
A BILL FOR AN ACT

RELATING TO BALLOT HARVESTING.

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

1 SECTION 1. The legislature finds that ballot harvesting,
2 also called vote harvesting, is the collecting and submitting of
3 multiple absentee or mail-in voter ballots by volunteers or
4 workers. It occurs in some areas of the United States where
5 voting by mail is common but is illegal or restricted in most
6 other states to prevent fraud. Hawaii is one of the thirteen
7 states where the law does not address ballot harvesting.

8 The legislature also finds that fraud and other issues
9 associated with ballot harvesting have occurred in other states.
10 Stolen absentee ballots, in a North Carolina congressional race,
11 left voters without a say in the democratic process. Other
12 irregularities such as unsealed or partially filled out ballots
13 are often issues which can skew election results in tight races.
14 A Hawaii race in 2018 was marred with the appearance of
15 impropriety after a complaint was filed due to a surge in last
16 minute absentee ballots that pushed an incumbent to reelection.



1 The legislature further finds that Hawaii voter turnout is
2 historically low. The state will transition to vote by mail in
3 the upcoming 2020 election cycle. It is hoped that vote by mail
4 will improve voter turnout, however voters need reassurance that
5 the system will be fair and transparent. To prevent voter fraud
6 and increase public trust rules must be developed to restrict
7 ballot harvesting. Anyone violating the rules will be deemed
8 guilty of election fraud. The purpose of this act is to prohibit
9 ballot harvesting and clarify when an authorized agent is
10 required to turn in a ballot on behalf of another.

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

13 " §11-139 Voting assistance. (a) Except as otherwise
14 provided, any voter who requires assistance may be given
15 assistance by a [~~person of the voter's choice~~] designated agent.
16 A voter may designate an agent to pick up and deliver a ballot,
17 provided that, an agent of the voter under this section: shall
18 be a person who is caring for the applicant because of the
19 applicant's illness or physical disability, including but not
20 limited to, a licensed physician or a registered or practical
21 nurse; a member of the applicant's family; or if no such person



1 consents or is available, then a police officer, chief election
2 officer or their designee; shall be designated in a writing
3 signed by the voter under penalty of perjury; and shall execute
4 an affidavit under penalty of perjury that the ballot was:
5 delivered to the voter who submitted the application; marked and
6 placed in an envelope by the voter, or with assistance as
7 allowed by regulation, in the agent's presence; and returned to
8 the counting center by the agent.

9 A person with disabilities may be provided assistance at a
10 voter service center pursuant to any state or federal law
11 relating to persons with disabilities. The voter's employer or
12 agent of that employer, agent of the voter's labor union, or a
13 candidate for any office that is listed on the ballot shall not
14 provide assistance. Written or oral instructions delivered via
15 telephone, electronic means, or mail shall not be deemed
16 assistance prohibited by this section; provided that the voter's
17 employer or agent of that employer, agent of the voter's labor
18 union, or a candidate for any office listed on the ballot is not
19 physically present with the voter when the instructions are
20 delivered.



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

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

6 "§19-3 Election frauds. The following persons shall be
7 deemed guilty of an election fraud:

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

20 (2) Every person who advances or pays, or causes to be
21 paid, any money to, or to the use of, any other



1 person, with the intent that the money, or any part
2 thereof, shall be expended in bribery at any election,
3 or for any purpose connected with or incidental to any
4 election; or who knowingly pays or causes to be paid
5 any money to any person in the discharge or repayment
6 of any money wholly or partly expended in bribery at
7 any election, or for any purpose connected with or
8 incidental to any election;

9 (3) Every elector who, before, during, or after any
10 election, directly or indirectly, personally or
11 through another, receives, agrees, or contracts for
12 any money, gift, loan, or valuable consideration,
13 office, place, or employment for oneself or any other
14 person for voting or agreeing to vote, or for
15 refraining to vote or agreeing to refrain from voting,
16 or for voting or refraining to vote for any particular
17 person or party;

18 (4) Every person who, directly or indirectly, personally
19 or through another, makes use of, or threatens to make
20 use of, any force, violence, or restraint; or
21 inflicts or threatens to inflict any injury, damage,



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



- 1 (7) Every person who induces or procures any person to
2 withdraw from being a candidate at an election in
3 consideration of any payment or gift or valuable
4 consideration; or of any threat; and every candidate
5 who withdraws from being a candidate in pursuance of
6 such inducement or procurement;
- 7 (8) Every public officer by law required to do or perform
8 any act or thing with reference to any of the
9 provisions in any law concerning elections who
10 wilfully fails, neglects, or refuses to do or perform
11 the same, or who is guilty of any wilful violation of
12 any of the provisions thereof;
- 13 (9) Any person wilfully tampering or attempting to tamper
14 with, disarrange, deface, or impair in any manner
15 whatsoever, or destroy any voting machine while the
16 same is in use at any election, or who, after the
17 machine is locked in order to preserve the
18 registration or record of any election made by the
19 same, tampers or attempts to tamper with any voting
20 machine;



- 1 (10) Every person who, directly or indirectly, personally
2 or through another, wilfully designs, alters,
3 accesses, or programs any electronic voting system to
4 cause the system to inaccurately record, tally, or
5 report votes cast on the electronic voting system;
- 6 (11) Every person who assists a voter in the completion of
7 a ballot in violation of section 11-139; [and]
- 8 (12) Every person that picks up or delivers an absentee
9 ballot that is not a designated agent under 11-139;
- 10 (13) Every person designated to return a vote by mail
11 ballot that receives any form of compensation based on
12 the number of ballots that the person returns and an
13 individual, group, or organization that provides
14 compensation on this basis; and
- 15 [~~(12)~~] (14) Every person who knowingly broadcasts, televises,
16 circulates, publishes, distributes, or otherwise
17 communicates, including by electronic means or
18 advertisement, false information about the time, date,
19 place, or means of voting with the purpose of
20 impeding, preventing, or otherwise interfering with
21 the free exercise of the elective franchise. "

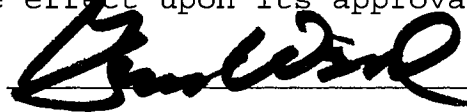
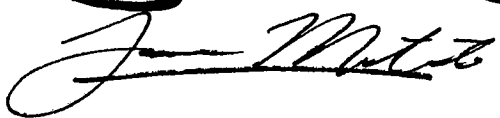




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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This act shall take effect upon its approval.

INTRODUCED BY:

JAN 16 2020



H.B. NO. 1829

Report Title:

Vote harvesting; Ballot harvesting; Voter Fraud; Felony

Description:

Prohibits ballot harvesting. Clarifies that only a designated agent can deliver a ballot on behalf of another. Prohibits ballot harvesting. Violators will be punishable under felony voter fraud statutes.

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

