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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. Chapter 15, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4 "§15- Voter assistance; prohibitions. (a) Except as  
5 otherwise provided in subsection (b), any voter who requires  
6 assistance in completing an absentee ballot may be assisted by a  
7 person of the voter's choice.

8 (b) The following persons and their agents shall not  
9 assist a voter in completing an absentee ballot:

10 (1) The voter's employer;

11 (2) The voter's union; and

12 (3) A candidate for any office that is listed on the  
13 absentee ballot.

14 Any violation of this subsection shall constitute an election  
15 fraud as provided under section 19-3(6)."

16 SECTION 2. Section 11-91.5, Hawaii Revised Statutes, is  
17 amended to read as follows:



1 "[+]§11-91.5[+] Federal, state, and county elections by  
2 mail. (a) Any federal, state, or county election held other  
3 than on the date of a regularly scheduled primary or general  
4 election may be conducted by mail.

5 (b) The chief election officer shall determine whether a  
6 federal or state election, other than a regularly scheduled  
7 primary or general election, may be conducted by mail or at  
8 polling places.

9 (c) The county clerk shall determine whether a county  
10 election, held other than on the date of a regularly scheduled  
11 primary or general election, may be conducted by mail or at  
12 polling places. An election by mail in the county shall be  
13 under the supervision of the county clerk.

14 (d) All requirements applicable to an absentee ballot  
15 under this chapter and chapter 15 shall apply to a ballot issued  
16 in an election by mail.

17 [~~d~~] (e) The chief election officer shall adopt rules  
18 pursuant to chapter 91 to provide for uniformity in the conduct  
19 of federal, state, and county elections by mail."

20 SECTION 3. Section 15-6, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§15-6 Return envelope, ballot envelope; instructions.  
2 The clerk shall provide the absentee voter with the ballots,  
3 ballot envelopes, and a return envelope [~~which~~] that shall  
4 contain a statement to be subscribed to by the voter [~~which~~]  
5 that affirms the fact that the voter is the person voting[7] and  
6 that the ballot was completed in secrecy and without influence  
7 from another person, the instruction that the voter's ballot  
8 will be valid only if the affirmation statement is signed,  
9 materials summarizing the provisions in sections 19-3, 19-3.5,  
10 19-4, and 19-6, and any other information prescribed by the  
11 rules promulgated by the chief election officer."

12           SECTION 4. Section 15-9, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "§15-9 Return and receipt of absentee ballots. (a) The  
15 return envelope shall be:

16           (1) Mailed and must be received by the clerk issuing the  
17 absentee ballot not later than the closing of the  
18 polls on any election day;

19           (2) Delivered other than by mail to the clerk issuing the  
20 absentee ballot, or another election official  
21 designated by the clerk to act on the clerk's behalf,



1 not later than the closing of polls on any election  
2 day; or

3 (3) Delivered other than by mail to any polling place  
4 within the county in which the voter is registered and  
5 deposited by a precinct official in the ballot box  
6 before the closing of the polls on any election day.

7 (b) Upon receipt of the return envelope from any person  
8 voting under this chapter, the clerk may prepare the ballots for  
9 counting pursuant to this section and section 15-10.

10 (c) Prior to opening the return and ballot envelopes and  
11 counting the ballots, the return envelopes shall be checked for  
12 the following:

13 (1) Signature on the affirmation statement;

14 (2) Whether the signature corresponds with the absentee  
15 request or register as prescribed in the rules adopted  
16 by the chief election officer; and

17 (3) Whether the person is a registered voter and has  
18 complied with the requirements of sections 11-15 and  
19 11-16.

20 (d) If any of the above requirements is not met or if the  
21 return or ballot envelope appears to be tampered with, the clerk  
22 or the absentee ballot team official shall mark across the face



1 of the envelope "invalid" and it shall be kept in the custody of  
2 the clerk and disposed of as prescribed for ballots in section  
3 11-154[-], except as otherwise provided in subsection (e).

4 (e) Notwithstanding subsection (d), all return envelopes  
5 shall be kept in the custody of the clerk for at least the two  
6 general elections immediately following the clerk's receipt of  
7 the return envelope from the voter and shall be deemed  
8 government records, as defined in section 92F-3.

9 ~~[-(e)]~~ (f) If an absentee polling place is established at  
10 the clerk's office prior to election day, the officials of the  
11 absentee polling place shall check the return or ballot  
12 envelopes for the above requirements prior to depositing them in  
13 the correct absentee ballot box."

