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## A BILL FOR AN ACT

RELATING TO ELECTION FRAUDS.

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

1           SECTION 1. The legislature finds that in recent elections,  
2 attempts may have been made in several states to prevent  
3 registered voters from lawfully voting through the provision of  
4 false information regarding the time and place voting was to  
5 occur. For example, in Virginia, Indiana, and Florida, there  
6 were reports of elderly voters receiving phone calls telling  
7 them they did not have to go to the polls to vote, but could  
8 tell the caller their vote instead, while in Delaware and  
9 Pennsylvania, voters were reportedly told photo identification  
10 was required to vote when Delaware has no such law and  
11 litigation has postponed Pennsylvania's law from taking effect  
12 until 2013. In addition, a mass mailing of fake letters  
13 questioning voters' citizenship was investigated. The letter  
14 purportedly written on the falsified letterhead of a local  
15 county's supervisor of elections told recipients to fill out a  
16 "voter eligibility form," including their social security and  
17 drivers license number, and return the form within fifteen days  
18 or be purged from voter rolls.



1           The legislature further finds that such efforts discourage  
2 electoral participation and undermine the democratic process.  
3 Therefore, the purpose of this Act is to deem any person who  
4 knowingly publishes, distributes, or promotes false information  
5 regarding the time, date, place, or means of voting, guilty of  
6 an election fraud.

7           SECTION 2. 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



# H.B. NO. 452

1 report votes cast on the electronic voting system[-];  
 2 and  
 3 (11) Every person who, before or during an election,  
 4 knowingly publishes, distributes, or otherwise  
 5 promotes false information about the time, date,  
 6 place, or means of voting, which impedes, prevents, or  
 7 otherwise interferes with the free exercise of the  
 8 elective franchise."

9 SECTION 3. This Act does not affect rights and duties that  
 10 matured, penalties that were incurred, and proceedings that were  
 11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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# H.B. NO. 452

**Report Title:**

Election Fraud; Polling Misinformation

**Description:**

Deems any person who provides false information regarding the details of voting guilty of an election fraud.

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

