



GOV. MSG. NO. 1127

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

May 23, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on May 23, 2024, the following bill was signed into law:

SB2333 HD1 CD1

RELATING TO ELECTION AUDITS.
ACT 027

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on MAY 23 2024

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 2333
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO ELECTION AUDITS.

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

1 SECTION 1. The legislature finds that existing law
2 requires the chief election officer, as a condition of using an
3 electronic voting system to create an electronic tally of
4 ballots, to audit the vote counts in ten per cent of the
5 precincts where an electronic voting system was used and select
6 the precincts to audit at random. The legislature also finds
7 that existing law requires the chief election officer to conduct
8 the audit of the randomly selected precincts by comparing
9 electronic tally amounts against the original paper ballots.
10 The legislature further finds that using accurate copies of
11 paper ballots, rather than the original paper ballots, to
12 conduct the audits will increase the efficiency of the audits
13 without compromising their precision.

14 Accordingly, the purpose of this Act is to allow the chief
15 election officer to use accurate copies of paper ballots, rather
16 than the originals, when conducting a precinct audit of an
17 electronic voting system's tally.



1 SECTION 2. Section 16-42, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The chief election officer may rely on electronic
4 tallies created directly by electronic voting systems, in lieu
5 of counting the paper ballots by hand or with a mechanical
6 tabulation system, if:

7 (1) The electronic voting system is subject to inspection,
8 audit, and experimental testing, by qualified
9 observers, before and after the election, pursuant to
10 administrative rules adopted by the chief election
11 officer under chapter 91;

12 (2) No upgrades, patches, fixes, or alterations [~~shall be~~]
13 are applied to the system through thirty days after
14 the election;

15 (3) The chief election officer conducts a post-election,
16 pre-certification audit of a random sample of not less
17 than ten per cent of the precincts employing the
18 electronic voting system, to verify that the
19 electronic tallies generated by the system in those
20 precincts equal hand tallies of the paper ballots
21 generated by the system in those precincts; [~~and~~]



1 provided that accurate copies of the paper ballots,
2 including accurate electronic copies, may be used in
3 place of the paper ballots when verifying that the
4 electronic tallies are equal to the hand tallies of
5 the paper ballots; and

6 (4) [~~if~~] When discrepancies appear in the pre-
7 certification audits in paragraph (3), the chief
8 election officer, pursuant to administrative rules,
9 [~~shall~~] immediately [~~conduct~~] conducts an expanded
10 audit to determine the extent of misreporting in the
11 system."

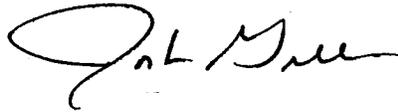
12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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



S.B. NO. 2333
H.D. 1
C.D. 1

APPROVED this **23rd** day of **May**, 2024

A handwritten signature in black ink, appearing to read "Jon M. Stuenkel". The signature is fluid and cursive, with a large initial "J" and "M".

GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

SB No. 2333, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives