
A BILL FOR AN ACT

RELATING TO ELECTION REFORM.

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

SECTION 1. Section 11-92.1, Hawaii Revised Statutes, is amended to read as follows:

"§11-92.1 Election proclamation; establishment of a new precinct; voter service centers and places of deposit; changes to precinct boundaries. (a) The clerk shall issue a proclamation listing all voter service centers and places of deposit, including the days each voter service center and place of deposit is open and the hours of operations and location of each voter service center and place of deposit, as may have been determined by the clerk as of the proclamation date and whenever a new precinct is established in any representative district. There shall be at least one voter service center for each county council district. On election day, each county council district shall feature one voter service center open for in-person voting. The clerk shall make arrangements for the rental or erection of suitable shelter for the establishment of a voter service center whenever public buildings are not available and



1 shall cause these voter service centers to be equipped with the
2 necessary facilities for lighting, ventilation, and equipment
3 needed for elections on any island. This proclamation may be
4 issued jointly with the proclamation required in section 11-91.

5 (b) No change shall be made in the boundaries of any
6 precinct later than 4:30 p.m. on the tenth day before the close
7 of filing for an election.

8 (c) Notwithstanding subsection (a), and pursuant to
9 section 15-2.5, the clerk is not required to establish voter
10 service centers for precincts affected by natural disasters, as
11 provided in section 15-2.5."

12 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
13 by adding a new section to be appropriately designated and to
14 read as follows:

15 "§11- Prohibition on Ranked Choice Voting. (a) The
16 office of elections, chief elections officer, city or county
17 council, city or county clerk, may not authorize or adopt or
18 enforce in any manner a rule, resolution, or ordinance
19 establishing a system of voting for any office where:

20 (1) Voters rank candidates in order of preference;



1 (2) Tabulation proceeds in rounds where in each round
2 either a candidate is elected or the last place
3 candidate is eliminated;

4 (3) Votes are transferred from elected or eliminated
5 candidates to the voter's next-ranked candidate in
6 order of preference; and

7 (4) Tabulation ends when a candidate receives the majority
8 of votes cast or the number of candidates elected
9 equals the number of offices to be filled."

10 SECTION 3. Section 11-100, Hawaii Revised Statutes, is
11 repealed.

12 ~~["§11-100] Ranked-choice voting; application; procedure.~~

13 ~~(a) Any federal election not held on the date of a regularly~~
14 ~~scheduled primary or general election and any special election~~
15 ~~for a vacant seat on a county council shall be conducted by~~
16 ~~ranked-choice voting.~~

17 ~~(b) Except as provided in subsections (c) and (d), the~~
18 ~~following procedures shall be used to determine the winner of an~~
19 ~~election conducted by ranked-choice voting:~~

20 ~~(1) Tabulation of votes shall proceed in rounds;~~



~~(2) In each round, the number of votes for each continuing candidate shall be counted, with each continuing ballot counting as one vote for its highest-ranked continuing candidate for that round;~~

~~(3) Inactive ballots shall not be counted for any continuing candidate; and~~

~~(4) The round shall end with one of two potential outcomes:~~

~~(A) If there are two or fewer continuing candidates, the candidate with the most votes shall be declared the winner of the election; or~~

~~(B) If there are more than two continuing candidates, the last-place candidate shall be defeated and a new round shall begin.~~

~~(c) A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round shall be decided by lot, and the candidate chosen by lot shall be:~~

~~(1) Declared the winner if the tie is between candidates for the most votes in the final round; or~~



~~(2) Defeated if the tie is between last-place candidates
in any round.~~

~~(d) The office of elections may modify a ranked-choice
voting ballot and tabulation; provided that:~~

~~(1) The number of allowable rankings shall be limited to
no fewer than six candidates; and~~

~~(2) Two or more candidates may be defeated simultaneously
by batch elimination in any round of tabulation.~~

~~(e) For the purposes of this section:~~

~~"Batch elimination" means the simultaneous defeat of
multiple candidates for whom it is mathematically impossible to
be elected.~~

~~"Continuing ballot" means a ballot that is not an inactive
ballot.~~

~~"Continuing candidate" means a candidate who has not been
defeated.~~

~~"Highest continuing ranking" means the highest ranking on a
voter's ballot for a continuing candidate.~~

~~"Inactive ballot" means a ballot that does not rank any
continuing candidate, contains an overvote at the highest~~



~~continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.~~

~~"Last-place candidate" means the candidate with the fewest votes in a round of ranked-choice voting tabulation.~~

