



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
ON HOUSE BILL NO. 129  
RELATING TO RECOUNTS

February 2, 2023

Chair Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to testify in support of House Bill No. 129. This bill 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.

This bill modifies the threshold for determining an automatic recount to address the margin of votes between candidates in small races. This bill also updates the statute to reflect the implementation of elections by mail by extending the timeline to complete a recount from 72 hours following the close of voting to five business days following the election. This extension provides election staff and volunteers additional time to recount the impacted contest which could range from about four precincts to all ballots statewide.

During the 2020 Primary Election, we conducted an automatic recount of the State Representative, District 30 – R. There was a total of 648 ballots cast for the impacted contest. The vote difference between the two candidates was 29 ballots, however, the percentage difference, excluding blank and overvotes, was 53.3% to 46.7% for a difference of 6.5%. This contest was automatically recounted because the vote difference was less than 100 which represents the greater of the methods of determination.

With the amendments proposed by this bill, this contest would not have triggered an automatic recount. We would note that since the implementation of automatic recounts beginning with the 2020 Elections, most automatic recounts have been triggered for the Primary Election as the single-party primary contests may be smaller.

Thank you for the opportunity to testify in support of House Bill No. 129.



Committee on JUDICIARY AND HAWAIIAN AFFAIRS  
Rep. David Tarnas, Chair  
Rep. Greg Takayama, Vice-Chair

Thursday, February 2, 2023, 2:00 p.m.  
Conference Room 325 and VIA VIDEOCONFERENCE  
HB 129 — RELATING TO RECOUNTS

#### TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Takayama, and Committee Members:

**The League of Women Voters of Hawaii supports HB129 that clarifies the threshold for a mandatory recount in close elections, extends the time allowed for completion of such a recount, and makes the deadline for filing a complaint to the State Supreme Court for filing a recount the same as other election complaints where no recount occurred.**

The recount threshold should be strict so that it correctly identifies races that are genuinely close, allowing for both a percentage difference and a “number of votes” difference. It appears that inadvertently the word “larger” than one-quarter of one percent instead of “lesser” than one-quarter of one percent found its way into our current law, and this measure corrects this oversight.

Likewise, since introduction of Hawaii’s mandatory recount law, it has become apparent that it would not be possible to announce the results of every recount within seventy-two hours under many circumstances such as recounting a Governor’s race, or recounting Mayoral races in two counties. Allowing five business days after an election to complete a recount is reasonable. This gives the public relatively prompt results for a recount, but also gives the Office of Elections (or the County Clerk in the case of “County only” elections) more adequate time to complete a recount.

Likewise, those who wish to contest the results of a recount should have as much time as those filing complaints for cause as people who file election complaints for other reasons.

Thank you for the opportunity to submit testimony.

**HB-129**

Submitted on: 2/1/2023 9:29:31 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am in full support. With some races being decided by thinner margins, it is important that you pass this bill.