

JAN 22 2021

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 11-139, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§11-139 Voting assistance.** (a) Except as otherwise
4 provided, any voter who requires assistance may be given
5 assistance by a person of the voter's choice. A person with
6 disabilities may be provided assistance at a voter service
7 center pursuant to any state or federal law relating to persons
8 with disabilities. The voter's employer or agent of that
9 employer, agent of the voter's labor union, or a candidate or
10 agent of a candidate for any office that is listed on the ballot
11 shall not provide assistance. Written or oral instructions
12 delivered via telephone, electronic means, or mail shall not be
13 deemed assistance prohibited by this section; provided that the
14 voter's employer or agent of that employer, agent of the voter's
15 labor union, or a candidate or agent of a candidate for any
16 office listed on the ballot is not physically present with the
17 voter when the instructions are delivered.



1 (b) Violation of this section by an employer or agent of
2 that employer, agent of the voter's labor union, or a candidate
3 or agent of a candidate shall constitute election fraud as
4 provided under section 19-3.

5 (c) For the purpose of this section, "agent of a
6 candidate" means a person who receives compensation from the
7 candidate, candidate's committee, or is an official officer of
8 the candidate committee."

9 SECTION 2. Section 15-6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§15-6 Return envelope, ballot envelope; instructions.**

12 The clerk shall provide the absentee voter with the ballots,
13 ballot envelopes, and a return envelope that shall contain a
14 statement to be subscribed to by the voter that affirms the fact
15 that the voter is the person voting and that the voter's
16 employer or agent of the employer, agent of the voter's labor
17 union, or any candidate or agent of any candidate for any office
18 listed on the ballot did not assist the voter, as described in
19 section 11-139, along with the instruction that the voter's
20 ballot will be valid only if the affirmation statement is
21 signed, materials summarizing the provisions in sections 19-3,



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1 19-3.5, 19-4, and 19-6, and any other information prescribed by
2 the rules promulgated by the chief election officer."

3 SECTION 3. 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 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: _____



S.B. NO. 216

Report Title:

Elections; Voting Assistance; Voter Service Centers; Absentee Ballots

Description:

Includes agents of candidates listed on ballots among the persons prohibited from providing voting assistance at voter service centers and in the use of absentee ballots.

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

