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# A BILL FOR AN ACT

RELATING TO RECOUNTS.

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

1       SECTION 1. The legislature finds that Act 1, Session Laws  
2 of Hawaii 2024 (Act 1), changed the criteria for an election  
3 outcome to cause an automatic recount by the State or county.  
4 The result has been that a very limited number of election races  
5 now qualify for an automatic recount. Under Act 1, the required  
6 vote difference is the lower number of two benchmarks:

7       (1) Less than one hundred votes between the top two  
8 candidates; or

9       (2) Less than one-quarter of one per cent of the total  
10 number of votes cast in that race.

11       The one-quarter of one per cent of the total number of  
12 votes cast benchmark has been the more determinative standard,  
13 even though the vote difference between candidates has been less  
14 than one hundred votes. In the 2024 primary and general  
15 elections, there were three races where the difference was less  
16 than one hundred votes but the per cent difference was higher



1 than one-quarter of one per cent of the total number of votes  
2 cast.

3 The legislature further finds that election recounts help  
4 to ensure fair and accurate election outcomes and can boost the  
5 public's perception of the election process. According to a  
6 FairVote analysis of election recounts, the majority of states  
7 that require automatic recounts use the standard of a margin of  
8 vote difference that is double of Act 1's: one-half of one per  
9 cent of the total number of votes in that race.

10 Accordingly, the purpose of this Act is to allow certain  
11 ballots to be included in the initial tabulation and modestly  
12 increase the qualifying criteria for an automatic election  
13 recount.

14 SECTION 2. Section 11-108, Hawaii Revised Statutes, is  
15 amended by amending subsection (d) to read as follows:

16 "(d) Any initial recount provided by law shall include  
17 only ballots verified for the purpose of the initial tabulation.  
18 ~~[In no event shall a recount of an initial tabulation include~~  
19 ~~ballots the validity of which could not be verified by 6:00 a.m.~~  
20 ~~on the day following an election day.]~~ The initial tabulation  
21 shall include any ballots designated by the clerk for inclusion.



1 The initial tabulation shall not include any ballots that the  
2 clerk initially determines are deficient under section 11-106  
3 and need additional time to be corrected by the voter, or any  
4 ballots the validity of which the clerk could not verify and  
5 determines under this section need up to five business days  
6 following the election to be validated to include in the final  
7 tabulation."

8 SECTION 3. Section 11-158, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) The chief election officer, or the clerk in the case  
11 of a county election, shall conduct a recount of all votes cast  
12 for any office or ballot question in any election if the  
13 official tabulation of all of the returns for that office or  
14 question reveals that the difference in:

15 (1) The number of votes cast for a candidate apparently  
16 qualified for the general election ballot or elected  
17 to office and the number of votes cast for the closest  
18 apparently defeated opponent; or

19 (2) The number of votes cast in the affirmative for the  
20 ballot question and the number of votes cast in the



1 negative for the ballot question, including when  
2 applicable, the tabulation of blank votes,  
3 is equal to or less than one hundred votes or [~~one-quarter~~]  
4 one-half of one per cent of the total number of votes cast for  
5 the contest, whichever is lesser."

6 SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Elections; Recounts; Initial Tabulation

**Description:**

Allows for ballots designated by the county clerks for inclusion to be included in the initial tabulation. Prohibits 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. Increases the minimum threshold required to trigger an automatic recount. (SD1)

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