~~"Mathematically impossible to be elected", with respect to a candidate, means that:~~

~~(1) The candidate cannot be elected because the candidate's vote total in a round of the ranked-choice voting tabulation, plus all votes that could possibly be transferred to the candidate in future rounds from candidates with an equal or lower number of votes, would not be enough to surpass the candidate with the next higher vote total in the round; or~~

~~(2) The candidate has a lower vote total than a candidate described in paragraph (1).~~

~~"Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking on a ballot.~~

~~"Ranked-choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which~~



~~last-place candidates are defeated, and the candidate with the most votes in the final round is elected.~~

~~"Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate, in which the lowest number is the highest ranking, and the highest number is the lowest ranking.~~

~~"Round" means an instance of the sequence of voting tabulation steps established in subsection (b).~~

~~"Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking."]~~

SECTION 4. Section 11-155, Hawaii Revised Statutes, is amended to read as follows:

"§11-155 Certification of results of election. (a) On receipt of certified tabulations from the election officials concerned, the chief election officer in a state election, or county clerk in a county election, shall compile, certify, and release the election results by district and precinct after the expiration of the time for bringing an election contest. The certification shall be based on a comparison and reconciliation of the following:



- (1) The results of the canvass of ballots conducted pursuant to chapter 16;
- (2) The audit of records and resultant overage and underage report;
- (3) The audit results of the manual audit team;
- (4) The results of any mandatory recount of votes conducted pursuant to section 11-158; and
- (5) All logs, tally sheets, and other documents generated during the election and in the canvass of the election results.

A certificate of election or a certificate of results declaring the results of the election as of election day shall be issued pursuant to section 11-156; provided that in the event of an overage or underage, a list of all precincts in which an overage or underage occurred shall be attached to the certificate. The candidates to be elected who receive the most votes in any election district shall be declared to be elected; provided that candidates for offices elected by ranked-choice voting shall be declared to be elected pursuant to section 11-100. Unless otherwise provided, the term of office shall begin or end as of the close of voter service centers on election day. The



1 position on the 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) Within seven days of certification of any election,
5 the office of elections shall post the following on their
6 website or another public site used by the state for posting
7 information:

8 (1) Ballot images from machine-tabulated elections;

9 (2) A cast vote record showing the votes recorded for each
10 candidate, race, or measure, in the sequence they were
11 tabulated; and

12 (3) A statewide election reconciliation report that
13 discloses the following information:

14 (A) The number of registered voters;

15 (B) The number of ballots issued;

16 (C) The number of ballots received;

17 (D) The number of ballots counted;

18 (E) The number of ballots rejected;

19 (F) The number of provisional ballots issued;

20 (G) The number of provisional ballots received;

21 (H) The number of provisional ballots counted;



- 1 (I) The number of provisional ballots rejected;
- 2 (J) The number of overseas and service ballots issued
- 3 by mail, email, website link, or facsimile;
- 4 (K) The number of overseas and service ballots
- 5 received by mail, email, website link, or
- 6 facsimile;
- 7 (L) The number of overseas and service ballots
- 8 counted by mail, email, website link, or
- 9 facsimile;
- 10 (M) The number of overseas and service ballots
- 11 rejected by mail, email, website link, or
- 12 facsimile;
- 13 (N) The number of non-overseas and non-service
- 14 ballots received by mail, email, website link, or
- 15 facsimile;
- 16 (O) The number of non-overseas and non-service
- 17 ballots counted by mail, email, website link, or
- 18 facsimile;
- 19 (P) The number of non-overseas and non-service
- 20 ballots that were rejected for:



1 (i) Failing to send an original or hard copy of
2 the ballot by the certification deadline; or
3 (ii) Any other reason, including the reason for
4 rejection;

5 (Q) The number of voters credited with voting;

6 (R) The number of replacement ballots requested;

7 (S) The number of replacement ballots issued;

8 (T) The number of replacement ballots received;

9 (U) The number of replacement ballots counted;

10 (V) The number of replacement ballots rejected; and

11 (W) Any other information the chief election officer
12 deems necessary to reconcile the number of
13 ballots counted with the number of voters
14 credited with voting and to maintain an audit
15 trail.