14 SECTION 5. Section 19-3, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§19-3 Election frauds. The following persons shall be  
17 deemed guilty of an election fraud:

18 (1) Every person who, directly or indirectly, personally  
19 or through another, gives, procures, or lends, or  
20 agrees or offers to give, procure, or lend, or who  
21 endeavors to procure, any money or office or place of  
22 employment or valuable consideration to or for any



1           elector, or to or for any person for an elector, or to  
2           or for any person in order to induce any elector to  
3           vote or refrain from voting, or to vote or refrain  
4           from voting for any particular person or party, or who  
5           does any such act on account of any person having  
6           voted or refrained from voting for any particular  
7           person at any election;

8           (2) Every person who advances or pays, or causes to be  
9           paid, any money to, or to the use of, any other  
10          person, with the intent that the money, or any part  
11          thereof, shall be expended in bribery at any election,  
12          or for any purpose connected with or incidental to any  
13          election; or who knowingly pays or causes to be paid  
14          any money to any person in the discharge or repayment  
15          of any money wholly or partly expended in bribery at  
16          any election, or for any purpose connected with or  
17          incidental to any election;

18          (3) Every elector who, before, during, or after any  
19          election, directly or indirectly, personally or  
20          through another, receives, agrees, or contracts for  
21          any money, gift, loan, or valuable consideration,  
22          office, place, or employment for oneself or any other



1 person for voting or agreeing to vote, or for  
2 refraining to vote or agreeing to refrain from voting,  
3 or for voting or refraining to vote for any particular  
4 person or party;

5 (4) Every person who, directly or indirectly, personally  
6 or through another, makes use of, or threatens to make  
7 use of, any force, violence, or restraint; or inflicts  
8 or threatens to inflict any injury, damage, or loss in  
9 any manner, or in any way practices intimidation upon  
10 or against any person in order to induce or compel the  
11 person to vote or refrain from voting, or to vote or  
12 refrain from voting for any particular person or  
13 party, at any election, or on account of the person  
14 having voted or refrained from voting, or voted or  
15 refrained from voting for any particular person or  
16 party; or who by abduction, distress, or any device or  
17 contrivance impedes, prevents, or otherwise interferes  
18 with the free exercise of the elective franchise;

19 (5) Every person who, at any election, votes or attempts  
20 to vote in the name of any other person, living or  
21 dead, or in some fictitious name, or who, having once  
22 voted, votes or attempts to vote again, or knowingly



1 gives or attempts to give more than one ballot for the  
2 same office at one time of voting;

3 (6) Every person who assists a voter in completing an  
4 absentee ballot in violation of section 15- (b);

5 [~~6~~] (7) Every person who, before or during an election,  
6 knowingly publishes a false statement of the  
7 withdrawal of any candidate at the election;

8 [~~7~~] (8) Every person who induces or procures any person  
9 to withdraw from being a candidate at an election in  
10 consideration of any payment or gift or valuable  
11 consideration; or of any threat; and every candidate  
12 who withdraws from being a candidate in pursuance of  
13 such inducement or procurement;

14 [~~8~~] (9) Every public officer by law required to do or  
15 perform any act or thing with reference to any of the  
16 provisions in any law concerning elections who  
17 wilfully fails, neglects, or refuses to do or perform  
18 the same, or who is guilty of any wilful violation of  
19 any of the provisions thereof;

20 [~~9~~] (10) Any person wilfully tampering or attempting to  
21 tamper with, disarrange, deface, or impair in any  
22 manner whatsoever, or destroy any voting machine while



1 the same is in use at any election, or who, after the  
 2 machine is locked in order to preserve the  
 3 registration or record of any election made by the  
 4 same, tampers or attempts to tamper with any voting  
 5 machine; and

6 ~~(+10)~~ (11) Every person who, directly or indirectly,  
 7 personally or through another, wilfully designs,  
 8 alters, accesses, or programs any electronic voting  
 9 system to cause the system to inaccurately record,  
 10 tally, or report votes cast on the electronic voting  
 11 system."

12 SECTION 6. This Act does not affect rights and duties that  
 13 matured, penalties that were incurred, and proceedings that were  
 14 begun before its effective date.

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

17 SECTION 8. This Act shall take effect on July 1, 2013.

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INTRODUCED BY

~~James E. De~~ ~~John A. Oliver~~  
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# H.B. NO. 1027

**Report Title:**

Elections by Mail; Absentee Ballot; Secrecy; Voter Assistance;  
Election Fraud

**Description:**

Requires absentee voters to affirm by signature that the ballot was completed in secrecy and without influence from others. Requires absentee ballots to include information regarding election fraud, voter fraud, and related penalties. Prohibits employers, unions, and candidates or their agents from assisting voters with completing absentee ballots. Subjects special elections by mail to the same requirements as for absentee ballots.

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

