
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 otherwise communicates
5 false information about the time, date, place, or means of
6 voting, guilty of 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;

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 section 11-139[-]; and

5 (12) Every person who knowingly publishes, distributes, or
6 otherwise communicates false information about the
7 time, date, place, or means of voting with the purpose
8 of impeding, preventing, or otherwise interfering with
9 the free exercise of the elective franchise."

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

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 Statutory material to be repealed is bracketed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

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



Report Title:

Election Fraud; Polling Misinformation

Description:

Deems any person who provides false information regarding the details of voting to be guilty of election fraud. (HB452 HD1)

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

