

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 176
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 176 entitled:

"A BILL FOR AN ACT RELATING TO RECOUNTS,"

begs leave to report as follows:

The purpose and intent of this measure is to increase the qualifying criteria for an automatic election recount.

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

Your Committee received testimony in opposition to this measure from the East Hawaii Republican Party and forty-nine individuals.

Your Committee received comments on this measure from the Office of Elections and one individual.

Your Committee finds that Act 1, Session Laws of Hawaii 2024 (Act 1), changed the criteria for an election outcome to cause an automatic recount by the State or county. The result has been that a very limited number of election races now qualify for an automatic recount. Under Act 1, the required vote difference is the lower number of two benchmarks: less than one hundred votes between the top two candidates, or less than one-quarter of one percent of the total number of votes cast in that race. The



one-quarter of one percent of the total number of votes cast benchmark has been the more determinative standard, even though the vote difference between candidates has been less than one hundred votes. For example, in the 2024 primary and general elections, there were three races where the difference was less than one hundred votes but the percent difference was higher than one-quarter of one percent of the total number of votes cast. This measure will ensure fair and accurate election outcomes and boost the public's perception of the election process.

Your Committee also finds that the initial tabulation of results is conducted over the course of the night of the election and into the following evening. There is often a delay between the completion of the initial tabulation and the final report issued by the Office of Elections, largely due to the significant volume of ballots received by the county clerks that are then processed that evening and the next day. There are also delays between the initial tabulation and the final tabulation, which often results from deficiencies with a voter's return identification envelope, such as a missing signature or it not matching what was on file, and voters having the ability to cure the deficiency by the fifth business day after the election. Given the frequent delays to initial and final tabulations due to these deficiencies, your Committee believes that ballots with deficiencies should not be included in the number or percentage of ballots needed to trigger an automatic recount.

Accordingly, your Committee has amended this measure by:

- (1) Allowing ballots designated by the county clerks for inclusion to be included in the initial tabulation;
- (2) Prohibiting ballots that the county clerks initially determine are deficient or need additional time to be corrected or verified from being included in the initial tabulation; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B.



No. 176, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 176, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



