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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-       Mandatory manual recount of votes. (a) The  
5 chief election officer, or the clerk in the case of county  
6 elections, shall conduct a manual recount of all votes cast for  
7 any office at any election if the official canvass of all of the  
8 returns for that office reveals that the difference in the  
9 number of votes cast for a candidate apparently qualified for  
10 the general election ballot or elected to office and the number  
11 of votes cast for the closest apparently defeated opponent is  
12 less than two hundred fifty votes or less than one per cent of  
13 the total number of votes cast for the contest, whichever is  
14 less.

15           (b) No cost of a mandatory manual recount under this  
16 section may be charged to any candidate.



1        (c) All mandatory manual recounts of votes under this  
2 section shall be completed and the results publicly announced no  
3 later than the ninth day following the election.

4        (d) The chief election officer shall adopt rules pursuant  
5 to chapter 91 for the mandatory manual recount of votes under  
6 this section; provided that the rules shall:

7        (1) Authorize candidates affected by the manual recount,  
8 or their designated representatives, to attend and  
9 witness the recount; and

10       (2) Require the notification of the parties described in  
11 paragraph (1) of the time and place of the manual  
12 recount no later than one day prior to the date of the  
13 recount.

14       (e) This section shall apply to votes counted pursuant to  
15 section 11-151."

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

18       "§11-155 Certification of results of election. On receipt  
19 of certified tabulations from the election officials concerned,  
20 the chief election officer or county clerk in county elections  
21 shall compile, certify, and release the election results after



1 the expiration of the time for bringing an election contest.

2 The certification shall be based on a comparison and

3 reconciliation of the following:

4 (1) The results of the canvass of ballots conducted  
5 pursuant to chapter 16;

6 (2) The audit of pollbooks (and related record books) and  
7 resultant overage and underage report;

8 (3) The audit results of the manual audit team;

9 (4) The results of the absentee ballot reconciliation  
10 report compiled by the clerks; [~~and~~]

11 (5) The results of any mandatory manual recount of votes  
12 conducted pursuant to section 11- ; and

13 [~~+5~~] (6) All logs, tally sheets, and other documents  
14 generated during the election and in the canvass of  
15 the election results.

16 A certificate of election or a certificate of results declaring  
17 the results of the election as of election day shall be issued  
18 pursuant to section 11-156; provided that in the event of an  
19 overage or underage, a list of all precincts in which an overage  
20 or underage occurred shall be attached to the certificate. The  
21 number of candidates to be elected receiving the highest number



1 of votes in any election district shall be declared to be  
2 elected. Unless otherwise provided, the term of office shall  
3 begin or end as of the close of polls on election day. The  
4 position on the question receiving the appropriate majority of  
5 the votes cast shall be reflected in a certificate of results  
6 issued pursuant to section 11-156."

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

9 "(a) In primary and special primary election contests, and  
10 county election contests held concurrently with a regularly  
11 scheduled primary or special primary election, the complaint  
12 shall be filed in the office of the clerk of the supreme court  
13 not later than 4:30 p.m. on the sixth day after a primary or  
14 special primary election, or county election contests held  
15 concurrently with a regularly scheduled primary or special  
16 primary election, and shall be accompanied by a deposit for  
17 costs of court as established by rules of the supreme court[-];  
18 provided that a complaint pertaining to votes subject to a  
19 mandatory manual recount pursuant to section 11- shall be  
20 filed no later than 4:30 p.m. on the thirteenth calendar day  
21 following the election or the third calendar day following a




1 recount, whichever occurs first. The clerk shall issue to the  
2 defendants named in the complaint a summons to appear before the  
3 supreme court not later than 4:30 p.m. on the fifth day after  
4 service [~~thereof.~~] of summons."

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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JAN 18 2019



# H.B. NO. 370

**Report Title:**

Elections; Mandatory Manual Recount of Votes

**Description:**

Requires manual recounts of election votes when the margin of victory is less than two hundred fifty votes or less than one per cent of the votes cast, whichever is less.

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