16 (c) Within seven days of certification of any election,
17 the office of elections or city or county clerk shall make
18 available in electronic format upon public records request the
19 following:

20 (1) All ballot scanned batch reports and batch detail
21 reports;



- 1 (2) All system and audit logs from the elections equipment
2 including the election management systems, scanners,
3 and automated signature verification equipment;
- 4 (3) Any other reports produced by the election management
5 system which may be called by a different name and are
6 required to audit the elections equipment; and
- 7 (4) Chain of custody documents for ballot pickup from
8 ballot collection places of deposit and delivery to
9 elections facilities, ballot deliveries from ballot
10 printing facilities to USPS facilities, ballot pickup
11 from USPS to elections facilities, ballot pickups from
12 voting centers to counting facilities, and any other
13 chain of custody documentation required to maintain an
14 audit trail."

15 SECTION 5. Section 16-45, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§16-45 Official observers.** Official observers shall be
18 designated by the chief election officer or the clerk in county
19 elections to be present at the counting centers and ballot
20 envelope signature verification facilities and selected in the
21 following manner:



1 (1) No less than one official observer designated by each
2 political party;

3 (2) No less than one official observer from the news
4 media;

5 (3) Additional official observers as space and facilities
6 permit designated by the chief election officer in
7 state elections and the clerk in county elections.

8 The chief election officer or clerk shall give all official
9 observers reasonable notice of the time and place where the
10 ballots shall be counted and the ballot envelope signatures
11 shall be verified. No person shall be permitted in the counting
12 center and ballot envelope signature verification facilities
13 without the written authorization of the chief election officer
14 or clerk."

15 SECTION 6. Chapter 16, Hawaii Revised Statutes, is amended
16 by adding a new section to be appropriately designated and to
17 read as follows:

18 "**§16- Signature verification of ballot envelopes.**

19 Signature verification personnel, to be designated by the chief
20 election officer or the clerk in county elections, shall perform



1 all duties related to ballot envelope signature verification in
2 the presence of at least two official observers."

3 SECTION 7. Section 11-158, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§11-158 Mandatory recount of votes.** (a) The chief
6 election officer, or the clerk in the case of a county election,
7 shall conduct, in a methodology differing from the original
8 count, a recount of all votes cast for any office or ballot
9 question in any election if the official tabulation of all of
10 the returns for that office or question reveals that the
11 difference in:

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

16 (2) The number of votes cast in the affirmative for the
17 ballot question and the number of votes cast in the
18 negative for the ballot question, including when
19 applicable, the tabulation of blank votes,



1 is equal to or less than [~~one hundred~~] two hundred fifty votes
2 or [~~one-half of~~] one per cent of the total number of votes cast
3 for the contest, whichever is lesser.

4 (b) No candidate shall be charged for the cost of a
5 mandatory recount under this section.

6 (c) All mandatory recounts of votes under this section
7 shall be completed and the results publicly announced by the
8 fifth business day after election day.

9 (d) If the original vote count was done using election
10 equipment, including optical scanners and tabulation software,
11 the mandatory recount of votes shall be performed by a manual
12 hand count of paper ballots.

13 [~~(d)~~] (e) The chief election officer may adopt rules
14 pursuant to chapter 91 for the mandatory recount of votes under
15 this section, including:

16 (1) Authorizing candidates affected by the recount, or
17 their designated representatives, to attend and
18 witness the recount; and

19 (2) Notifying the parties described in paragraph (1) of
20 the time and place of the recount no later than one
21 day prior to the date of the recount.



1 [~~(e)~~] (f) This section shall apply to votes counted
2 pursuant to section 11-151.

3 [~~(f)~~] (g) A recount conducted pursuant to this section
4 shall not be considered a contest for cause subject to section
5 11-172."

6 SECTION 8. Section 16-42, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§16-42 Electronic voting requirements.** (a) When used at
9 primary or special primary elections, the automatic tabulating
10 equipment of the electronic voting system shall count only votes
11 for the candidates of one party, or nonpartisans. In all
12 elections, the equipment shall reject all votes for an office
13 when the number of votes [~~therefor~~] therefore exceeds the number
14 that the voter is entitled to cast.

15 No electronic voting system shall be used in any election
16 unless it generates a paper ballot or voter verifiable paper
17 audit trail that may be inspected and corrected by the voter
18 before the vote is cast, and unless every paper ballot or voter
19 verifiable paper audit trail is retained as the definitive
20 record of the vote cast.



