

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

SECTION 1. Section 11-108, Hawaii Revised Statutes, is amended to read as follows:

**"§11-108 Counting of mail-in ballots; validity; ballots included in recounts; certification of final tabulation. (a)** Ballot processing for tabulation may begin no sooner than the eighteenth day before the election. In the presence of official observers, counting center employees may open the return identification envelopes and count the ballots; provided that any tabulation of the number of votes cast for a candidate or question appearing on the ballot, including a counting center printout or other disclosure, shall be kept confidential and shall not be disclosed to the public until after the closing hour of voting or after the last person in line at a voter service center desiring to vote at the closing hour of voting has voted, as provided in section 11-131, whichever is later. All handling and counting of ballots shall be conducted in



1 accordance with procedures established by the chief election  
2 officer.

3 ~~[(b) The initial tabulation of ballots shall be completed~~  
4 ~~no later than 6:00 a.m. on the day following an election day.~~

5 ~~(e)]~~ (b) Any ballot the validity of which cannot be  
6 established upon receipt shall be retained by the clerk and  
7 shall not be commingled with ballots for which validity has been  
8 established until the validity of the ballot in question can be  
9 verified by the clerk. No ballot shall be included in an  
10 initial tabulation until the clerk has determined its validity.  
11 The clerk shall make reasonable efforts to determine the  
12 validity of ballots within seven days following an election day.  
13 No ballot shall be validated beyond the seventh day following an  
14 election.

15 ~~[(d)]~~ (c) Any initial recount provided by law shall  
16 include only ballots verified and designated by the clerk for  
17 the purpose of the initial tabulation. ~~[In no event shall a~~  
18 ~~recount of an initial tabulation include ballots the validity of~~  
19 ~~which could not be verified by 6:00 a.m. on the day following an~~  
20 ~~election day.]~~



1       ~~[+e+]~~ (d) No election result shall be certified pursuant  
2 to section 11-155 unless all ballots verified as valid by the  
3 clerk within seven days following an election day have been  
4 added to the final tabulation. Recount of a final tabulation  
5 shall be as provided by law."

6       SECTION 2. Section 11-158, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "~~[+]~~**\$11-158**~~[+]~~ **Mandatory recount of votes.** (a) The chief  
9 election officer, or the clerk in the case of a county election,  
10 shall conduct a recount of all votes cast for any office or  
11 ballot question in any election if the official tabulation of  
12 all of the returns for that office or question reveals ~~[that the~~  
13 ~~difference in:]~~ the following:

- 14       (1) The difference in the number of votes cast, not  
15       including blank or over votes, for a candidate  
16       apparently qualified for the general election ballot  
17       or elected to office and the number of votes cast for  
18       the closest apparently defeated opponent~~[+or]~~ is  
19       equal to or less than one-eighth of one per cent in  
20       statewide contest;



1        (2) The difference in the number of votes cast, not  
2        including blank or over votes, for a candidate  
3        apparently qualified for the general election ballot  
4        or elected to office and the number of votes cast for  
5        the closest apparently defeated opponent is equal to  
6        or less than one-eighth of one percent in a countywide  
7        contest;

8        (3) The difference in the number of votes cast, not  
9        including blank or over votes, for a candidate  
10       apparently qualified for the general election ballot  
11       or elected to office and the number of votes cast for  
12       the closest apparently defeated opponent is equal to  
13       or less than one-fourth of one percent in all other  
14       contests; or

15       [+2+] (4) The difference in the number of votes cast in the  
16       affirmative for the ballot question and the number of  
17       votes cast in the negative for the ballot question,  
18       including when applicable, the tabulation of blank  
19       votes[7] and over votes, is equal to or less than [one  
20       ~~hundred votes or one quarter~~] one-eighth of one per



cent of the total number of votes cast for the  
contest[, ~~whichever is greater~~].

(b) No candidate shall be charged for the cost of a  
mandatory recount under this section.

(c) All mandatory recounts of votes under this section  
shall be completed and the results publicly announced no later  
than [~~seventy-two hours~~] five business days after the closing of  
polls on election day.

(d) The chief election officer may adopt rules pursuant to  
chapter 91 for the mandatory recount of votes under this  
section, including:

(1) Authorizing candidates affected by the recount, or  
their designated representatives, to attend and  
witness the recount; and

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

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

(f) A recount conducted pursuant to this section shall not  
be considered a contest for cause subject to section 11-172."



1       SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

*[Handwritten Signature]*

By Request



# S.B. NO. 2045

**Report Title:**

Office of Elections Package; Ballots; Tabulation; Recounts

**Description:**

Repeals deadlines relating to the tabulation of ballots. Amends the circumstances under which mandatory recounts of votes shall occur.

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

