

JAN 25 2023

A BILL FOR AN ACT

RELATING TO VOTING MORE THAN ONCE DURING AN ELECTION.

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

1 SECTION 1. The legislature finds that existing law
2 prohibits voters from voting again after having already voted.
3 However, the law does not expressly address the possibility that
4 a person could cast a single vote in Hawai'i and an additional
5 vote in another state or territory of the United States.

6 The purpose of this Act is to clarify the law by expressly
7 prohibiting voters from casting more than one vote during any
8 election, even if one of those votes is in a state or territory
9 of the United States other than Hawai'i.

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

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

14 (1) Every person who, directly or indirectly, personally
15 or through another, gives, procures, or lends, or
16 agrees or offers to give, procure, or lend, or who
17 endeavors to procure, any money or office or place of



1 employment or valuable consideration to or for any
2 elector, or to or for any person for an elector, or to
3 or for any person in order to induce any elector to
4 vote or refrain from voting, or to vote or refrain
5 from voting for any particular person or party, or who
6 does any such act on account of any person having
7 voted or refrained from voting for any particular
8 person at any election;

9 (2) Every person who advances or pays, or causes to be
10 paid, any money to, or to the use of, any other
11 person, with the intent that the money, or any part
12 thereof, shall be expended in bribery at any election,
13 or for any purpose connected with or incidental to any
14 election; or who knowingly pays or causes to be paid
15 any money to any person in the discharge or repayment
16 of any money wholly or partly expended in bribery at
17 any election, or for any purpose connected with or
18 incidental to any election;

19 (3) Every elector who, before, during, or after any
20 election, directly or indirectly, personally or
21 through another, receives, agrees, or contracts for



1 any money, gift, loan, or valuable consideration,
2 office, place, or employment for oneself or any other
3 person for voting or agreeing to vote, or for
4 refraining to vote or agreeing to refrain from voting,
5 or for voting or refraining to vote for any particular
6 person or party;

7 (4) Every person who, directly or indirectly, personally
8 or through another, makes use of, or threatens to make
9 use of, any force, violence, or restraint; or inflicts
10 or threatens to inflict any injury, damage, or loss in
11 any manner, or in any way practices intimidation upon
12 or against any person in order to induce or compel the
13 person to vote or refrain from voting, or to vote or
14 refrain from voting for any particular person or
15 party, at any election, or on account of the person
16 having voted or refrained from voting, or voted or
17 refrained from voting for any particular person or
18 party; or who by abduction, distress, or any device or
19 contrivance impedes, prevents, or otherwise interferes
20 with the free exercise of the elective franchise;



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,~~] more than
5 once during any election, regardless of whether one of
6 the elections is in a state or territory of the United
7 States outside of Hawaii, or knowingly gives or
8 attempts to give more than one ballot for the same
9 office at one time of voting; provided that a person
10 does not commit an election fraud if the person votes
11 once in Hawaii's primary election and also votes in
12 the primary election of another state or territory
13 during the same year, so long as the person was
14 properly registered to vote in all such elections.
15 For the purposes of this paragraph, a person is
16 properly registered to vote if the person's residence
17 in the state in which they are currently voting was
18 acquired with the intent to make that state their
19 legal residence with all the accompanying obligations
20 therein, and if, at the time of voting, that person is



1 registered to vote with the office of elections of the
2 state in which they are voting;

3 (6) Every person who, before or during an election,
4 knowingly publishes a false statement of the
5 withdrawal of any candidate at the election;

6 (7) Every person who induces or procures any person to
7 withdraw from being a candidate at an election in
8 consideration of any payment or gift or valuable
9 consideration; or of any threat; and every candidate
10 who withdraws from being a candidate in pursuance of
11 such inducement or procurement;

12 (8) Every public officer by law required to do or perform
13 any act or thing with reference to any of the
14 provisions in any law concerning elections who
15 wilfully fails, neglects, or refuses to do or perform
16 the same, or who is guilty of any wilful violation of
17 any of the provisions thereof;

18 (9) Any person wilfully tampering or attempting to tamper
19 with, disarrange, deface, or impair in any manner
20 whatsoever, or destroy any voting machine while the
21 same is in use at any election, or who, after the



1 machine is locked in order to preserve the
2 registration or record of any election made by the
3 same, tampers or attempts to tamper with any voting
4 machine;

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

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

12 (12) Every person who knowingly broadcasts, televises,
13 circulates, publishes, distributes, or otherwise
14 communicates, including by electronic means or
15 advertisement, false information about the time, date,
16 place, or means of voting with the purpose of
17 impeding, preventing, or otherwise interfering with
18 the free exercise of the elective franchise."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY: Kal Moor



S.B. NO. 1541

Report Title:

Elections; Voting Multiple Times

Description:

Specifies that Hawaii voters are prohibited from casting more than one ballot during an election, even if one of those ballots is cast in an election outside of Hawaii.

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

