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# A BILL FOR AN ACT

RELATING TO ELECTION INTEGRITY.

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

1           SECTION 1. The legislature recognizes that in recent  
2 years, several attempts have been made to overturn election  
3 results. Accordingly, the legislature finds that the State must  
4 take action to ensure that election results are accurate and  
5 beyond challenge.

6           The legislature also finds that state election law  
7 currently punishes election-related bribery through money, but  
8 does not address election-related bribery through other forms of  
9 valuable consideration, including gifts and loans.

10           The purpose of this Act is to enhance election integrity  
11 by:

12           (1) Imposing new security requirements for voting systems;

13           (2) Deeming as election fraud certain acts relating to:

14                   (A) The provision of valuable consideration,  
15                               including gifts and loans, for the purpose of  
16                               bribery;

17                   (B) Election tampering; and



- 1 (C) Security breaches; and
- 2 (3) Appropriating moneys for video security surveillance
- 3 recording equipment for the state's voting system.

4 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
5 by adding three new sections to part X to be appropriately  
6 designated and to read as follows:

7 "§11- Security; access revocation. The chief election  
8 officer or clerk, as applicable, shall immediately revoke any  
9 access rights of any person guilty of an election fraud under  
10 section 19-3(14).

11 §11- Voting system; key card access system. The chief  
12 election officer shall keep all components of a voting system in  
13 a location where entry is controlled by use of a key card access  
14 system and shall ensure that the log created by the system is  
15 maintained as an election record for no less than twenty-five  
16 months following the date of any entry; provided that this  
17 section shall not apply when voting system components are  
18 deployed for use or stored at voter service centers, places of  
19 deposit, or polling places.

20 §11- Voting system; video security surveillance  
21 recording. (a) The chief election officer shall:



- 1       (1) Record all components of a voting system using video  
2       security surveillance;
- 3       (2) Ensure that video captured beginning sixty days before  
4       through thirty days after an election is maintained as  
5       an election record for no less than twenty-five months  
6       following the election; and
- 7       (3) Ensure that video captured outside of the period  
8       described in paragraph (2) is maintained for no less  
9       than twenty-five months following the date the video  
10       was captured;

11       provided that this subsection shall not apply when voting system  
12       components are deployed for use or stored at voter service  
13       centers, places of deposit, or polling places.

14       (b) For the purposes of this section, "video security  
15       surveillance recording" means video monitoring by a device that  
16       continuously records a designated location or a system using  
17       motion detection that records no less than one frame per minute  
18       until detection of motion triggers continuous recording."

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



1           "§19-3 Election frauds. The following persons shall be  
2 deemed guilty of an election fraud:

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

14           (2) Every person who advances [~~or~~], pays, provides, or  
15 causes to be paid[~~ed~~] or provided any [~~money~~]  
16 consideration to, or to the use of, any other person,  
17 with the intent that the [~~money~~] consideration, or  
18 any part thereof, shall be expended in or used for the  
19 purposes of bribery at any election, or for any  
20 purpose connected with or incidental to any election;  
21 or who knowingly pays or provides or causes to be paid



1           or provided any [~~money~~] consideration to any person in  
2           the discharge or repayment of any [~~money~~]  
3           consideration wholly or partly expended in or used for  
4           the purposes of bribery at any election, or for any  
5           purpose connected with or incidental to any election;  
6           provided that for the purposes of this paragraph,  
7           "consideration" means any amount of money, any gift,  
8           any loan, or any other form of valuable consideration;

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 inflicts  
21           or threatens to inflict any injury, damage, or loss in



1 any manner, or in any way practices intimidation upon  
2 or against any person in order to induce or compel the  
3 person to vote or refrain from voting, or to vote or  
4 refrain from voting for any particular person or  
5 party, at any election, or on account of the person  
6 having voted or refrained from voting, or voted or  
7 refrained from voting for any particular person or  
8 party; or who by abduction, distress, or any device or  
9 contrivance impedes, prevents, or otherwise interferes  
10 with the free exercise of the elective franchise;  
11 (5) Every person who, at any election, votes or attempts  
12 to vote in the name of any other person, living or  
13 dead, or in some fictitious name, or who votes or  
14 attempts to vote more than once during any election,  
15 regardless of whether one of the elections is in a  
16 state or territory of the United States outside of  
17 Hawaii, or knowingly gives or attempts to give more  
18 than one ballot for the same office at one time of  
19 voting; provided that a person does not commit an  
20 election fraud if the person votes once in Hawaii's  
21 primary election and also votes in the primary



1 election of another state or territory during the same  
2 year, so long as the person was properly registered to  
3 vote in all such elections. For the purposes of this  
4 paragraph, a person is properly registered to vote if  
5 the person's residence in the state in which [~~they~~  
6 ~~are~~] the person is currently voting was acquired with  
7 the intent to make that state [~~their~~] the person's  
8 legal residence with all the accompanying obligations  
9 therein, and if, at the time of voting, that person is  
10 registered to vote with the office of elections of the  
11 state in which [~~they are~~] the person is voting;

