
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The purpose of this Act is to expand the
2 information provided to registered voters in Hawaii to assist
3 them in making an informed decision when casting their ballots
4 by requiring the chief election officer to publish and
5 distribute to every registered voter, a voters' pamphlet for
6 each election.

7 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
8 by adding a new part to be appropriately designated and to read
9 as follows:

10 **"PART . VOTERS' PAMPHLET**

11 **§11-A Definitions.** As used in this part:

12 "Ballot issue" means questions concerning a proposed
13 constitutional amendment, county charter amendment, or
14 initiative or referendum issue listed on a ballot at the next
15 applicable election.

16 **§11-B Voters' pamphlet; content; format.** (a) The chief
17 election officer, with assistance from the clerk for elections



1 that involve county offices and countywide ballot issues, shall
2 prepare and publish a voters' pamphlet for each election.

3 (b) The voters' pamphlet shall contain:

4 (1) The name of each candidate whose name is listed on the
5 ballot and photograph if available;

6 (2) A campaign statement submitted by each candidate in
7 accordance with section 11-G;

8 (3) Information regarding each ballot issue listed on the
9 ballot that shall include:

10 (A) The number and title of the ballot issue;

11 (B) An explanatory statement prepared in accordance
12 with section 11-D, by the attorney general for a
13 statewide ballot issue or corporation counsel or
14 county attorney for a countywide ballot issue;

15 (C) A fiscal impact statement prepared by the
16 department of budget and finance for each
17 statewide ballot issue or by the respective
18 county counterpart agency for each countywide
19 ballot issue listed on the ballot;

20 (D) The total number of votes cast for and against
21 the ballot issue on the last reading of the



1 ballot issue in the senate and house of
2 representatives for a statewide ballot issue, or
3 county council or charter commission for a
4 countywide ballot issue, as applicable;

5 (E) An argument advocating the voters' approval of
6 the ballot issue together with any statement in
7 rebuttal of the opposing argument in accordance
8 with section 11-F;

9 (F) An argument advocating the voters' rejection of
10 the ballot issue together with any statement in
11 rebuttal of the opposing argument in accordance
12 with section 11-F;

13 (G) The names of the committee members established
14 under section 11-F(b) for each argument or
15 rebuttal statement; and

16 (H) The full text of the ballot issue;

17 (4) Contact information for the campaign spending
18 commission;

19 (5) Contact information for the political parties that are
20 subject to part V of this chapter; and



(6) Additional information, including voter registration information, voting instructions, and voter education, as deemed necessary by the chief election officer.

(c) The chief election officer shall determine the format and layout of the voters' pamphlet; provided that the voters' pamphlet shall include a table of contents, and be printed in clear and readable type on a paper of size, quality, and weight that best serves the voters, as determined by the chief election officer. The chief election office shall also produce the voters' pamphlet in braille, large print, audio recordings, or other media for access and use by individuals who are unable to review the voters' pamphlet in conventional print and form.

§11-C Voters' pamphlet; distribution; public access. (a) No later than the day the ballot package is mailed to voters, the chief election officer, with assistance from the clerk for elections that involve county offices and countywide ballot issues, shall mail to every registered voter one copy of the voters' pamphlet. The voters' pamphlet may be included in the ballot package or mailed separately.

(b) The chief election officer shall also make the voters' pamphlets available for public review in various media through:



- 1 (1) Placement of copies at public libraries, polling
2 places, and absentee polling places;
- 3 (2) Publication in a daily or weekly publication of
4 statewide circulation or countywide circulation in the
5 affected county for elections that involve county
6 offices and countywide ballot issues; and
- 7 (3) Posting electronic copies on the public website of the
8 office of elections.

9 **§11-D Ballot issue; explanatory statement.** (a) An
10 explanatory statement shall be prepared by the attorney general
11 for each statewide ballot issue or corporation counsel or county
12 attorney for each countywide ballot issue listed on the ballot.
13 The attorney general, corporation counsel, or county attorney
14 shall write the explanatory statements in clear and concise
15 language and avoid the use of legal and technical terms whenever
16 possible. The chief election officer shall prescribe the
17 content and maximum length of these statements.

