A BILL FOR AN ACT

RELATING TO ELECTION AUDITS.

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

1   SECTION 1. The legislature finds that existing law

2 requires the chief election officer, as a condition of using an

3 electronic voting system to create an electronic tally of

4 ballots, to audit the vote counts in ten per cent of the

5 precincts where an electronic voting system was used and select

6 the precincts to audit at random. The legislature also finds

7 that the language of existing law is ambiguous as to whether the

8 chief election officer must audit all the elections in those

9 precincts, or whether it is acceptable for the chief election

10 officer to audit only a single election in those precincts.

11   Accordingly, the purpose of this Act is to clarify that the

12 chief election officer must audit all elections in the randomly

13 selected precincts as a condition of using an electronic voting

14 system to create an electronic tally of ballots.

15   SECTION 2. Section 16-42, Hawaii Revised Statutes, is

16 amended by amending subsection (b) to read as follows:

1   "(b) The chief election officer may rely on electronic

2   tallies created directly by electronic voting systems, in lieu

3   of counting the paper ballots by hand or with a mechanical

4   tabulation system if:

5   (1) The electronic voting system is subject to inspection,

6   audit, and experimental testing, by qualified

7   observers, before and after the election, pursuant to

8   administrative rules adopted by the chief election

9   officer under chapter 91;

10   (2) No upgrades, patches, fixes, or alterations shall be

11   applied to the system through thirty days after the

12   election;

13   (3) The chief election officer conducts a post-election,

14   pre-certification audit of a random sample of not less

15   than ten per cent of the precincts employing the

16   electronic voting system, to verify that the

17   electronic tallies generated by the system for all

18   elections in those precincts equal hand tallies of the

19   paper ballots generated by the system for all

20   elections in those precincts; and

1   (4)   If discrepancies appear in the pre-certification

2   audits in paragraph (3), the chief election officer,

3   pursuant to administrative rules, shall immediately

4   conduct an expanded audit to determine the extent of

5   misreporting in the system."

6   SECTION 3.   New statutory material is underscored.

7   SECTION 4.   This Act shall take effect upon its approval.

8
                                 Karl Rhoads
                INTRODUCED BY: _____

Report Title:
Chief Election Officer; Election Audits; Electronic Voting
System; Electronic Tally of Ballots

Description:
Clarifies that the chief election officer must audit all
elections in the randomly selected precincts as a condition of
using an electronic voting system to create an electronic tally
of ballots.

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not legislation or evidence of legislative intent.*

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