

JAN 19 2023

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# A BILL FOR AN ACT

RELATING TO RECOUNTS.

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

1 SECTION 1. Section 11-158, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§11-158[+] **Mandatory recount of votes.** (a) The chief  
4 election officer, or the clerk in the case of a county election,  
5 shall conduct a recount of all votes cast for any office or  
6 ballot question in any election if the official tabulation of  
7 all of the returns for that office or question reveals that the  
8 difference in:

9 (1) The number of votes cast for a candidate apparently  
10 qualified for the general election ballot or elected  
11 to office and the number of votes cast for the closest  
12 apparently defeated opponent; or

13 (2) The number of votes cast in the affirmative for the  
14 ballot question and the number of votes cast in the  
15 negative for the ballot question, including when  
16 applicable, the tabulation of blank votes,



1 is equal to or less than one hundred votes or one-quarter of one  
2 per cent of the total number of votes cast for the contest,  
3 whichever is [~~greater.~~] lesser.

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

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

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

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

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

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



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

3 SECTION 2. Section 11-173.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) In a primary and special primary election contest, or  
6 a county election contest held concurrently with a regularly  
7 scheduled primary or special primary election, the complaint  
8 shall be filed in the office of the clerk of the supreme court  
9 no later than 4:30 p.m. on the thirteenth day after a primary or  
10 special primary election or a county election contest held  
11 concurrently with a regularly scheduled primary or special  
12 primary election, and shall be accompanied by a deposit for  
13 costs of court as established by the rules of the supreme  
14 court [~~; provided that a complaint for a contest for cause that~~  
15 ~~arises from a mandatory recount pursuant to section 11-158 shall~~  
16 ~~be filed no later than 4:30 p.m. on the third calendar day~~  
17 ~~following the public announcement of the results of the~~  
18 ~~mandatory recount pursuant to section 11-158(e)]. The clerk  
19 shall issue to the defendants named in the complaint a summons  
20 to appear before the supreme court no later than 4:30 p.m. on  
21 the fifth day after service of the summons."~~

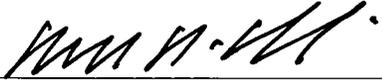


# S.B. NO. 177

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:   
By Request



# S.B. NO. 177

**Report Title:**

Office of Elections Package; Contests; Mandatory Recounts;  
Procedures

**Description:**

Provides that a mandatory recount shall occur when the difference in votes cast is equal to or less than 100 votes or one-quarter of 1% of the total number of votes cast for the contest, whichever is lesser. Establishes that the filing deadline for a complaint for a contest for cause that arises from a mandatory recount shall be the same as the filing deadline for complaints for contests in which no mandatory recount was held.

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

