

Honolulu, Hawaii

FEB 13 2015

RE: S.B. No. 364
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 364 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) Establish a process for the recounting of ballots in an election that is decided by less than one thousand votes or one-half of one percent of all votes cast for the office, whichever is less; and
- (2) Repeal overages and underages and include other unlawful activity and force majeure as a basis for a contest for cause complaint that challenges an election result.

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 existing law allows a complaint to be filed in the Hawaii Supreme Court to challenge an election result for cause. The complaint is required to set forth any cause, including but not limited to provable fraud, or overages or underages that could cause a difference in the election results. This measure establishes a separate process for the recounting of ballots in the event of a close election result that requires the petitioning candidate to file a petition for a recount with the



appropriate elections officer and have the petitioning candidate bear the cost of the recount depending upon the result of the recount.

Your Committee has amended this measure by:

- (1) Adding language that requires the petitioning candidate to file a petition for recount of the result of a primary election within three calendar days of that election;
- (2) Inserting an effective date of January 7, 2059; and
- (3) Making a technical, nonsubstantive amendment 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. 364, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 364, S.D. 1, and be referred to the Committee on Ways and Means.

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



GILBERT S.C. KEITH-AGARAN, Chair



