
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The purpose of this Act is to expand the
2 information provided to registered voters in Hawaii to assist
3 them in making an informed decision when casting their ballots
4 by:

5 (1) Requiring the chief election officer to publish and
6 distribute a voters' pamphlet for each election to
7 every registered voter; and

8 (2) Appropriating funds to allow the chief election
9 officer to publish and distribute a voters' pamphlet
10 for each election; provided that the counties provide
11 matching funds on a dollar-for-dollar basis.

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

15 **"PART . VOTERS' PAMPHLET**

16 **§11-A Definitions.** As used in this part:



1 "Ballot issue" means questions concerning a proposed
2 constitutional amendment, county charter amendment, or
3 initiative or referendum issue listed on a ballot at the next
4 applicable election.

5 **§11-B Voters' pamphlet; content; format.** (a) The chief
6 election officer, with assistance from the clerk for elections
7 that involve county offices and countywide ballot issues, shall
8 prepare and publish a voters' pamphlet for each election.

9 (b) The voters' pamphlet shall contain:

10 (1) The name, and photograph if available, of each
11 candidate whose name is listed on the ballot;

12 (2) A campaign statement submitted by each candidate in
13 accordance with section 11-F;

14 (3) Information regarding each ballot issue listed on the
15 ballot that shall include:

16 (A) The number and title of the ballot issue;

17 (B) A fiscal impact statement prepared by the
18 department of budget and finance for each
19 statewide ballot issue or by the respective
20 county counterpart agency for each countywide
21 ballot issue listed on the ballot;



- 1 (C) The total number of votes cast for and against
2 the ballot issue on the last reading of the
3 ballot issue in the senate and house of
4 representatives for a statewide ballot issue, or
5 county council or charter commission for a
6 countywide ballot issue, as applicable;
- 7 (D) An argument advocating the voters' approval of
8 the ballot issue together with any statement in
9 rebuttal of the opposing argument in accordance
10 with section 11-E;
- 11 (E) An argument advocating the voters' rejection of
12 the ballot issue together with any statement in
13 rebuttal of the opposing argument in accordance
14 with section 11-E;
- 15 (F) The names of the argument statement committee
16 members established under section 11-E(b) for
17 each argument or rebuttal statement; and
- 18 (G) The full text of the ballot issue;
- 19 (4) Contact information for the campaign spending
20 commission;



1 (5) Contact information for the political parties that are
2 subject to part V of this chapter; and

3 (6) Additional information, including voter registration
4 information, voting instructions, and voter education,
5 as deemed necessary by the chief election officer.

6 (c) The chief election officer shall determine the format
7 and layout of the voters' pamphlet; provided that the voters'
8 pamphlet shall include a table of contents, and be printed in
9 clear and readable type on a paper of size, quality, and weight
10 that best serves the voters, as determined by the chief election
11 officer. The chief election officer shall also produce the
12 voters' pamphlet in braille, large print, audio recordings, or
13 other media for access and use by individuals who are unable to
14 review the voters' pamphlet in conventional print and form.

15 **§11-C Voters' pamphlet; distribution; public access.** (a)

16 No later than the day the ballot package is mailed to voters,
17 the chief election officer, with assistance from the clerk for
18 elections that involve county offices and countywide ballot
19 issues, shall mail to every registered voter one copy of the
20 voters' pamphlet. The voters' pamphlet may be included in the
21 ballot package or mailed separately.



1 (b) The chief election officer shall cause a notice
2 regarding the voters' pamphlet to be published in a newspaper of
3 general circulation, on different days before the election.
4 The notice, at minimum, shall inform the public that the voters'
5 pamphlet:

6 (1) Has been mailed; and

7 (2) Is available through the means described in subsection
8 (c).

9 (c) The chief election officer shall also make the voters'
10 pamphlets available for public review in various media through:

11 (1) Placement of copies at public libraries, polling
12 places, and absentee polling places; and

13 (2) Posting electronic copies on the public website of the
14 office of elections.