18 (b) The chief election officer shall receive all
19 explanatory statements prepared by the attorney general for
20 statewide ballot issues or corporation counsel or county
21 attorney for countywide ballot issues by a date determined by



1 the chief election officer for each election. The chief
2 election officer may authorize the clerk to receive explanatory
3 statements for countywide ballot issues for each respective
4 county, as applicable; provided that these explanatory
5 statements are received by the chief election officer by the
6 date determined by the chief election officer for each election.

7 **§11-E Ballot issue; fiscal impact statement.** (a) A
8 fiscal impact statement shall be prepared by the department of
9 budget and finance for each statewide ballot issue or by the
10 respective county counterpart agency for each countywide ballot
11 issue listed on the ballot. The fiscal impact statement shall
12 contain an estimated fiscal impact if the ballot issue does not
13 pass. The department of budget and finance or its county
14 counterpart agency, as applicable, shall consult with
15 appropriate fiscal state or county agencies in preparing the
16 fiscal impact statements. The fiscal impact statements shall be
17 written in clear and concise language and avoid the use of legal
18 and technical terms whenever possible. Fiscal impact statements
19 may include easily understood graphics. The chief election
20 officer shall prescribe the content and maximum length of the
21 fiscal impact statements.



1 (b) The chief election officer shall receive all fiscal
2 impact statements prepared for ballot issues by a date
3 determined by the chief election officer for each election.

4 **§11-F Ballot issue; argument statements in support or**
5 **opposition; rebuttals; committees.** (a) The chief election
6 officer, in consultation with state and county legislative
7 bodies and clerks, shall appoint the initial two members of each
8 argument statement committee. In making these committee
9 appointments, the chief election officer shall consider
10 legislators and stakeholders known to advocate for or oppose the
11 ballot issue. The initial two members may select up to four
12 additional members, and the committee shall elect a chairperson.

13 (b) Each committee shall write and submit argument
14 statements advocating the approval or rejection of each
15 statewide or countywide ballot issue and rebuttals of those
16 argument statements. Each committee shall obtain the
17 explanatory and fiscal impact statements prepared in accordance
18 with this section and section 11-E, respectively, before
19 preparing their argument statements. Each committee shall write
20 the argument statements in clear and concise language and avoid
21 the use of legal and technical terms whenever possible. The



1 content and maximum length of these argument statements shall be
2 prescribed by the chief election officer.

3 (c) After a committee submits its initial argument
4 statement to the chief election officer, the chief election
5 officer shall transmit the statement to the opposite committee.
6 The opposite committee may then prepare a rebuttal statement.
7 Rebuttal statements may not interject new points. All argument
8 and rebuttal statements shall be submitted to the chief election
9 officer by dates determined by the chief election officer for
10 each election.

11 (d) The voters' pamphlet shall only contain argument and
12 rebuttal statements prepared in accordance with this section.
13 Argument and rebuttal statements may contain graphs and charts
14 supported by factual statistical data and pictures or other
15 illustrations; provided that the chief elections officer may
16 disapprove any picture or illustration determined, in the
17 discretion of the chief elections officer, to be inappropriate.

18 (e) A candidate shall not challenge an argument statement.

19 **§11-G Candidate statements.** (a) Candidates whose names
20 are listed on the ballot, may write and submit a statement and
21 photograph of themselves advocating their candidacy. The content



1 and maximum length of the candidate statement shall be
2 prescribed by the chief election officer.

3 (b) A candidate statement shall not contain false or
4 misleading statements about the candidate or the candidate's
5 opponent. A candidate who believes that the candidate has been
6 defamed or libeled under an opponent's statement may commence an
7 action under section 11-H.

8 (c) All candidate statements shall be submitted to the
9 chief election officer by a date determined by the chief
10 election officer for each election.

11 **§11-H Rejection or dispute of arguments or statements.**

12 (a) In the opinion of the chief election officer, if any
13 argument, rebuttal, or candidate statement submitted pursuant to
14 this part for inclusion in the voters' pamphlet contains obscene
15 matter or matter that is otherwise prohibited by law for
16 distribution through postal, electronic, or audio or visual
17 means, the chief election officer may petition the circuit court
18 of competent jurisdiction for a judicial determination that the
19 argument, rebuttal, or candidate statement may be rejected for
20 publication or edited to delete the matter. The court shall not



1 enter an order unless it concludes that the matter is obscene or
2 otherwise prohibited for distribution.

