

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1           SECTION 1. Section 19-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

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

5           (1) Every person who, directly or indirectly, personally  
6 or through another, gives, procures, or lends, or  
7 agrees or offers to give, procure, or lend, or who  
8 endeavors to procure, any money or office or place of  
9 employment or valuable consideration to or for any  
10 elector, person for an elector, person in order to  
11 induce any elector to vote or refrain from voting, or  
12 to vote or refrain from voting for any particular  
13 person or party, or who does any such act on account  
14 of any person having voted or refrained from voting  
15 for any particular person at any election;

16           (2) Every person who advances or pays, or causes to be  
17 paid, any money to, or to the use of, any other



1 person, with the intent that the money, or any part  
2 thereof, shall be expended in bribery at any election,  
3 or for any purpose connected with or incidental to any  
4 election; or who knowingly pays or causes to be paid  
5 any money to any person in the discharge or repayment  
6 of any money wholly or partly expended in bribery at  
7 any election, or for any purpose connected with or  
8 incidental to any election;

9 (3) Every elector who, before, during, or after any  
10 election, directly or indirectly, personally or  
11 through another, receives, agrees, or contracts for  
12 any money, gift, loan, or valuable consideration,  
13 office, place, or employment for oneself or any other  
14 person for voting or agreeing to vote, or for  
15 refraining to vote or agreeing to refrain from voting,  
16 or for voting or refraining to vote for any particular  
17 person or party;

18 (4) Every person who, directly or indirectly, personally  
19 or through another, makes use of, or threatens to make  
20 use of, any force, violence, or restraint; or inflicts  
21 or threatens to inflict any injury, damage, or loss in



1 any manner, or in any way practices intimidation upon  
2 or against any person in order to induce or compel the  
3 person to vote or refrain from voting, or to vote or  
4 refrain from voting for any particular person or  
5 party, at any election, or on account of the person  
6 having voted or refrained from voting, or voted or  
7 refrained from voting for any particular person or  
8 party; or who by abduction, distress, or any device or  
9 contrivance impedes, prevents, or otherwise interferes  
10 with the free exercise of the elective franchise;  
11 provided that the practice of intimidation as  
12 described in this paragraph includes, among other  
13 actions:

14 (A) The carrying of any firearm or weapon; and

15 (B) The act of photographing the face of any voter  
16 without permission from both the voter and an  
17 appropriate election official,

18 at or within \_\_\_\_\_ feet any voter service center,  
19 place of deposit, or polling place;

20 (5) Every person who, at any election, votes or attempts  
21 to vote in the name of any other person, living or



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



- 1           (6) Every person who, before or during an election,  
2                    knowingly publishes a false statement of the  
3                    withdrawal of any candidate at the election;
- 4           (7) Every person who induces or procures any person to  
5                    withdraw from being a candidate at an election in  
6                    consideration of any payment or gift or valuable  
7                    consideration; or of any threat; and every candidate  
8                    who withdraws from being a candidate in pursuance of  
9                    such inducement or procurement;
- 10          (8) Every public officer by law required to do or perform  
11                    any act or thing with reference to any of the  
12                    provisions in any law concerning elections who  
13                    wilfully fails, neglects, or refuses to do or perform  
14                    the same, or who is guilty of any wilful violation of  
15                    any of the provisions thereof;
- 16          (9) Any person wilfully tampering or attempting to tamper  
17                    with, disarrange, deface, or impair in any manner  
18                    whatsoever, or destroy any voting machine while the  
19                    same is in use at any election, or who, after the  
20                    machine is locked in order to preserve the  
21                    registration or record of any election made by the



1 same, tampers or attempts to tamper with any voting  
2 machine;

3 (10) Every person who, directly or indirectly, personally  
4 or through another, wilfully designs, alters,  
5 accesses, or programs any electronic voting system to  
6 cause the system to inaccurately record, tally, or  
7 report votes cast on the electronic voting system;

8 (11) Every person who assists a voter in the completion of  
9 a ballot in violation of section 11-139; and

10 (12) Every person who knowingly broadcasts, televises,  
11 circulates, publishes, distributes, or otherwise  
12 communicates, including by electronic means or  
13 advertisement, false information about the time, date,  
14 place, or means of voting with the purpose of  
15 impeding, preventing, or otherwise interfering with  
16 the free exercise of the elective franchise."

17 SECTION 2. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:                     *Am*                    



# S.B. NO. 2702

**Report Title:**

Election Fraud; Intimidation; Firearms; Weapons; Photography;  
Voters

**Description:**

Specifies that the practice of election fraud intimidation includes carrying any firearm or weapon and photographing the face of any voter without permission from both the voter and an appropriate election official when those actions occur at or near a voter service center, place of deposit, or polling place.

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

