

HAWAII 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key penal provisions found within the Hawaii Revised Statutes.

- Obstructing, impairing, or hindering an election official's duties with violence or the threat of violence is a misdemeanor.
- Using or threatening violence or force to influence a voter or interfere with the exercise of voting is a felony.
- Causing any disturbance at an election is a misdemeanor.

VOTING HOURS

HI is a vote-by-mail state. In-person accessible voting services are available at county centers from 10 days before the election through Election Day:
<https://elections.hawaii.gov/resources/county-election-divisions>

2024 ELECTION DATES

Republican Presidential Caucus: March 12
Democratic Presidential Caucus: April 6
The Presidential primaries are administered by HI's political parties, not by government officials.
Primary Election: August 10
General Election: November 5
For other election dates: elections.hawaii.gov/about-us/calendar

REPORT SUSPICIOUS BEHAVIOR TO

Your local election official:
elections.hawaii.gov/resources/county-election-divisions



Hawaii Secretary of State:
(808) 453-8683; elections@hawaii.gov;
elections.hawaii.gov/about-us/contact-us

Obstructing government operations.

HI Rev Stat §710-1010

(1) A person commits the offense of obstructing government operations if, by using or threatening to use violence, force, or physical interference or obstacle, the person intentionally obstructs, impairs, or hinders:

(a) The performance of a governmental function by a public servant acting under color of the public servant's official authority;

(3) Obstruction of government operations is a misdemeanor.

Election violations.

HI Rev Stat §19-3

The following persons shall be deemed guilty of [a felony]:

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

(2) Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that the money, or any part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election; or who knowingly pays or causes to be paid any money to any person in the discharge or repayment of any money wholly or partly expended in bribery at any election, or for any purpose connected with or incidental to any election;

(3) Every elector who, before, during, or after any election, directly or indirectly, personally or through another, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for oneself or any

other person for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining to vote for any particular person or party;

(4) Every person who, directly or indirectly, personally or through another, makes use of, or threatens to make use of, any force, violence, or restraint; or inflicts or threatens to inflict any injury, damage, or loss in any manner, or in any way practices intimidation upon or against any person in order to induce or compel the person to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, at any election, or on account of the person having voted or refrained from voting, or voted or refrained from voting for any particular person or party; or who by abduction, distress, or any device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the elective franchise;

(5) Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who, having once voted, votes or attempts to vote again, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting;

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

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

(8) Every public officer by law required to do or perform any act or thing with reference to any of the provisions in any law concerning elections who wilfully fails, neglects, or refuses to do or perform the same, or who is guilty of any wilful violation of any of the provisions thereof;

(9) Any person wilfully tampering or attempting to tamper

with, disarrange, deface, or impair in any manner whatsoever, or destroy any voting machine while the same is in use at any election, or who, after the machine is locked in order to preserve the registration or record of any election made by the same, tampers or attempts to tamper with any voting machine;

(10) Every person who, directly or indirectly, personally or through another, wilfully designs, alters, accesses, or programs any electronic voting system to cause the system to inaccurately record, tally, or report votes cast on the electronic voting system;

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

(12) Every person who knowingly broadcasts, televises, circulates, publishes, distributes, or otherwise communicates, including by electronic means or advertisement, false information about the time, date, place, or means of voting with the purpose of impeding, preventing, or otherwise interfering with the free exercise of the elective franchise.

Misdemeanors.

HI Rev Stat §19-6

The following persons shall be guilty of a misdemeanor:

(1) Any person who offers any bribe or makes any promise of gain, or with knowledge of the same, permits any person to offer any bribe or make any promise of gain for the person's benefit to any voter to induce the voter to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after the signing;

(2) Any person who wilfully tears down, destroys, or defaces any election proclamation, poster, notice, facsimile ballot, or election signage issued or posted by authority of law;

(3) Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color to the official ballot so that it could be cast or counted as an official ballot in an election;

