STAND. COM. REP. NO. 340

Honolulu, Hawaii

February 13 , 2019

RE: H.B. No. 428 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 428 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to require an automatic recount of election votes when the difference between the two candidates with the highest number of votes is less than 0.5 percent of the apparently prevailing candidate's vote total.

Common Cause Hawaii and an individual testified in support. The Office of Elections, Office of the Kaua'i County Clerk, and League of Women Voters of Hawaii provided comments.

Your Committee has amended this measure by:

- (1) Requiring an automatic recount of votes cast for a candidate or on a ballot question when the difference in the number of votes cast for the top two candidates or on the question is equal to or less than 100 votes or 0.5 percent, whichever is greater;
- (2) Shortening the time for the completion and public announcement of the results of a mandatory recount from

the 15th day to the seventh day following the election; and

(3) Changing its effective date to January 28, 2081 and upon ratification of a constitutional amendment allowing the recount of votes cast at an election to be conducted in a manner provided by law.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 428, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 428, H.D. 1, and be referred to your Committee on Finance.

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

CHRIS LEE, Chair

## State of Hawaii House of Representatives The THIRTIETH Legislature HSC 2 340

## Record of Votes of the Committee on Judiciary

| Bill/Resolution No.:<br>HB428                                                                                                                                       | Committee Referral: | Date:     | Date: 2/1/19            |         |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------|-------------------------|---------|--|
| ☐ The committee is reconsidering its previous decision on the measure.                                                                                              |                     |           |                         |         |  |
| The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit) |                     |           |                         |         |  |
| JUD Members                                                                                                                                                         | Ayes                | Ayes (WR) | Nays                    | Excused |  |
| 1. LEE, Chris (C)                                                                                                                                                   |                     |           |                         |         |  |
| 2. SAN BUENAVENTURA, Joy A                                                                                                                                          | . (VC)              |           |                         |         |  |
|                                                                                                                                                                     |                     |           |                         |         |  |
| 3. BROWER, Tom                                                                                                                                                      |                     |           |                         |         |  |
| 4 CDEACAN DILL                                                                                                                                                      |                     |           |                         |         |  |
| 4. CREAGAN, Richard P.                                                                                                                                              |                     |           |                         |         |  |
| 5. LOWEN, Nicole E.                                                                                                                                                 |                     |           |                         |         |  |
|                                                                                                                                                                     |                     |           |                         |         |  |
| 6. McKELVEY, Angus L.K.                                                                                                                                             |                     |           |                         |         |  |
|                                                                                                                                                                     |                     |           |                         |         |  |
| 7. MORIKAWA, Dee                                                                                                                                                    |                     |           | nefiler gagnan san kang |         |  |
| SAY Colvin V V                                                                                                                                                      |                     |           |                         |         |  |
| 8. SAY, Calvin K.Y.                                                                                                                                                 |                     |           |                         |         |  |
| 9. TAKAYAMA, Gregg                                                                                                                                                  |                     |           |                         |         |  |
|                                                                                                                                                                     |                     |           |                         |         |  |
| 10. YAMANE, Ryan I.                                                                                                                                                 |                     |           |                         |         |  |
|                                                                                                                                                                     |                     |           |                         |         |  |
| 11. THIELEN, Cynthia                                                                                                                                                |                     |           |                         |         |  |
|                                                                                                                                                                     |                     |           |                         |         |  |
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| TOTAL (11)                                                                                                                                                          | 8                   | T         |                         | 3       |  |
| The recommendation is:  Adopted If joint referral, did not support recommendation.  committee acronym(s)                                                            |                     |           |                         |         |  |
| Vice Chair's or designee's signature:                                                                                                                               |                     |           |                         |         |  |
| Distribution: Original (White) - Committee Duplicate (Yellow) Chief Clerk's Office Duplicate (Pink) - HMSO                                                          |                     |           |                         |         |  |