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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 11-91.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

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

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

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

16           (d) Any ballot cast by mail under this section shall be  
17 subject to the provisions applicable to absentee ballots under  
18 sections 11-139 and 15-6.



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

4        SECTION 2. Section 11-139, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "**§11-139 Voting assistance.** (a) [~~Any~~] Except as  
7 otherwise provided, any voter who requires assistance to vote at  
8 a polling place or by absentee ballot may be given assistance by  
9 a person of the voter's choice~~[, other than the voter's employer~~  
10 ~~or agent of that employer or agent of the voter's union, or]~~.  
11 If the voter requires assistance at a polling place, the voter  
12 may choose to receive the assistance of two precinct officials  
13 who are not of the same political party. [A] Additionally, a  
14 voter needing assistance at a polling place may choose to be  
15 handed a ballot outside the polling place but within one hundred  
16 feet thereof or within the polling place parking lot by the  
17 precinct officials and in their presence but in a secret manner,  
18 mark and return the same to the precinct officials. The voter's  
19 employer or agent of that employer, agent of the voter's labor  
20 union, or a candidate for any office that is listed on the  
21 ballot shall not provide assistance for a voter to vote at a  
22 polling place or by absentee ballot.



1 (b) [~~The~~] All precinct officials providing assistance  
2 pursuant to subsection (a) shall enter in writing in the record  
3 book the following:

4 (1) The voter's name;

5 (2) The fact that the voter cannot read the names on the  
6 ballot, if that is the reason for requiring  
7 assistance, and otherwise, the specific physical  
8 disability which requires the voter to receive  
9 assistance; and

10 (3) The name or names of the person or persons furnishing  
11 the assistance.

12 (c) Violation of this section by an employer or agent of  
13 that employer, agent of the voter's labor union, or a candidate  
14 shall constitute election fraud as provided under section 19-3."

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

17 "**§15-6 Return envelope, ballot envelope; instructions.**

18 The clerk shall provide the absentee voter with the ballots,  
19 ballot envelopes, and a return envelope [~~which~~] that shall  
20 contain a statement to be subscribed to by the voter [~~which~~]  
21 that affirms the fact that the voter is the person voting[~~7~~] and  
22 that the voter's employer or agent of the employer, agent of the



1 voter's labor union, or any candidate listed on the ballot did  
2 not assist the voter, along with the instruction that the  
3 voter's ballot will be valid only if the affirmation statement  
4 is signed, materials summarizing the provisions in sections 19-  
5 3, 19-3.5, 19-4, and 19-6, and any other information prescribed  
6 by the rules promulgated by the chief election officer."

7 SECTION 4. Section 19-3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§19-3 Election frauds.** The following persons shall be  
10 deemed guilty of an election fraud:

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



- 1           (2) Every person who advances or pays, or causes to be  
2           paid, any money to, or to the use of, any other  
3           person, with the intent that the money, or any part  
4           thereof, shall be expended in bribery at any election,  
5           or for any purpose connected with or incidental to any  
6           election; or who knowingly pays or causes to be paid  
7           any money to any person in the discharge or repayment  
8           of any money wholly or partly expended in bribery at  
9           any election, or for any purpose connected with or  
10          incidental to any election;
- 11          (3) Every elector who, before, during or after any  
12          election, directly or indirectly, personally or  
13          through another, receives, agrees, or contracts for  
14          any money, gift, loan, or valuable consideration,  
15          office, place, or employment for oneself or any other  
16          person for voting or agreeing to vote, or for  
17          refraining to vote or agreeing to refrain from voting,  
18          or for voting or refraining to vote for any particular  
19          person or party;
- 20          (4) Every person who, directly or indirectly, personally  
21          or through another, makes use of, or threatens to make  
22          use of, any force, violence, or restraint; or inflicts



1 or threatens to inflict any injury, damage, or loss in  
2 any manner, or in any way practices intimidation upon  
3 or against any person in order to induce or compel the  
4 person to vote or refrain from voting, or to vote or  
5 refrain from voting for any particular person or  
6 party, at any election, or on account of the person  
7 having voted or refrained from voting, or voted or  
8 refrained from voting for any particular person or  
9 party; or who by abduction, distress, or any device or  
10 contrivance impedes, prevents, or otherwise interferes  
11 with the free exercise of the elective franchise;

12 (5) Every person who, at any election, votes or attempts  
13 to vote in the name of any other person, living or  
14 dead, or in some fictitious name, or who, having once  
15 voted, votes or attempts to vote again, or knowingly  
16 gives or attempts to give more than one ballot for the  
17 same office at one time of 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;

21 (7) Every person who induces or procures any person to  
22 withdraw from being a candidate at an election in



1 consideration of any payment or gift or valuable  
2 consideration; or of any threat; and every candidate  
3 who withdraws from being a candidate in pursuance of  
4 such inducement or procurement;

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

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

19 (10) Every person who, directly or indirectly, personally  
20 or through another, wilfully designs, alters,  
21 accesses, or programs any electronic voting system to  
22 cause the system to inaccurately record, tally, or



1 report votes cast on the electronic voting system[-];  
2 and  
3 (11) Every person who assists a voter in the completion of  
4 a ballot in violation of voter assistance laws of  
5 section 11-139."

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

9 SECTION 6. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2030.





**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 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 voter assistance prohibitions as for absentee ballots. Effective July 1, 2030. (HB1027 HD2)

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

