

JAN 23 2015

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§11- **Petition for recount.** (a) Notwithstanding any law to the contrary, a petition for the recount of a state or county election shall be conducted pursuant to this section.

(b) A candidate for office may petition the appropriate elections officer for a recount of all ballots cast in the candidate's election; provided that the number of votes cast separating the petitioning candidate and the successful candidate receiving the next greater number of votes is less than one thousand votes or one-half of one per cent of all votes cast for the office, whichever is less.

(c) A petition for recount shall be filed with the office of the appropriate elections officer, not later than 4:30 p.m. on the seventh day after the election.



1 (d) Within one business day of receipt of a petition for
2 recount, the appropriate elections officer shall provide an
3 estimate of the recount cost to the petitioning candidate.

4 (e) Within two business days after receiving the estimate
5 in subsection (d), the petitioning candidate shall make a
6 deposit for the same amount with the office of the appropriate
7 elections officer. Failure to provide a timely deposit shall
8 void the petition.

9 (f) If the recount results in a different successful
10 candidate, the appropriate elections officer shall refund the
11 entire deposit of the petitioning candidate.

12 (g) If the recount does not result in a different
13 successful candidate, the appropriate elections officer shall
14 provide the petitioning candidate with an accounting of the
15 actual costs of the recount. If the actual costs of the recount
16 are less than the deposit, a refund of the difference may be
17 included with the accounting of the actual costs of the recount.
18 If the actual costs of the recount are greater than the deposit,
19 the deposit shall be forfeited and the petitioning candidate
20 shall pay any difference to the appropriate elections officer



1 within three business days of the determination of the outcome
2 based on the recount.

3 (h) Any recount shall be conducted in an expeditious
4 manner by each relevant county clerk's office, which shall
5 report its findings to the office of elections. The office of
6 elections shall then announce the result of the recount based on
7 the sum of the reports received under this subsection.

8 (i) The chief election officer shall certify the result of
9 an election based on the outcome of a recount made in accordance
10 with this section.

11 (j) For purposes of this section:

12 "Appropriate elections officer" means the chief elections
13 officer for a state election or the relevant county clerk for a
14 county election.

15 "Successful candidate" means a candidate in a primary
16 election who qualifies for the general election ballot or a
17 candidate who is elected to office as a result of an election."

18 SECTION 2. Section 11-172, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§11-172 Contests for cause[; ~~generally~~].** With respect to
21 any election, any candidate, or qualified political party



1 directly interested, or any thirty voters of any election
 2 district, may file a complaint in the supreme court. The
 3 complaint shall set forth [any] the cause or causes [~~such as~~
 4 ~~but not~~] for the contest. Causes shall be limited to [~~7~~]
 5 provable fraud, [~~overages, or underages, that could cause~~] other
 6 unlawful activity, and force majeure. The complaint shall also
 7 contain a statement why the alleged cause or causes might create
 8 a difference in the election [~~results~~] success of one or more
 9 candidates. The complaint shall also set forth any reasons for
 10 reversing, correcting, or changing the decisions of the precinct
 11 officials or the officials at a counting center in an election
 12 using the electronic voting system. A copy of the complaint
 13 shall be delivered to the chief election officer or the clerk in
 14 the case of county elections."

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

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

18 INTRODUCED BY:

St. Hines
John G. Goh
Gilbert K. K. K.

AS. Sah
Assembly of Baker
John
Chadwick



S.B. NO. 364

Report Title:

Elections; Recount; Supreme Court; Contests for Cause

Description:

Establishes a process for the recounting of ballots in an election. Authorizes that contests for cause challenging an election result may also be based upon unlawful activity or force majeure.

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