

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1328

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,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

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

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



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

3 The legislature further finds that election recounts help
4 to ensure fair and accurate election outcomes and can boost the
5 public's perception of the election process. According to a
6 FairVote analysis of election recounts, the majority of states
7 that require automatic recounts use the standard of a margin of
8 vote difference that is double of Act 1's: one-half of one per
9 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
17 only ballots verified for the purpose of the initial tabulation.
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.~~
20 ~~on the day following an election day.]~~ The initial tabulation
21 shall include any ballots designated by the clerk for inclusion.



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



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-quarter~~]
4 one-half 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

A handwritten signature in black ink, appearing to be 'J. L. I.', written in a cursive style.


GOVERNOR OF THE STATE OF HAWAII

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


Clerk of the Senate

SB No. 176, SD 1, HD 1, CD 1

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.



Nadine K. Nakamura
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives