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# A BILL FOR AN ACT

RELATING TO MANDATORY RECOUNT OF VOTES.

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

1           SECTION 1. The legislature finds that many other states  
2 including Nebraska, North Dakota, South Carolina, Wyoming, and  
3 D.C. set the mandatory recount trigger at one per cent.  
4 Hawaii's current threshold is one quarter of one percent, which  
5 is lower than the most common threshold of one half of one  
6 percent. Hawaii should follow suit of the previously listed  
7 states by setting a similar trigger.

8           The purpose of this Act is to modify the mandatory recount  
9 requirements by increasing the percentage trigger and requiring  
10 a separate methodology for recounts to increase voter confidence  
11 in election results.

12           SECTION 2. Section 11-158, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "~~§11-158~~ **Mandatory recount of votes.** (a) The chief  
15 election officer, or the clerk in the case of a county election,  
16 shall conduct, in a methodology differing from the original  
17 count, a recount of all votes cast for any office or ballot



1 question in any election if the official tabulation of all of  
2 the returns for that office or question reveals that the  
3 difference in:

4 (1) The number of votes cast for a candidate apparently  
5 qualified for the general election ballot or elected  
6 to office and the number of votes cast for the closest  
7 apparently defeated opponent; or

8 (2) The number of votes cast in the affirmative for the  
9 ballot question and the number of votes cast in the  
10 negative for the ballot question, including when  
11 applicable, the tabulation of blank votes,  
12 is equal to or less than [~~one hundred~~] two hundred fifty votes  
13 or [~~one-quarter of~~] one per cent of the total number of votes  
14 cast for the contest, whichever is greater.

15 (b) No candidate shall be charged for the cost of a  
16 mandatory recount under this section.

17 (c) All mandatory recounts of votes under this section  
18 shall be completed and the results publicly announced no later  
19 than seventy-two hours after the closing of polls on election  
20 day.



1        (d) If the original vote count was done using election  
2 equipment, including optical scanners and tabulation software,  
3 the mandatory recount of votes shall be performed by a manual  
4 hand count of paper ballots.

5        [~~(d)~~] (e) The chief election officer may adopt rules  
6 pursuant to chapter 91 for the mandatory recount of votes under  
7 this section, including:

8        (1) Authorizing candidates affected by the recount, or  
9                their designated representatives, to attend and  
10                witness the recount; and

11        (2) Notifying the parties described in paragraph (1) of  
12                the time and place of the recount no later than one  
13                day prior to the date of the recount.

14        [~~(e)~~] (f) This section shall apply to votes counted  
15 pursuant to section 11-151.

16        [~~(f)~~] (g) A recount conducted pursuant to this section  
17 shall not be considered a contest for cause subject to section  
18 11-172."

19        SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21        SECTION 4. This Act shall take effect on July 1, 2024.



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INTRODUCED BY:

~~\_\_\_\_\_~~  
Ken Wood  
for Mr.  
Dan [unclear]  
Dan [unclear]

JAN 18 2024



# H.B. NO. 1753

**Report Title:**

Minority Caucus Package; Mandatory Recount; Voting; Methodology

**Description:**

Lowers the threshold for a mandatory recount of votes. Requires that a recount be conducted in a different method than the original vote.

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