
A BILL FOR AN ACT

RELATING TO ELECTION FRAUDS.

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

1 SECTION 1. The legislature finds that in recent elections,
2 attempts may have been made in several states to prevent
3 registered voters from lawfully voting through the provision of
4 false information regarding the time and place voting was to
5 occur. For example, in Virginia, Indiana, and Florida, there
6 were reports of elderly voters receiving phone calls telling
7 them they did not have to go to the polls to vote, but could
8 tell the caller their vote instead. In Delaware and
9 Pennsylvania, voters were reportedly told photo identification
10 was required to vote when Delaware has no such law and
11 litigation has postponed Pennsylvania's law from taking effect
12 until 2013. In addition, a mass mailing of fake letters
13 questioning voters' citizenship was investigated. The letter
14 purportedly written on the falsified letterhead of a local
15 county's supervisor of elections told recipients to fill out a
16 "voter eligibility form," including their social security and
17 driver's license number, and return the form within fifteen days
18 or be purged from voter rolls.



1 The legislature further finds that such efforts discourage
2 electoral participation and undermine the democratic process.

3 Therefore, the purpose of this Act is to:

4 (1) Deem any person who knowingly broadcasts, televises,
5 circulates, publishes, distributes, or otherwise
6 communicates false information about the time, date,
7 place, or means of voting, guilty of an election
8 fraud; and

9 (2) Makes conforming amendments to clarify that
10 advertisements shall not contain false information
11 about the time, date, place, or means of voting.

12 SECTION 2. Section 11-302, Hawaii Revised Statutes, is
13 amended by amending the definition of "advertisement" to read as
14 follows:

15 "Advertisement" means any communication, excluding sundry
16 items such as bumper stickers, that:

17 (1) Identifies a candidate directly or by implication, or
18 identifies an issue or question that will appear on
19 the ballot at the next applicable election; and

20 (2) Advocates or supports the nomination, opposition, or
21 election of the candidate, or advocates the passage or
22 defeat of the issue or question on the ballot[-];



1 provided that "advertisement" shall not include false
2 information about the time, date, place, or means of voting."

3 SECTION 3. Section 11-391, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~{}~~§11-391~~{}~~ **Advertisements.** (a) Any advertisement
6 that is broadcast, televised, circulated, or published,
7 including by electronic means, shall contain:

8 (1) The name and address of the candidate, candidate
9 committee, noncandidate committee, or other person
10 paying for the advertisement; and

11 (2) A notice in a prominent location stating either that:

12 (A) The advertisement has the approval and authority
13 of the candidate; provided that an advertisement
14 paid for by a candidate, candidate committee, or
15 ballot issue committee does not need to include
16 the notice; or

17 (B) The advertisement has not been approved by the
18 candidate.

19 (b) Any advertisement that is broadcast, televised,
20 circulated, published, distributed, or otherwise communicated,
21 including by electronic means, shall not contain false
22 information about the time, date, place, or means of voting.



1 (c) The fine for violation of this section, if assessed by
2 the commission, shall not exceed \$25 for each advertisement that
3 lacks the information required by this section, and shall not
4 exceed an aggregate amount of \$5,000."

5 SECTION 4. Section 11-410, Hawaii Revised Statutes, is
6 amended by amending subsection (h) to read as follows:

7 "(h) This section shall not apply to any person who, prior
8 to the commencement of proceedings under this section, has paid
9 or agreed to pay the fines prescribed by sections 11-340 and
10 [~~11-391(b)~~] 11-391(c)."

11 SECTION 5. Section 11-412, Hawaii Revised Statutes, is
12 amended by amending subsection (g) to read as follows:

13 "(g) This section shall not apply to any person who, prior
14 to the commencement of proceedings under this section, has paid
15 or agreed to pay the fines prescribed by sections 11-340 and
16 [~~11-391(b)~~] 11-391(c)."

17 SECTION 6. Section 19-3, Hawaii Revised Statutes, is
18 amended to read as follows:

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

21 (1) Every person who, directly or indirectly, personally
22 or through another, gives, procures, or lends, or



1 agrees or offers to give, procure, or lend, or who
2 endeavors to procure, any money or office or place of
3 employment or valuable consideration to or for any
4 elector, or to or for any person for an elector, or to
5 or for any person in order to induce any elector to
6 vote or refrain from voting, or to vote or refrain
7 from voting for any particular person or party, or who
8 does any such act on account of any person having
9 voted or refrained from voting for any particular
10 person at any election;

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

21 (3) Every elector who, before, during, or after any
22 election, directly or indirectly, personally or



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

- 8 (4) Every person who, directly or indirectly, personally
9 or through another, makes use of, or threatens to make
10 use of, any force, violence, or restraint; or inflicts
11 or threatens to inflict any injury, damage, or loss in
12 any manner, or in any way practices intimidation upon
13 or against any person in order to induce or compel the
14 person to vote or refrain from voting, or to vote or
15 refrain from voting for any particular person or
16 party, at any election, or on account of the person
17 having voted or refrained from voting, or voted or
18 refrained from voting for any particular person or
19 party; or who by abduction, distress, or any device or
20 contrivance impedes, prevents, or otherwise interferes
21 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, 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 ~~and~~
- 15 (11) Every person who assists a voter in the completion of
16 a ballot in violation of section 11-139[-]; and
- 17 (12) Every person who knowingly broadcasts, televises,
18 circulates, publishes, distributes, or otherwise
19 communicates, including by electronic means or
20 advertisement, false information about the time, date,
21 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 7. 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 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Election Fraud; Polling Misinformation; Advertisements

Description:

Deems any person who provides false information regarding the details of voting to be guilty of election fraud. Makes conforming amendments to clarify that advertisements shall not contain false information about the time, date, place, or means of voting. (SD1)

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