- (4) Every person who is disorderly or creates a disturbance whereby any meeting of the board of registration of voters during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance;
- (5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election;
- (6) Any person, other than those designated by section 11-132, who remains or loiters within the area set aside for voting as set forth in section 11-132 during the time appointed for voting;
- (7) Any person, including candidates carrying on any campaign activities within the area described in section 11-132 during the period of time starting one hour before voting opens and ending when voting closes for the purpose of influencing votes. Campaign activities shall include the following:
- (A) Any distribution, circulation, carrying, holding, posting, or staking of campaign cards, pamphlets, posters, and other literature;
 - (B) The use of public address systems and other public communication media;
 - (C) The use of motor caravans or parades; and
 - (D) The use of entertainment troupes or the free distribution of goods and services;
- (8) Any person who opens a return envelope containing:
- (A) An absentee ballot voted under chapter 15 other than those persons authorized to do so under chapter 15; or
 - (B) A ballot voted by mail under part VIIA of chapter 11 other than those persons authorized to do so under part VIIA of chapter 11;

- (9) Any unauthorized person found in possession of any voting machine or keys thereof;
- (10) Any person other than the postal service or the clerk as authorized in section 11-109, who sponsors, establishes, or displays a collection receptacle for the purpose of receiving voted mail ballots or ballot return envelopes in an election; and
- (11) Every person who wilfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise specified in this chapter.

Two hundred foot radius.

HI Rev Stat §11-132

(a) Election officials shall post in a conspicuous place, before operation of voting service centers or places of deposit, a map designating an area of two hundred feet from the perimeter of any voter service center, place of deposit, and its appurtenances. Any person who remains or loiters within this specified area for the purpose of campaigning shall be guilty of a misdemeanor. For the purposes of this section, a voter service center, place of deposit, and its appurtenances shall include:

- (1) The building in which a voter service center, place of deposit, or its appurtenances are located;
 - (2) Any parking lot adjacent to the building and routinely used for parking at that building;
 - (3) The routes of access between the building and any parking lot;
 - (4) Any route of access between any public thoroughfare (right of way) and the voter service center, place of deposit, or its appurtenances, to ensure an open and accessible ingress and egress to and from the voter service center, place of deposit, or appurtenances for voters; and
 - (5) Any area at a voter service center, place of deposit, or its appurtenances designated for voters waiting to vote.
- (b) The chief election officer may regulate other activities

within the area specified in subsection (a) pursuant to rules adopted by the chief election officer under chapter 91 in order to ensure the safe and orderly conduct of elections.

(c) Admission within the voter service center, place of deposit, or appurtenances shall be limited to the following:

- (1) Election officials;
- (2) Watchers, if any, pursuant to section 11-77;
- (3) Candidates;
- (4) Any voters actually engaged in voting, going to vote or returning from voting;
- (5) Any person, designated by a voter who is physically disabled, while the person is assisting the voter;
- (6) Any person or nonvoter group authorized by the clerk to observe the election for educational purposes; provided that these persons conduct themselves so that they do not interfere with the election process; and
- (7) A child for the purpose of observing the voting process when accompanied by an adult who is voting; provided that this activity does not disrupt or interfere with normal voting procedures.

(d) Within the appropriate boundary as established in subsection (a), the display or distribution of campaign posters, signs, or other campaign materials for the purpose of soliciting votes for or against any person or political party or position on a ballot question is prohibited. Any voter who displays campaign material in the voter service center, place of deposit, or its appurtenances shall remove or cover that material before entering the voter service center, place of deposit, or its appurtenances. The chief election officer may adopt rules pursuant to chapter 91 to address special circumstances regarding the display of campaign materials.

Appointment of watchers; service.

HI Rev Stat §11-77

(a) Each qualified political party shall be entitled to appoint no more than one watcher who may be present at any time at a voter service center. Each party shall submit its list of watchers no later than 4:30 p.m. on the twentieth day before any election to the clerk. All watchers shall serve without expense to the county. All watchers so appointed shall be registered voters.

(b) Each watcher shall be provided with identification from the clerk stating the watcher's name and the name of the party the watcher represents.

(c) The watcher shall call the attention of the clerk to any violations of the election laws that the watcher observes. After the clerk's attention is called to the violation, the clerk shall make an attempt to correct the violation. If the clerk fails to correct the violation, the watcher may appeal to the chief election officer.

Voter violations.

HI Rev Stat §19-3.5

The following persons shall be guilty of a class C felony:

- (1) Any person who knowingly registers another person to vote when that person is not entitled to register to vote;
- (2) Any person who knowingly votes when the person is not entitled to vote;
- (3) Any person who knowingly takes an oath in this title prescribed or authorized by law and wilfully makes any false statement of fact while under oath therein; or
- (4) Any person who wilfully makes a false answer to any question asked of the person while under oath in this title prescribed or authorized by law.