15 **§11-D Ballot issue; fiscal impact statement.** (a) A
16 fiscal impact statement shall be prepared by the department of
17 budget and finance for each statewide ballot issue or by the
18 respective county counterpart agency for each countywide ballot
19 issue listed on the ballot. The fiscal impact statement shall
20 contain an estimated fiscal impact if the ballot issue is
21 ratified or adopted. The department of budget and finance or



1 its county counterpart agency, as applicable, shall consult with
2 appropriate fiscal state or county agencies in preparing the
3 fiscal impact statements. The fiscal impact statements shall be
4 written in clear and concise language and avoid the use of legal
5 and technical terms whenever possible. Fiscal impact statements
6 may include easily understood graphics. The chief election
7 officer shall prescribe the content and maximum length of the
8 fiscal impact statements.

9 (b) The chief election officer shall receive all fiscal
10 impact statements prepared for ballot issues by a date
11 determined by the chief election officer for each election.

12 **§11-E Ballot issue; argument statements in support or**
13 **opposition; rebuttals; committees.** (a) The chief election
14 officer, in consultation with state and county legislative
15 bodies and clerks, shall appoint the initial two members of each
16 argument statement committee. In making these committee
17 appointments, the chief election officer shall consider
18 legislators and stakeholders known to advocate for or oppose the
19 ballot issue. The initial two members may select up to four
20 additional members, and the committee shall elect a chairperson
21 from among its members.



1 (b) Each argument statement committee shall write and
2 submit argument statements advocating the approval or rejection
3 of each statewide or countywide ballot issue and rebuttals of
4 those argument statements. Each argument statement committee
5 shall obtain the fiscal impact statements prepared in accordance
6 with this section and section 11-D, respectively, before
7 preparing their argument statements. Each argument statement
8 committee shall write the argument statements in clear and
9 concise language and avoid the use of legal and technical terms
10 whenever possible. The content and maximum length of these
11 argument statements shall be prescribed by the chief election
12 officer.

13 (c) After an argument statement committee submits its
14 initial argument statement to the chief election officer, the
15 chief election officer shall transmit the statement to the
16 opposite committee. The opposite committee may then prepare a
17 rebuttal statement. Rebuttal statements may not interject new
18 points. All argument and rebuttal statements shall be submitted
19 to the chief election officer by dates determined by the chief
20 election officer for each election.



1 (d) The voters' pamphlet shall only contain argument and
2 rebuttal statements prepared in accordance with this section.
3 Argument and rebuttal statements may contain graphs and charts
4 supported by factual statistical data and pictures or other
5 illustrations; provided that the chief election officer may
6 disapprove any picture or illustration determined by the chief
7 election officer to be inappropriate.

8 (e) A candidate shall not challenge an argument statement.

9 **§11-F Candidate statements; photographs.** (a) Candidates
10 whose names are listed on the ballot may submit statements
11 advocating their candidacies and photographs of themselves. The
12 content and maximum length of the candidate statement shall be
13 prescribed by the chief election officer.

14 (b) A candidate statement shall not contain false or
15 misleading statements about the candidate or the candidate's
16 opponent. A candidate who believes that the candidate has been
17 defamed or libeled under an opponent's statement may commence an
18 action under section 11-G.

19 (c) All candidate statements shall be submitted to the
20 chief election officer by a date determined by the chief
21 election officer for each election.



1 **§11-G Rejection or dispute of arguments or statements.**

2 (a) In the opinion of the chief election officer, if any
3 argument, rebuttal, or candidate statement submitted pursuant to
4 this part for inclusion in the voters' pamphlet contains obscene
5 matter or matter that is otherwise prohibited by law for
6 distribution through postal, electronic, or audio or visual
7 means, the chief election officer may petition the circuit court
8 of competent jurisdiction for a judicial determination that the
9 argument, rebuttal, or candidate statement may be rejected for
10 publication or edited to delete the matter. The court shall not
11 enter an order unless it concludes that the matter is obscene or
12 otherwise prohibited for distribution.

