



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:
S.B. NO. 1055, RELATING TO ELECTIONS.

BEFORE THE:
SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND
MILITARY AFFAIRS

DATE: Monday, February 6, 2023 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Reese Nakamura, Deputy Attorney General

Chair Wakai and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to amend the Election Frauds statute, section 19-3, Hawaii Revised Statutes (HRS), to include within the practice of intimidation two additional violations: (1) the carrying of any firearm or weapon; and (2) the act of photographing the face of any voter without permission from both the voter and an appropriate election official when such actions occur at or near a voter service center, place of deposit, or polling place.

It appears that the proposed wording would require that to be guilty of an election fraud, a potential violator must be carrying a firearm or weapon and photographing the face of any voter without permission. In order to clarify that either the carrying of any firearm or weapon, or photographing the face of any voter without permission would each be separate violations under section 19-3, HRS, we recommend that page 3, line 16, of the bill be amended to read as follows:

(A) The carrying of any firearm or weapon; [~~and~~] or

To prevent the amended wording from limiting forms of intimidation to solely those that are specified in the amendments to section 19-3(4), we further recommend that page 3, lines 14 to 15, of the bill be amended to read as follows:

described in this paragraph, includes, [~~among other actions:~~] but is not limited to:

Thank you for the opportunity to provide these comments.



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS

John Bickel, President
Alan Burdick, Vice President
Dave Nagajji, Treasurer
Doug Pyle, Secretary

DIRECTORS

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MAILING ADDRESS

P.O. Box 23404
Honolulu
Hawaii 96823

February 5, 2023

TO: Chair Wakai & Members of PSM Committees

RE: SB 1055 Relating to Elections

Support for Hearing on Feb. 6

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 1055 as it would specify that the practice of election fraud intimidation includes, among other actions (1) The carrying of any firearm or weapon and (2) The act of photographing the face of any voter without permission from both the voter and an appropriate election official when such actions occur at or near a voter service center, place of deposit, or polling place. We need to encourage voting and not allow this kind of intimidation.

Thank you for your consideration.

Sincerely,

John Bickel, President

SB-1055

Submitted on: 2/3/2023 10:04:06 AM

Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE: Specific to the 2nd Ammendment of the US Constitution. This bill may prove to be UnConstitutional.

SB-1055

Submitted on: 2/3/2023 11:59:34 PM

Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill.