
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 requiring the chief election officer to publish and
5 distribute to every registered voter, a voters' pamphlet for
6 each election.

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

10 **"PART . VOTERS' PAMPHLET"**

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

12 "Ballot issue" means questions concerning a proposed
13 constitutional amendment, county charter amendment, or
14 initiative or referendum issue listed on a ballot at the next
15 applicable election.

16 **§11-B Voters' pamphlet; content; format.** (a) The chief
17 election officer, with assistance from the clerk for elections



1 that involve county offices and countywide ballot issues, shall
2 prepare and publish a voters' pamphlet for each election.

3 (b) The voters' pamphlet shall contain:

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

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

8 (3) Information regarding each ballot issue listed on the
9 ballot that shall include:

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

11 (B) A fiscal impact statement prepared by the
12 department of budget and finance for each
13 statewide ballot issue or by the respective
14 county counterpart agency for each countywide
15 ballot issue listed on the ballot;

16 (C) The total number of votes cast for and against
17 the ballot issue on the last reading of the
18 ballot issue in the senate and house of
19 representatives for a statewide ballot issue, or
20 county council or charter commission for a
21 countywide ballot issue, as applicable;



1 (D) An argument advocating the voters' approval of
2 the ballot issue together with any statement in
3 rebuttal of the opposing argument in accordance
4 with section 11-E;

5 (E) An argument advocating the voters' rejection of
6 the ballot issue together with any statement in
7 rebuttal of the opposing argument in accordance
8 with section 11-E;

9 (F) The names of the committee members established
10 under section 11-E(b) for each argument or
11 rebuttal statement; and

12 (G) The full text of the ballot issue;

13 (4) Contact information for the campaign spending
14 commission;

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

17 (6) Additional information, including voter registration
18 information, voting instructions, and voter education,
19 as deemed necessary by the chief election officer.

20 (c) The chief election officer shall determine the format
21 and layout of the voters' pamphlet; provided that the voters'



1 pamphlet shall include a table of contents, and be printed in
2 clear and readable type on a paper of size, quality, and weight
3 that best serves the voters, as determined by the chief election
4 officer. The chief election officer shall also produce the
5 voters' pamphlet in braille, large print, audio recordings, or
6 other media for access and use by individuals who are unable to
7 review the voters' pamphlet in conventional print and form.

8 **§11-C Voters' pamphlet; distribution; public access. (a)**

9 No later than the day the ballot package is mailed to voters,
10 the chief election officer, with assistance from the clerk for
11 elections that involve county offices and countywide ballot
12 issues, shall mail to every registered voter one copy of the
13 voters' pamphlet. The voters' pamphlet may be included in the
14 ballot package or mailed separately.

15 (b) The chief election officer shall cause a notice
16 regarding the voters' pamphlet to be published in a newspaper of
17 general circulation, on different days before the
18 election. The notice, at minimum, shall inform the public that
19 the voters' pamphlet:

20 (1) Has been mailed; and



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

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

5 (1) Placement of copies at public libraries, polling
6 places, and absentee polling places; and

7 (2) Posting electronic copies on the public website of the
8 office of elections.

9 **§11-D Ballot issue; fiscal impact statement.** (a) A
10 fiscal impact statement shall be prepared by the department of
11 budget and finance for each statewide ballot issue or by the
12 respective county counterpart agency for each countywide ballot
13 issue listed on the ballot. The fiscal impact statement shall
14 contain an estimated fiscal impact if the ballot issue is
15 ratified or adopted. The department of budget and finance or
16 its county counterpart agency, as applicable, shall consult with
17 appropriate fiscal state or county agencies in preparing the
18 fiscal impact statements. The fiscal impact statements shall be
19 written in clear and concise language and avoid the use of legal
20 and technical terms whenever possible. Fiscal impact statements
21 may include easily understood graphics. The chief election



1 officer shall prescribe the content and maximum length of the
2 fiscal impact statements.

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

6 **§11-E Ballot issue; argument statements in support or**
7 **opposition; rebuttals; committees.** (a) The chief election
8 officer, in consultation with state and county legislative
9 bodies and clerks, shall appoint the initial two members of each
10 argument statement committee. In making these committee
11 appointments, the chief election officer shall consider
12 legislators and stakeholders known to advocate for or oppose the
13 ballot issue. The initial two members may select up to four
14 additional members, and the committee shall elect a chairperson.

15 (b) Each committee shall write and submit argument
16 statements advocating the approval or rejection of each
17 statewide or countywide ballot issue and rebuttals of those
18 argument statements. Each committee shall obtain the fiscal
19 impact statements prepared in accordance with this section and
20 section 11-D, respectively, before preparing their argument
21 statements. Each committee shall write the argument statements



1 in clear and concise language and avoid the use of legal and
2 technical terms whenever possible. The content and maximum
3 length of these argument statements shall be prescribed by the
4 chief election officer.

