects, or refuses to do or perform
14 the same, or who is guilty of any wilful violation of
15 any of the provisions thereof;
- 16 (9) Any person wilfully tampering or attempting to tamper
17 with, disarrange, deface, or impair in any manner
18 whatsoever, or destroy any voting machine while the
19 same is in use at any election, or who, after the
20 machine is locked in order to preserve the
21 registration or record of any election made by the



1 same, tampers or attempts to tamper with any voting
2 machine; and
3 (10) Every person who, directly or indirectly, personally
4 or through another, wilfully designs, alters,
5 accesses, or programs any electronic voting system to
6 cause the system to inaccurately record, tally, or
7 report votes cast on the electronic voting system[-];
8 (11) Every person who assists a voter in the completion of
9 a ballot in violation of voter assistance laws of
10 section 11-319."

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

14 SECTION 6. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on July 1, 2013.



Report Title:

Elections by Mail; Absentee Ballot; Secrecy; Voter Assistance;
Election Fraud

Description:

Requires absentee voters to affirm by signature that the ballot was completed in secrecy and without influence from others. Requires absentee ballots to include information regarding election fraud, voter fraud, and related penalties. Prohibits employers, unions, and candidates or their agents from assisting voters with completing absentee ballots. Subjects special elections by mail to the same voter assistance requirements as for absentee ballots. Effective July 1, 2013. (HB1027 HD1)

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