

JAN 20 2023

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 19-3, Hawaii Revised Statutes, is
2 amended to read as follows:

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

5 (1) Every person who, directly or indirectly, personally
6 or through another, gives, procures, or lends, or
7 agrees or offers to give, procure, or lend, or who
8 endeavors to procure, any money or office or place of
9 employment or valuable consideration to or for any
10 elector, or to or for any person for an elector, or to
11 or for any person in order to induce any elector to
12 vote or refrain from voting, or to vote or refrain
13 from voting for any particular person or party, or who
14 does any such act on account of any person having
15 voted or refrained from voting for any particular
16 person at any election;



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

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

20 (4) Every person who, directly or indirectly, personally
21 or through another, makes use of, or threatens to make



1 use of, any force, violence, or restraint; or inflicts
2 or threatens to inflict any injury, damage, or loss in
3 any manner, or in any way practices intimidation upon
4 or against any person in order to induce or compel the
5 person to vote or refrain from voting, or to vote or
6 refrain from voting for any particular person or
7 party, at any election, or on account of the person
8 having voted or refrained from voting, or voted or
9 refrained from voting for any particular person or
10 party; or who by abduction, distress, or any device or
11 contrivance impedes, prevents, or otherwise interferes
12 with the free exercise of the elective franchise;
13 provided that the practice of intimidation as
14 described in this paragraph includes, among other
15 actions:

- 16 (A) The carrying of any firearm or weapon; and
- 17 (B) The act of photographing the face of any voter
18 without permission from both the voter and an
19 appropriate election official,
20 at or within _____ feet any voter service center,
21 place of deposit, or polling place;



- 1 (5) Every person who, at any election, votes or attempts
2 to vote in the name of any other person, living or
3 dead, or in some fictitious name, or who, having once
4 voted, votes or attempts to vote again, or knowingly
5 gives or attempts to give more than one ballot for the
6 same office at one time of voting;
- 7 (6) Every person who, before or during an election,
8 knowingly publishes a false statement of the
9 withdrawal of any candidate at the election;
- 10 (7) Every person who induces or procures any person to
11 withdraw from being a candidate at an election in
12 consideration of any payment or gift or valuable
13 consideration; or of any threat; and every candidate
14 who withdraws from being a candidate in pursuance of
15 such inducement or procurement;
- 16 (8) Every public officer by law required to do or perform
17 any act or thing with reference to any of the
18 provisions in any law concerning elections who
19 wilfully fails, neglects, or refuses to do or perform
20 the same, or who is guilty of any wilful violation of
21 any of the provisions thereof;



1 (9) Any person wilfully tampering or attempting to tamper
2 with, disarrange, deface, or impair in any manner
3 whatsoever, or destroy any voting machine while the
4 same is in use at any election, or who, after the
5 machine is locked in order to preserve the
6 registration or record of any election made by the
7 same, tampers or attempts to tamper with any voting
8 machine;

9 (10) Every person who, directly or indirectly, personally
10 or through another, wilfully designs, alters,
11 accesses, or programs any electronic voting system to
12 cause the system to inaccurately record, tally, or
13 report votes cast on the electronic voting system;

14 (11) Every person who assists a voter in the completion of
15 a ballot in violation of section 11-139; and

16 (12) Every person who knowingly broadcasts, televises,
17 circulates, publishes, distributes, or otherwise
18 communicates, including by electronic means or
19 advertisement, false information about the time, date,
20 place, or means of voting with the purpose of



1 impeding, preventing, or otherwise interfering with
2 the free exercise of the elective franchise."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

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

8

INTRODUCED BY: 



S.B. NO. 1055

Report Title:

Election Fraud; Intimidation; Firearms; Weapons; Photography; Voters

Description:

Specifies 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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

