

STAND. COM. REP. NO. 2151

Honolulu, Hawaii

FEB 06 2024

RE: H.B. No. 129

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 129 entitled:

"A BILL FOR AN ACT RELATING TO RECOUNTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide that a mandatory recount shall occur when the difference in votes cast is equal to the lesser of one hundred votes or less, or one-quarter of one percent of the total votes cast for the contest; and
- (2) Establish 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.

Your Committee received testimony in support of this measure from the Office of Elections and League of Women Voters of Hawaii.

Your Committee received testimony in opposition to this measure from six individuals.

Your Committee finds that since the implementation of automatic recounts beginning with the 2020 elections, there have been eleven automatic recounts. The vast majority of the recounts were triggered in conjunction with a primary election, due in part



to the size of some single-party primary contests being so small that the one hundred vote threshold in existing law triggered a recount even though the vote difference did not come close to meeting the alternate trigger of a vote difference of one-quarter of one percent of the total number of votes cast for the contest or less. For example, during the 2022 primary election, the recount for State Representative District 20 was due to the vote differential being eighty-seven, despite the percentage difference being 6.3 percent of votes cast. This measure will provide election staff and volunteers adequate time to recount impacted contests while also modifying the threshold for determining an automatic recount to address the margin of votes between candidates in small races.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 129, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 129	JDC	01/25/24

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	4	—	1	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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***Only one measure per Record of Votes**

Revised: 12/27/23