

A BILL FOR AN ACT

RELATING TO TRANSPARENCY OF ELECTIONS.

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

- 1 SECTION 1. The legislature finds that transparency of
- 2 election records will provide voters with a stronger sense of
- 3 confidence in the integrity of election processes and results.
- 4 The purpose of this Act is to ensure the public has access to
- 5 reconciliation reports following elections and may request
- 6 election related information through public record requests.
- 7 SECTION 2. Section 11-155, Hawaii Revised Statutes, is
- 8 amended to read as follows:
- 9 "\$11-155 Certification of results of election. (a) On
- 10 receipt of certified tabulations from the election officials
- 11 concerned, the chief election officer in a state election, or
- 12 county clerk in a county election, shall compile, certify, and
- 13 release the election results by district and precinct after the
- 14 expiration of the time for bringing an election contest. The
- 15 certification shall be based on a comparison and reconciliation
- 16 of the following:

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2		pursuant to chapter 16;		
3	(2)	The audit of records and resultant overage and		
4		underage report;		
5	(3)	The audit results of the manual audit team;		
6	(4)	The results of any mandatory recount of votes		
7		conducted pursuant to section 11-158; and		
8	(5)	All logs, tally sheets, and other documents generated		
9		during the election and in the canvass of the election		
10		results.		
11	A certifi	cate of election or a certificate of results declaring		
12	the results of the election as of election day shall be issued			
13	pursuant to section 11-156; provided that in the event of an			
14	overage or underage, a list of all precincts in which an overag			
15	or underage occurred shall be attached to the certificate. The			
16	candidates to be elected who receive the most votes in any			
17	election district shall be declared to be elected; provided that			
18	candidates for offices elected by ranked-choice voting shall be			
19	declared to be elected pursuant to section 11-100. Unless			
20	otherwise provided, the term of office shall begin or end as of			
21	the close	of voter service centers on election day. The		

(1) The results of the canvass of ballots conducted

1	position	on th	e question receiving the appropriate majority of			
2	the votes	cast	shall be reflected in a certificate of results			
3	issued pursuant to section 11-156.					
4	(b)	With	in seven days of certification of any election,			
5	the offic	e of	elections shall post on their website, or another			
6	public si	te us	ed by the state or for posting information:			
7	(1)	Ball	ot images from machine-tabulated elections;			
8	(2)	А са	st vote record showing the votes recorded for each			
9		cand	idate, race, or measure, in the sequence they were			
10		tabu	lated; and			
11	(3)	<u>A</u> st	atewide election reconciliation report that			
12		disc	loses the following information:			
13		(A)	The number of registered voters;			
14		<u>(B)</u>	The number of ballots issued;			
15		<u>(C)</u>	The number of ballots received;			
16		<u>(D)</u>	The number of ballots counted;			
17		<u>(E)</u>	The number of ballots rejected;			
18		<u>(F)</u>	The number of provisional ballots issued;			
19		<u>(G)</u>	The number of provisional ballots received;			
20		<u>(H)</u>	The number of provisional ballots counted;			
21		(I)	The number of provisional ballots rejected;			

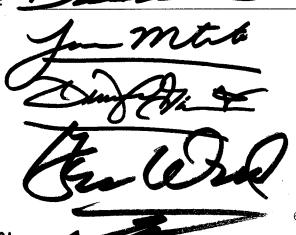
1	<u>(J)</u>	The number of overseas and service ballots issued
2		by mail, email, website link, or facsimile;
3	<u>(K)</u>	The number of overseas and service ballots
4		received by mail, email, website link, or
5		<pre>facsimile;</pre>
6	<u>(L)</u>	The number of overseas and service ballots
7		counted by mail, email, website link, or
8		<pre>facsimile;</pre>
9	<u>(M)</u>	The number of overseas and service ballots
10		rejected by mail, email, website link, or
11		<pre>facsimile;</pre>
12	<u>(N)</u>	The number of non-overseas and non-service
13		ballots received by mail, email, website link, or
14		<pre>facsimile;</pre>
15	(0)	The number of non-overseas and non-service
16		ballots received by email or facsimile;
17	<u>(P)</u>	The number of non-overseas and non-service
18		ballots that were rejected for:
19		(i) Failing to send an original or hard copy of
20		the ballot by the certification deadline; or

1		(ii) Any other reason, including the reason for
2		rejection;
3	<u>(</u>	Q) The number of voters credited with voting;
4	<u>(</u>	R) The number of replacement ballots requested;
5	<u>(</u>	S) The number of replacement ballots issued;
6	_(T) The number of replacement ballots received;
7	_(U) The number of replacement ballots counted;
8	_(V) The number of replacement ballots rejected; and
9	<u>(</u>	W) Any other information the chief officer of
10		elections deems necessary to reconcile the number
11		of ballots counted with the number of voters
12		credited with voting, and to maintain an audit
13		trail.
14	(c) W	ithin seven days of certification of any election,
15	the office	of elections or city or county clerk shall make
16	available i	n electronic format upon public records request the
17	following:	
18	<u>(1)</u> <u>A</u>	ll ballot scanned batch reports, batch detail
19	<u>r</u>	eports;
20	<u>(2)</u> <u>A</u>	ll system and audit logs from the elections
21	e	quipment, including the election management systems,



1		scanners, and automated signature verification
2		equipment;
3	(3)	Any other reports produced by the election management
4		system which may be called by a different name and is
5		required to audit the elections equipment; and
6	(4)	Chain of custody documents for ballot pickup from
7		ballot collection places of deposit and delivery to
8		elections facilities, ballot deliveries from ballot
9		printing facilities to USPS facilities, ballot pickup
10		from USPS to elections facilities, ballot pickups from
11		voting centers to counting facilities, and any other
12		chain of custody documentation required to maintain an
13		audit trail."
14	SECT	ION 3. New statutory material is underscored.
15	SECT	ION 4. This Act shall take effect on July 1, 2024.
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INTRODUCED BY:



Report Title:

Minority Caucus Package; Elections; Reporting; Public Records

Description:

Requires election information to be publicly available either through website access or public records request.

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