3 (b) A candidate may petition the circuit court of
4 competent jurisdiction for a judicial determination if the
5 candidate believes a candidate statement submitted for inclusion
6 in the voters' pamphlet contains false or defamatory
7 information. The court shall not enter an order unless it
8 concludes that the statement is false or the petitioner has a
9 very substantial likelihood of prevailing in a defamation
10 action. A petition pursuant to this subsection shall be filed
11 and served no later than five days after the deadline for the
12 submission of the argument, rebuttal, or candidate statement to
13 the chief election officer. The State and counties shall not be
14 liable for damages resulting from the publication of the
15 argument, rebuttal, or candidate statement unless the chief
16 election officer or county clerks publish the statement in
17 violation of the order entered under this subsection.

18 (c) Parties to a dispute under this section may agree to
19 resolve the dispute by rephrasing the argument, rebuttal, or
20 candidate statement, even if the deadline for submission to the
21 chief election officer has lapsed, unless the chief election



1 officer determines that the process of publication is too far
2 advanced to permit the change. The chief election officer shall
3 promptly provide any revision to any committee entitled to
4 submit a rebuttal statement. If that committee has not yet
5 submitted its rebuttal statement, its deadline to submit a
6 rebuttal statement shall be extended by five days. If it has
7 submitted a rebuttal statement, the committee may revise the
8 rebuttal statement to address the change within five days of the
9 filing of the revised argument with the chief election officer.

10 (d) In any action under this section, the committee or
11 candidate shall be named as a respondent and may be served with
12 process by certified mail directed to the address contained in
13 the chief election officer's records for that committee or
14 candidate. The chief election officer shall be a nominal party
15 to an action brought under subsection (b) solely for the purpose
16 of determining the content of the voters' pamphlet. The circuit
17 court shall give these actions priority on its calendar.

18 **§11-I Deceptively similar campaign materials prohibited.**

19 (a) No person or entity may publish or distribute any campaign
20 material that is deceptively similar in design or appearance to



1 a voters' pamphlet that is published by the chief election
2 officer.

3 (b) The chief election officer shall take reasonable
4 measures to prevent or stop violations of this section,
5 including petitioning the court for a temporary restraining
6 order or other appropriate injunctive relief.

7 **§11-J Public inspection; arguments and statements. (a)**

8 An argument, rebuttal, or candidate statement submitted to the
9 chief election officer for publication in the voters' pamphlet
10 shall not be available for public inspection or copying until:

11 (1) In the case of candidate statements:

12 (A) All statements by all candidates who have filed
13 for a particular office have been received,
14 except those who informed the chief election
15 officer that they will not submit statements; or

16 (B) The deadline for submission has passed;

17 (2) In the case of argument statements supporting or
18 opposing a ballot issue:

19 (A) The argument statements on both sides have been
20 received, unless a committee was not appointed
21 for one side; or



(B) The deadline for submission of argument
statements has passed; and

(3) In the case of rebuttal statements:

(A) The rebuttal statements on both sides have been
received, unless a committee was not appointed
for one side; or

(B) The deadline for submission of rebuttal
statements has passed.

(b) Nothing in this section shall prohibit the chief
election officer from releasing information in accordance with
chapter 92F.

§11-K Rules. The chief election officer shall adopt rules
in accordance with chapter 91 to implement this part."

SECTION 3. Section 11-2, Hawaii Revised Statutes, is
amended by amending subsection (d) to read as follows:

"(d) The chief election officer shall be responsible for
public education with respect to voter registration and
information[-] and the publication and distribution of a voters'
pamphlet in accordance with part ."

SECTION 4. If any provision of this Act, or the
application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 5. In codifying the new sections added by
6 section 2 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

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 30, 2075.



Report Title:

Elections; Voters' Pamphlet; Office of Elections; Chief Election Officer

Description:

Requires the Chief Election Officer, with assistance from the county clerks for elections that involve county offices and countywide ballot issues, to publish and distribute a voters' pamphlet. Takes effect 7/30/75. (SD1)

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