5 (c) After a committee submits its initial argument
6 statement to the chief election officer, the chief election
7 officer shall transmit the statement to the opposite committee.
8 The opposite committee may then prepare a rebuttal statement.
9 Rebuttal statements may not interject new points. All argument
10 and rebuttal statements shall be submitted to the chief election
11 officer by dates determined by the chief election officer for
12 each election.

13 (d) The voters' pamphlet shall only contain argument and
14 rebuttal statements prepared in accordance with this section.
15 Argument and rebuttal statements may contain graphs and charts
16 supported by factual statistical data and pictures or other
17 illustrations; provided that the chief election officer may
18 disapprove any picture or illustration determined by the chief
19 election officer to be inappropriate.

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



1 **§11-F Candidate statements.** (a) Candidates whose names
2 are listed on the ballot may submit statements advocating their
3 candidacies and photographs of themselves. The content and
4 maximum length of the candidate statement shall be prescribed by
5 the chief election officer.

6 (b) A candidate statement shall not contain false or
7 misleading statements about the candidate or the candidate's
8 opponent. A candidate who believes that the candidate has been
9 defamed or libeled under an opponent's statement may commence an
10 action under section 11-G.

11 (c) All candidate statements shall be submitted to the
12 chief election officer by a date determined by the chief
13 election officer for each election.

14 **§11-G Rejection or dispute of arguments or statements.**

15 (a) In the opinion of the chief election officer, if any
16 argument, rebuttal, or candidate statement submitted pursuant to
17 this part for inclusion in the voters' pamphlet contains obscene
18 matter or matter that is otherwise prohibited by law for
19 distribution through postal, electronic, or audio or visual
20 means, the chief election officer may petition the circuit court
21 of competent jurisdiction for a judicial determination that the



1 argument, rebuttal, or candidate statement may be rejected for
2 publication or edited to delete the matter. The court shall not
3 enter an order unless it concludes that the matter is obscene or
4 otherwise prohibited for distribution.

5 (b) A candidate may petition the circuit court of
6 competent jurisdiction for a judicial determination if the
7 candidate believes a candidate statement submitted for inclusion
8 in the voters' pamphlet contains false or defamatory
9 information. The court shall not enter an order unless it
10 concludes that the statement is false or the petitioner has a
11 very substantial likelihood of prevailing in a defamation
12 action. A petition pursuant to this subsection shall be filed
13 and served no later than five days after the deadline for the
14 submission of the argument, rebuttal, or candidate statement to
15 the chief election officer. The State and counties shall not be
16 liable for damages resulting from the publication of the
17 argument, rebuttal, or candidate statement unless the chief
18 election officer or county clerks publish the statement in
19 violation of the order entered under this subsection.

20 (c) Parties to a dispute under this section may agree to
21 resolve the dispute by rephrasing the argument, rebuttal, or



1 candidate statement, even if the deadline for submission to the
2 chief election officer has lapsed, unless the chief election
3 officer determines that the process of publication is too far
4 advanced to permit the change. The chief election officer shall
5 promptly provide any revision to any committee entitled to
6 submit a rebuttal statement. If that committee has not yet
7 submitted its rebuttal statement, its deadline to submit a
8 rebuttal statement shall be extended by five days. If it has
9 submitted a rebuttal statement, the committee may revise the
10 rebuttal statement to address the change within five days of the
11 filing of the revised argument with the chief election officer.

12 **§11-H Deceptively similar campaign materials prohibited.**

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

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



1 **§11-I Public inspection; arguments and statements. (a)**

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

5 (1) In the case of candidate statements:

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

10 (B) The deadline for submission has passed;

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

13 (A) The argument statements on both sides have been
14 received, unless a committee was not appointed
15 for one side; or

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

18 (3) In the case of rebuttal statements:

19 (A) The rebuttal statements on both sides have been
20 received, unless a committee was not appointed
21 for one side; or



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

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

6 **§11-J Rules.** The chief election officer shall adopt rules
7 in accordance with chapter 91 to implement this part."

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

10 "(d) The chief election officer shall be responsible for
11 public education with respect to voter registration and
12 information[+] and the publication and distribution of a voters'
13 pamphlet in accordance with part ."

14 SECTION 4. Notwithstanding any law to the contrary, this
15 Act shall apply to the 2024 primary election, and every state
16 and county election thereafter.

17 SECTION 5. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid, the invalidity does not affect other provisions or
20 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 6. 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 7. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 8. 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.



Report Title:

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

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. Effective 7/30/2075. (SD2)

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

