

A Bill for an Act Relating to Voter Fraud.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to raise the penalty for voter fraud to a class C felony.

SECTION 2. Chapter 19, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§19- Voter fraud. The following persons shall be guilty of a class C felony:

- (1) Any person who knowingly registers another person to vote when that person is not entitled to register to vote;
- (2) Any person who knowingly votes when the person is not entitled to vote;
- (3) Any person who knowingly takes an oath in this title prescribed or authorized by law and willfully makes any false statement of fact while under oath therein; or
- (4) Any person who willfully makes a false answer to any question asked of the person while under oath in this title prescribed or authorized by law.”

SECTION 3. Section 19-6, Hawaii Revised Statutes, is amended to read as follows:

“§19-6 Misdemeanors. The following persons shall be guilty of a misdemeanor:

- (1) Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for the person’s benefit to any voter to induce the voter to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after the signing;
- (2) Any person who wilfully tears down or destroys or defaces any election proclamation or any poster or notice or list of voters or visual aids or facsimile ballot, issued or posted by authority of law;
- (3) Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color to the official ballot so that it could be cast or counted as an official ballot in an election;
- (4) Every person who is disorderly or creates a disturbance whereby any meeting of the precinct officials or the board of registration of voters during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance;
- (5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or

- in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election;
- (6) Any person, other than those designated by section 11-132, who remains or loiters within the area set aside for voting as set forth in section 11-132 during the time appointed for voting;
 - (7) Any person, including candidates carrying on any campaign activities within the area described in section 11-132 during the period of time starting one hour before the polling place opens and ending when the polling place closes for the purpose of influencing votes. Campaign activities shall include the following:
 - (A) Any distribution, circulation, carrying, holding, posting, or staking of campaign cards, pamphlets, posters and other literature;
 - (B) The use of public address systems and other public communication media;
 - (C) The use of motor caravans or parades; and
 - (D) The use of entertainment troupes or the free distribution of goods and services;
 - (8) Any person who opens a return envelope containing an absentee ballot voted under chapter 15 other than those authorized to do so under chapter 15;
 - (9) Any unauthorized person found in possession of any voting machine or keys thereof;
 - (10) Every person who wilfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise in this chapter specially provided for; or
 - (11) Any person who, knowing that the person is not entitled to register or to vote, registers or votes; and any person taking any oath in this title prescribed or authorized to be administered and wilfully making oath to any false statement of fact, or wilfully making a false answer to any question put to the person thereunder].”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved June 12, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.