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# A BILL FOR AN ACT

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RELATING TO ELECTIONS.

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

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

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

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

(2) Every person who advances or pays, or causes to be 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, the unconcealed carry of any dangerous  
14 instrument, including a firearm, at or within two  
15 hundred feet of any voter service center, place of  
16 deposit, or polling place;

- 17 (5) Every person who, at any election, votes or attempts  
18 to vote in the name of any other person, living or  
19 dead, or in some fictitious name, or who votes or  
20 attempts to vote more than once during any election,  
21 regardless of whether one of the elections is in a



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

- 18 (6) Every person who, before or during an election,  
19 knowingly publishes a false statement of the  
20 withdrawal of any candidate at the election;



1 (7) Every person who induces or procures any person to  
2 withdraw from being a candidate at an election in  
3 consideration of any payment or gift or valuable  
4 consideration; or of any threat; and every candidate  
5 who withdraws from being a candidate in pursuance of  
6 such inducement or procurement;

7 (8) Every public officer by law required to do or perform  
8 any act or thing with reference to any of the  
9 provisions in any law concerning elections who  
10 wilfully fails, neglects, or refuses to do or perform  
11 the same, or who is guilty of any wilful violation of  
12 any of the provisions thereof;

13 (9) Any person wilfully tampering or attempting to tamper  
14 with, disarrange, deface, or impair in any manner  
15 whatsoever, or destroy, any voting machine while the  
16 same is in use at any election, or who, after the  
17 machine is locked in order to preserve the  
18 registration or record of any election made by the  
19 same, tampers or attempts to tamper with any voting  
20 machine;



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

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

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

15 (b) For the purposes of this section:

16 "Concealed" means, in relation to a dangerous instrument,  
17 that the dangerous instrument is entirely hidden from view of  
18 the public and not discernable by ordinary observation, in a  
19 manner that a reasonable person without law enforcement training  
20 would be unable to detect the presence of the dangerous  
21 instrument.



1       "Dangerous instrument" has the same meaning as defined in  
2       section 707-700.

3       "Unconcealed" means not concealed."

4       SECTION 2. This Act does not affect rights and duties that  
5       matured, penalties that were incurred, and proceedings that were  
6       begun before its effective date.

7       SECTION 3. Statutory material to be repealed is bracketed  
8       and stricken. New statutory material is underscored.

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



**Report Title:**

Election Fraud; Voter Intimidation; Firearms; Dangerous  
Instruments

**Description:**

Specifies that the practice of election fraud intimidation includes carrying any unconcealed firearm or dangerous instrument at or within two hundred feet of a voter service center, place of deposit, or polling place. (CD1)

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