12 (6) Every person who, before or during an election,  
13 knowingly publishes a false statement of the  
14 withdrawal of any candidate at the election;

15 (7) Every person who induces or procures any person to  
16 withdraw from being a candidate at an election in  
17 consideration of any payment or gift or valuable  
18 consideration; or of any threat; and every candidate  
19 who withdraws from being a candidate in pursuance of  
20 such inducement or procurement;



- 1           (8) Every public officer by law required to do or perform  
2           any act or thing with reference to any of the  
3           provisions in any law concerning elections who  
4           wilfully fails, neglects, or refuses to do or perform  
5           the same, or who is guilty of any wilfull violation of  
6           any of the provisions thereof;
- 7           (9) Any person who, without authorization from the chief  
8           election officer or clerk, wilfully [~~tampering~~]  
9           tampers or [~~attempting~~] attempts to open, tamper with,  
10          disarrange, deface, or impair in any manner  
11          whatsoever, or destroy any ballot box, receptable for  
12          depositing ballots, or voting machine while the same  
13          is in use at any election, or who, after the box,  
14          receptable, or machine is locked in order to preserve  
15          the ballots, registration, or record of any election  
16          made by the same, tampers or attempts to tamper with  
17          [any] the box, receptable, or voting machine;
- 18          (10) Every person who, at any time, and without  
19          authorization from the chief election officer or  
20          clerk, directly or indirectly, personally or through  
21          another, wilfully designs, alters, tampers with,





1           accesses, facilitates unauthorized access to, or  
2           programs any electronic voting system [~~to cause the~~  
3           ~~system to inaccurately record, tally, or report votes~~  
4           ~~cast on the electronic voting system;~~],  
5           electromechanical voting equipment, or any vote  
6           reporting system;

7           (11) Every person who assists a voter in the completion of  
8           a ballot in violation of section 11-139; [~~and]~~

9           (12) Every person who knowingly broadcasts, televises,  
10           circulates, publishes, distributes, or otherwise  
11           communicates, including by electronic means or  
12           advertisement, false information about the time, date,  
13           place, or means of voting with the purpose of  
14           impeding, preventing, or otherwise interfering with  
15           the free exercise of the elective franchise[~~;~~];

16           (13) Every person who, without authorization from the chief  
17           election officer or clerk, creates, permits any person  
18           to create, or discloses to any person an image of a  
19           hard drive of any voting system component;

20           (14) Every person who, without authorization from the chief  
21           election officer or clerk, knowingly publishes or



1 causes to be published passwords or other confidential  
2 information relating to an electronic voting system;  
3 and

4 (15) Every person who, without authorization under part II  
5 of chapter 11, and without authorization from the  
6 chief election officer or clerk, accesses or attempts  
7 to access the voter registration system; mutilates or  
8 erases any name, figure, or word on the voter register  
9 or a voter service center roster of voters; removes or  
10 destroys the voter register or a voter service center  
11 roster of voters; or mutilates, erases, or removes any  
12 part of the voter register or a voter service center  
13 roster of voters from the place where the register or  
14 roster has been deposited, with intent to destroy it,  
15 to procure or prevent the election of any person, or  
16 to prevent any voter from voting."

17 SECTION 4. In accordance with section 9 of article VII, of  
18 the Constitution of the State of Hawaii and sections 37-91 and  
19 37-93, Hawaii Revised Statutes, the legislature has determined  
20 that the appropriation contained in this Act will cause the  
21 state general fund expenditure ceiling for fiscal year 2024-2025



1 to be exceeded by \$ , or per cent. The reasons  
2 for exceeding the general fund expenditure ceiling are that the  
3 appropriation made in this Act is necessary to serve the public  
4 interest and to meet the needs provided for by this Act.

5 SECTION 5. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so much  
7 thereof as may be necessary for fiscal year 2024-2025 for video  
8 security surveillance recording equipment for the state's voting  
9 system.

10 The sum appropriated shall be expended by the office of  
11 elections for the purposes of this Act.

12 SECTION 6. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 7. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.





# H.B. NO. 2289

**Report Title:**

Elections; Voting; Security; Bribery; Crime; Appropriation;  
General Fund Expenditure Ceiling Exceeded

**Description:**

Imposes new security requirements for voting systems. Deems as election fraud certain acts relating to the provision of valuable consideration, including gifts and loans, for the purpose of bribery; election tampering; and security breaches. Appropriates moneys for video security surveillance recording equipment for the state's voting system. Declares that the appropriation exceeds the state general fund expenditure ceiling for fiscal year 2024-2025.

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

