

Honolulu, Hawaii

FEB 12 2016

RE: S.B. No. 2443

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2443 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the recount of all votes cast for any office at any election, at no cost to any candidate, when the margin of victory is less than two hundred fifty votes or less than one percent of the votes cast, whichever is less;
- (2) Require that the mandatory recount of votes be completed and results announced no later than the fifteenth day following the election;
- (3) Require the Chief Election Officer to adopt rules to implement a mandatory recount of votes; and
- (4) Amend the laws relating to the certification of election results and contests for cause in primary elections to reflect the establishment of a mandatory recount of votes system.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Office of Elections.



Your Committee finds that there have been a number of close election races in Hawaii in the past. This measure establishes a process for the automatic recounting of votes cast in the event of a close election result at no cost to the candidates.

Your Committee has amended this measure by:

- (1) Adopting language suggested by the Office of Elections to:
  - (A) Require that the mandatory recount of votes be completed and the results announced no later than nine days, rather than fifteen days, after the election;
  - (B) Clarify that a mandatory recount of votes applies to votes counted pursuant to section 11-151, Hawaii Revised Statutes; and
  - (C) Require that a complaint pertaining to votes subject to a mandatory recount be filed with the Supreme Court no later than thirteen days following the election rather than the fifth day after the public announcement of the results of the mandatory recount;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2443, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2443, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
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GILBERT S.C. KEITH-AGARAN, Chair



**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

\*Only one measure per Record of Votes