JOSH GREEN, M.D. GOVERNOR KE KIA'ĀINA



GOV. MSG. NO. (328)

EXECUTIVE CHAMBERS KE KE'ENA O KE KIA'ĀINA

June 25, 2025

The Honorable Ronald D. Kouchi President of the Senate, and Members of the Senate Thirty-Third State Legislature State Capitol, Room 409 Honolulu, Hawai'i 96813 The Honorable Nadine Nakamura Speaker, and Members of the House of Representatives Thirty-Third State Legislature State Capitol, Room 431 Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on June 25, 2025, the following bill was signed into law:

S.B. NO. 176, S.D. 1, H.D. 1, C.D. 1 RELATING TO RECOUNTS. ACT 226

Mahalo,

och Green M.D.

Jósh Green, M.D. Governor, State of Hawai'i

Approved by the Governor

on _____ JUN 2 5 2025

THE SENATE THIRTY-THIRD LEGISLATURE, 2025 STATE OF HAWAII

ACT 226 S.B. NO. ¹⁷⁶ S.D. 1 H.D. 1 C.D. 1

A BILL FOR AN ACT

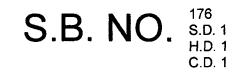
RELATING TO RECOUNTS.

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

1	SECTION 1. The legislature finds that Act 1, Session Laws
2	of Hawaii 2024 (Act 1), changed the criteria for an election
3	outcome to cause an automatic recount by the State or county.
4	The result has been that a very limited number of election races
5	now qualify for an automatic recount. Under Act 1, the required
6	vote difference is the lower number of two benchmarks:
7	(1) Less than one hundred votes between the top two
8	candidates; or
9	(2) Less than one-quarter of one per cent of the total
10	number of votes cast in that race.
11	The one-quarter of one per cent of the total number of
12	votes cast benchmark has been the more determinative standard,
13	even though the vote difference between candidates has been less
14	than one hundred votes. In the 2024 primary and general
15	elections, there were three races where the difference was less
16	than one hundred votes but the per cent difference was higher

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1 than one-quarter of one per cent of the total number of votes
2 cast.

The legislature further finds that election recounts help to ensure fair and accurate election outcomes and can boost the public's perception of the election process. According to a FairVote analysis of election recounts, the majority of states that require automatic recounts use the standard of a margin of vote difference that is double of Act 1's: one-half of one per cent of the total number of votes in that race.

10 Accordingly, the purpose of this Act is to allow certain 11 ballots to be included in the initial tabulation and modestly 12 increase the qualifying criteria for an automatic election 13 recount.

14 SECTION 2. Section 11-108, Hawaii Revised Statutes, is 15 amended by amending subsection (d) to read as follows: 16 "(d) Any initial recount provided by law shall include only ballots verified for the purpose of the initial tabulation. 17 18 [In no event shall a recount of an initial tabulation include 19 ballots the validity of which could not be verified by 6:00 a.m. on the day following an election day.] The initial tabulation 20 shall include any ballots designated by the clerk for inclusion. 21

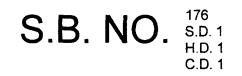
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1	The initial tabulation shall not include any ballots that the
2	clerk initially determines are deficient under section 11-106
3	and need additional time to be corrected by the voter, or any
4	ballots the validity of which the clerk could not verify and
5	determines under this section need up to five business days
6	following the election to be validated to include in the final
7	tabulation."
8	SECTION 3. Section 11-158, Hawaii Revised Statutes, is
9	amended by amending subsection (a) to read as follows:
10	"(a) The chief election officer, or the clerk in the case
11	of a county election, shall conduct a recount of all votes cast
12	for any office or ballot question in any election if the
13	official tabulation of all of the returns for that office or
14	question reveals that the difference in:
15	(1) The number of votes cast for a candidate apparently
16	qualified for the general election ballot or elected
17	to office and the number of votes cast for the closest
18	apparently defeated opponent; or
19	(2) The number of votes cast in the affirmative for the
20	ballot question and the number of votes cast in the

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1	negative for the ballot question, including when
2	applicable, the tabulation of blank votes,
3	is equal to or less than one hundred votes or [one-quarte r]
4	<u>one-half</u> of one per cent of the total number of votes cast for
5	the contest, whichever is lesser."
6	SECTION 4. Statutory material to be repealed is bracketed
7	and stricken. New statutory material is underscored.
8	SECTION 5. This Act shall take effect upon its approval.

S.B. NO. ¹⁷⁶ S.D. 1 H.D. 1 C.D. 1

APPROVED this 25th day of June , 2025

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GOVERNOR OF THE STATE OF HAWAI'I

S.B. No. 176, S.D. 1, H.D. 1, C.D. 1

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2025 Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate

of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2025.

President of the Senate

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Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2025 Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.

Nuchini K. Nulm

Nadine K. Nakamura Speaker House of Representatives

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Brian L. Takeshita Chief Clerk House of Representatives