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## A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

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

4           "§11-       Recounts of votes.   (a) The chief election  
5 officer, or the county clerk in the case of county elections,  
6 shall conduct a recount of all votes cast for any office at any  
7 election if the official canvass of all of the returns for that  
8 office reveals that the difference in the number of votes cast  
9 for a candidate apparently qualified for the general election  
10 ballot or elected to office and the number of votes cast for the  
11 closest apparently defeated opponent is one-half per cent or  
12 less of the total number of votes cast for the candidate  
13 apparently qualified for the general election ballot or elected  
14 to office. A mandatory recount under this subsection shall be  
15 conducted using the same procedures as the initial count of the  
16 vote.



1        (b) All mandatory recounts of votes under subsection (a)  
2 shall be completed and the results publicly announced no later  
3 than on the            day following the election.

4        (c) If a mandatory recount of votes conducted under  
5 subsection (a) shows a different result from the initial result,  
6 the closest apparently defeated opponent, within            days of  
7 the completion of the recount results, may request the chief  
8 election officer, or the county clerk in the case of county  
9 elections, to conduct a recount by hand of all votes cast for  
10 the office in contest.

11       (d) All hand recounts of votes under subsection (c) shall  
12 be completed and the results publicly announced no later than on  
13 the            day following the election.

14       (e) No cost of any recount under this section may be  
15 charged to any candidate.

16       (f) The chief election officer shall adopt rules pursuant  
17 to chapter 91 for the recount of votes under this section;  
18 provided that the rules, at a minimum, shall:

19       (1) Authorize candidates affected by any recount, or their  
20 designated representatives, to attend and witness the  
21 recount; and



1        (2) Require notification of the parties described in  
2                    paragraph (1) of the time and place of the recount no  
3                    later than one day prior to the date of the recount."

4        SECTION 2. Section 11-155, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "**§11-155 Certification of results of election.** On receipt  
7 of certified tabulations from the election officials concerned,  
8 the chief election officer or county clerk in county elections  
9 shall compile, certify, and release the election results after  
10 the expiration of the time for bringing an election contest.

11 The certification shall be based on a comparison and  
12 reconciliation of the following:

- 13        (1) The results of the canvass of ballots conducted  
14                    pursuant to chapter 16;
- 15        (2) The audit of pollbooks (and related record books) and  
16                    resultant overage and underage report;
- 17        (3) The audit results of the manual audit team;
- 18        (4) The results of the absentee ballot reconciliation  
19                    report compiled by the clerks; [~~and~~]
- 20        (5) The results of any mandatory recount of votes  
21                    conducted pursuant to section 11- (a);



1        (6) The results of any hand recount of votes conducted  
2        pursuant to section 11- (c); and

3        [~~5~~] (7) All logs, tally sheets, and other documents  
4        generated during the election and in the canvass of  
5        the election results.

6 A certificate of election or a certificate of results declaring  
7 the results of the election as of election day shall be issued  
8 pursuant to section 11-156; provided that in the event of an  
9 overage or underage, a list of all precincts in which an overage  
10 or underage occurred shall be attached to the certificate. The  
11 number of candidates to be elected receiving the highest number  
12 of votes in any election district shall be declared to be  
13 elected. Unless otherwise provided, the term of office shall  
14 begin or end as of the close of polls on election day. The  
15 position on the question receiving the appropriate majority of  
16 the votes cast shall be reflected in a certificate of results  
17 issued pursuant to section 11-156."

18        SECTION 3. Section 11-173.5, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20        "(a) In primary and special primary election contests, and  
21 county election contests held concurrently with a regularly



1 scheduled primary or special primary election, the complaint  
 2 shall be filed in the office of the clerk of the supreme court  
 3 not later than 4:30 p.m. on the sixth day after a primary or  
 4 special primary election, or county election contests held  
 5 concurrently with a regularly scheduled primary or special  
 6 primary election, and shall be accompanied by a deposit for  
 7 costs of court as established by rules of the supreme court[-];  
 8 provided that, notwithstanding the foregoing, a complaint  
 9 pertaining to votes subject to a recount pursuant to section  
 10 11- shall be filed no later than 4:30 p.m. on the fifth day  
 11 after the public announcement of the results of the recount  
 12 pursuant to section 11- . The clerk shall issue to the  
 13 defendants named in the complaint a summons to appear before the  
 14 supreme court not later than 4:30 p.m. on the fifth day after  
 15 service thereof."

16 SECTION 4. This Act does not affect rights and duties that  
 17 matured, penalties that were incurred, and proceedings that were  
 18 begun before its effective date.

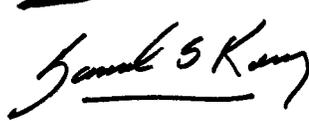
19 SECTION 5. Statutory material to be repealed is bracketed  
 20 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

JAN 23 2019



# H.B. NO. 1073

**Report Title:**

Elections; Mandatory Recount of Votes; Hand Recount of Votes

**Description:**

Requires an automatic recount of election votes when the difference between the two candidates with the highest number of votes is less than 0.5 (one half of one) per cent of the apparently prevailing candidate's vote total. Authorizes an apparently defeated candidates to petition for a hand recount if the results of a mandatory recount differ from an initial count.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