13 (b) A candidate may petition the circuit court of
14 competent jurisdiction for a judicial determination if the
15 candidate believes a candidate statement submitted for inclusion
16 in the voters' pamphlet contains false or defamatory
17 information. The court shall not enter an order unless it
18 concludes that the statement is false or the petitioner has a
19 very substantial likelihood of prevailing in a defamation
20 action. A petition pursuant to this subsection shall be filed
21 and served no later than five days after the deadline for the



1 submission of the argument, rebuttal, or candidate statement to
2 the chief election officer. The State and counties shall not be
3 liable for damages resulting from the publication of the
4 argument, rebuttal, or candidate statement unless the chief
5 election officer or county clerks publish the statement in
6 violation of the order entered under this subsection.

7 (c) Parties to a dispute under this section may agree to
8 resolve the dispute by rephrasing the argument, rebuttal, or
9 candidate statement, even if the deadline for submission to the
10 chief election officer has lapsed, unless the chief election
11 officer determines that the process of publication is too far
12 advanced to permit the change. The chief election officer shall
13 promptly provide any revision to any argument statement
14 committee entitled to submit a rebuttal statement. If that
15 committee has not yet submitted its rebuttal statement, the
16 committee's deadline to submit a rebuttal statement shall be
17 extended by five days. If the committee has submitted a
18 rebuttal statement, the committee may revise the rebuttal
19 statement to address the change within five days of the filing
20 of the revised argument with the chief election officer.



§11-H Deceptively similar campaign materials prohibited.

(a) No person or entity shall publish or distribute any campaign material that is deceptively similar in design or appearance to a voters' pamphlet that is published by the chief election officer.

(b) The chief election officer shall take reasonable measures to prevent or stop violations of this section, including petitioning the court for a temporary restraining order or other appropriate injunctive relief.

§11-I Public inspection; arguments and statements. (a)

An argument, rebuttal, or candidate statement submitted to the chief election officer for publication in the voters' pamphlet shall not be available for public inspection or copying until:

(1) In the case of candidate statements:

(A) All statements by all candidates who have filed for a particular office have been received, except those candidates who informed the chief election officer that they will not submit statements; or

(B) The deadline for submission has passed;



(2) In the case of argument statements supporting or
opposing a ballot issue:

(A) The argument statements on both sides have been
received, unless an argument statement committee
was not appointed for one side; or

(B) The deadline for submission of argument
statements has passed; and

(3) In the case of rebuttal statements:

(A) The rebuttal statements on both sides have been
received, unless an argument statement committee
was not appointed for one side; or

(B) The deadline for submission of rebuttal
statements has passed.

(b) Nothing in this section shall prohibit the chief
election officer from releasing information in accordance with
chapter 92F.

§11-J Rules. The chief election officer shall adopt rules
in accordance with chapter 91 to implement this part."

SECTION 3. Section 11-2, Hawaii Revised Statutes, is
amended by amending subsection (d) to read as follows:



1 "(d) The chief election officer shall be responsible for
2 public education with respect to voter registration and
3 information[-] and the publication and distribution of a voters'
4 pamphlet in accordance with part ."

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2022-2023 for
8 the chief election officer to publish and distribute a voters'
9 pamphlet for each election starting with the 2024 primary
10 election; provided that no funds shall be made available under
11 this Act unless the counties provide matching funds on a dollar-
12 for-dollar basis.

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

15 SECTION 5. Notwithstanding any law to the contrary, this
16 Act shall apply to the 2024 primary election, and every state
17 and county election thereafter.

18 SECTION 6. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 7. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 8. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect on July 30, 2075;
10 provided that the chief election officer shall adopt rules,
11 pursuant to chapter 91, Hawaii Revised Statutes, necessary for
12 the purposes of this Act by no later than June 30, 2075.



S.B. NO. 2210
S.D. 2
H.D. 1

Report Title:

Elections; Voters' Pamphlet; Office of Elections; Chief Election Officer; Appropriation

Description:

Requires the chief election officer, with assistance from the county clerks for elections that involve county offices and countywide ballot issues, to publish and distribute a voters' pamphlet. Appropriates funds. Requires the counties to match funds appropriated on a dollar-for-dollar basis. Effective 7/30/2075. (HD1)

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