

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO ELECTION INTEGRITY.

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

1           SECTION 1. The legislature recognizes that in recent  
2 years, several attempts have been made to overturn election  
3 results. Accordingly, the legislature finds that the State must  
4 take action to ensure that election results are accurate and  
5 beyond challenge.

6           The purpose of this Act is to enhance election integrity  
7 by:

- 8           (1) Imposing new security requirements for voting systems;  
9           (2) Deeming certain acts relating to election tampering or  
10           security breaches as acts of election fraud; and  
11           (3) Appropriating moneys for video security surveillance  
12           recording equipment for the state's voting system.

13           SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
14 by adding three new sections to part X to be appropriately  
15 designated and to read as follows:

16           "§11-       Security; access revocation.   The chief election  
17 officer or clerk, as applicable, shall immediately revoke any



1 access rights of any person guilty of an election fraud under  
2 section 19-3(14).

3 §11- Voting system; key card access system. The chief  
4 election officer shall keep all components of a voting system in  
5 a location where entry is controlled by used of a key card  
6 access system and shall ensure that the log created by the  
7 system is maintained as an election record for no less than  
8 twenty-five months following the date of any entry; provided  
9 that this section shall not apply when voting system components  
10 are deployed for use or stored at voter service centers, places  
11 of deposit, or polling places.

12 §11- Voting system; video security surveillance

13 recording. (a) The chief election officer shall:

14 (1) Record all components of a voting system using video  
15 security surveillance;

16 (2) Ensure that video captured beginning sixty days before  
17 through thirty days after an election is maintained as  
18 an election record for no less than twenty-five months  
19 following the election; and

20 (3) Ensure that video captured outside of the period  
21 described in paragraph (2) is maintained for no less



1           than twenty-five months following the date the video  
2           was captured;  
3 provided that this subsection shall not apply when voting system  
4 components are deployed for use or stored at voter service  
5 centers, places of deposit, or polling places.

6           (b) For the purposes of this section, "video security  
7 surveillance recording" means video monitoring by a device that  
8 continuously records a designated location or a system using  
9 motion detection that records no less than one frame per minute  
10 until detection of motion triggers continuous recording."

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

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

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



1 to vote or refrain from voting for any particular  
2 person or party, or who does any such act on account  
3 of any person having voted or refrained from voting  
4 for any particular person at any election;

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

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



1 or for voting or refraining to vote for any particular  
2 person or party;

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

17 (5) Every person who, at any election, votes or attempts  
18 to vote in the name of any other person, living or  
19 dead, or in some fictitious name, or who votes or  
20 attempts to vote more than once during any election,  
21 regardless of whether one of the elections is in a



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

- 18 (6) Every person who, before or during an election,  
19 knowingly publishes a false statement of the  
20 withdrawal of any candidate at the election;



- 1           (7) Every person who induces or procures any person to  
2           withdraw from being a candidate at an election in  
3           consideration of any payment or gift or valuable  
4           consideration; or of any threat; and every candidate  
5           who withdraws from being a candidate in pursuance of  
6           such inducement or procurement;
  
- 7           (8) Every public officer by law required to do or perform  
8           any act or thing with reference to any of the  
9           provisions in any law concerning elections who  
10          wilfully fails, neglects, or refuses to do or perform  
11          the same, or who is guilty of any wilful violation of  
12          any of the provisions thereof;
  
- 13          (9) Any person who, without authorization from the chief  
14          election officer or clerk, wilfully [~~tampering~~  
15          tampers or [~~attempting~~] attempts to open, tamper with,  
16          disarrange, deface, or impair in any manner  
17          whatsoever, or destroy any ballot box, receptable for  
18          depositing ballots, or voting machine while the same  
19          is in use at any election, or who, after the box,  
20          receptable, or machine is locked in order to preserve  
21          the ballots, registration, or record of any election



1           made by the same, tampers or attempts to tamper with  
2           [any] the box, receptable, or voting machine;

3           (10) Every person who, at any time, and without  
4           authorization from the chief election officer or  
5           clerk, directly or indirectly, personally or through  
6           another, wilfully designs, alters, tampers with,  
7           accesses, facilitates unauthorized access to, or  
8           programs any electronic voting system [~~to cause the~~  
9           ~~system to inaccurately record, tally, or report votes~~  
10           ~~cast on the electronic voting system;~~],  
11           electromechanical voting equipment, or any vote  
12           reporting system;

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

15           (12) Every person who knowingly broadcasts, televises,  
16           circulates, publishes, distributes, or otherwise  
17           communicates, including by electronic means or  
18           advertisement, false information about the time, date,  
19           place, or means of voting with the purpose of  
20           impeding, preventing, or otherwise interfering with  
21           the free exercise of the elective franchise[~~-~~];



- 1        (13) Every person who, without authorization from the chief  
2        election officer or clerk, creates, permits any person  
3        to create, or discloses to any person an image of a  
4        hard drive of any voting system component;
- 5        (14) Every person who, without authorization from the chief  
6        election officer or clerk, knowingly publishes or  
7        causes to be published passwords or other confidential  
8        information relating to an electronic voting system;  
9        and
- 10       (15) Every person who, without authorization under part II  
11       of chapter 11, and without authorization from the  
12       chief election officer or clerk, accesses or attempts  
13       to access the voter registration system; mutilates or  
14       erases any name, figure, or word on the voter register  
15       or a voter service center roster of voters; removes or  
16       destroys the voter register or a voter service center  
17       roster of voters; or mutilates, erases, or removes any  
18       part of the voter register or a voter service center  
19       roster of voters from the place where the register or  
20       roster has been deposited, with intent to destroy it,



1           to procure or prevent the election of any person, or  
2           to prevent any voter from voting."

3           SECTION 4. In accordance with section 9 of article VII, of  
4 the Constitution of the State of Hawaii and sections 37-91 and  
5 37-93, Hawaii Revised Statutes, the legislature has determined  
6 that the appropriation contained in this Act will cause the  
7 state general fund expenditure ceiling for fiscal year 2024-2025  
8 to be exceeded by \$           , or           per cent. The reasons  
9 for exceeding the general fund expenditure ceiling are that the  
10 appropriation made in this Act is necessary to serve the public  
11 interest and to meet the needs provided for by this Act.

12           SECTION 5. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$           or so much  
14 thereof as may be necessary for fiscal year 2024-2025 for video  
15 security surveillance recording equipment for the state's voting  
16 system.

17           The sum appropriated shall be expended by the office of  
18 elections for the purposes of this Act.

19           SECTION 6. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect upon its approval;  
4 provided that section 5 Act shall take effect on July 1, 2024.

5 INTRODUCED BY: *Mike Gabbard*



# S.B. NO. 2415

**Report Title:**

Elections; Voting; Security; Crime; Appropriation; General Fund Expenditure Ceiling Exceeded

**Description:**

Imposes new security requirements for voting systems. Deems certain acts relating to election tampering or security breaches as acts of election fraud. Appropriates moneys for video security surveillance recording equipment for the state's voting system. Declares that the appropriation exceeds the state general fund expenditure ceiling for fiscal year 2024-2025.

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