1 (b) The chief election officer may rely on electronic
2 tallies created directly by electronic voting systems, in lieu
3 of counting the paper ballots by hand or with a mechanical
4 tabulation system, if:

5 (1) The electronic voting system is subject to inspection,
6 audit, and experimental testing, by qualified
7 observers, before and after the election, pursuant to
8 administrative rules adopted by the chief election
9 officer under chapter 91;

10 (2) No upgrades, patches, fixes, or alterations are
11 applied to the system through thirty days after the
12 election;

13 (3) The chief election officer conducts a post-election,
14 pre-certification audit of a random sample of not less
15 than ten per cent of the precincts employing the
16 electronic voting system, to verify that the
17 electronic tallies generated by the system in those
18 precincts equal hand tallies of the original physical
19 paper ballots [~~generated by the system~~] in those
20 precincts; [~~provided that accurate copies of the paper~~
21 ~~ballots, including accurate electronic copies, may be~~



1 ~~used in place of the paper ballots when verifying that~~
2 ~~the electronic tallies are equal to the hand tallies~~
3 ~~of the paper ballots;]~~ and

4 (4) When discrepancies appear in the pre-certification
5 audits in paragraph (3), the chief election officer,
6 pursuant to administrative rules, immediately conducts
7 an expanded audit to determine the extent of
8 misreporting in the system."

9 SECTION 9. Section 11-1.6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§11-1.6 [Appointment] Election of the chief election**
12 **officer; requirements; term; restrictions; salary;**
13 **[reappointment; removal] vacancy.** (a) ~~[The chief election~~
14 ~~officer shall be appointed by the elections commission, without~~
15 ~~regard to chapter 76. The appointment shall not be subject to~~
16 ~~the advice and consent of the senate. In the event of a~~
17 ~~vacancy, the elections commission shall meet expeditiously to~~
18 ~~select and appoint a new chief election officer to serve the~~
19 ~~remainder of the unexpired term.]~~ Beginning in the 2030 general
20 election, the chief election officer shall be elected from among
21 nonpartisan candidates by the qualified voters of this State at



1 a general election. The person receiving the highest number of
2 votes shall be the chief election officer.

3 (b) The person [~~appointed~~] elected to be chief election
4 officer shall be a citizen of the United States, a resident of
5 the State, and a registered voter of the State.

6 (c) The chief election officer shall serve for a term of
7 four years. The term shall begin on February 1 following the
8 [~~appointment~~] election.

9 (d) The chief election officer shall devote full time to
10 the duties of the office and shall hold no other public office
11 during the individual's term of office. Except for exercising
12 the right to vote, the individual shall not support, advocate,
13 or aid in the election or defeat of any candidate for public
14 office. The chief election officer shall refrain from financial
15 and business dealings that tend to reflect adversely on the
16 individual's impartiality, interfere with the proper performance
17 of election duties, or exploit the individual's position.
18 Subject to the requirements above, the individual may hold and
19 manage investments, including real estate, and engage in other
20 remunerative activity, but shall not serve as an officer,
21 director, manager, advisor, or employee of any business.



1 (e) The chief election officer shall be paid a salary not
2 to exceed eighty-seven per cent of the salary of the director of
3 human resources development.

4 (f) ~~[The chief election officer may petition the elections~~
5 ~~commission for reappointment. The elections commission may~~
6 ~~reappoint an incumbent chief election officer based on the~~
7 ~~performance of the chief election officer. The elections~~
8 ~~commission may authorize the chief election officer to hold~~
9 ~~office until a successor is appointed.]~~ In the event of a
10 vacancy, the governor shall make an appointment within sixty
11 calendar days following the first day of vacancy to fill the
12 vacancy for the unexpired term by selecting a person from a list
13 of three prospective appointees submitted by the election
14 commission. The election commission shall submit the list of
15 prospective appointees to the governor within thirty calendar
16 days following the first day of vacancy. All appointments made
17 by the governor under this section shall be made without
18 consideration of the appointee's party preference or
19 nonpartisanship.



1 ~~[(g) The chief election officer is an at-will employee.~~
2 ~~The elections commission shall provide written notification of~~
3 ~~any removal and state the reason for the removal.]"~~

4 SECTION 10. Section 11-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§11-2 Chief election officer; duties.** (a) The chief
7 election officer shall supervise all state elections, provided
8 that the lieutenant governor shall preside over the election for
9 chief election officer. The chief election officer may delegate
10 responsibilities in state elections within a county to the clerk
11 of that county or to other specified persons.

12 (b) The chief election officer shall be responsible for
13 the maximization of registration of eligible electors throughout
14 the State. In maximizing registration, the chief election
15 officer shall make an effort to equalize registration between
16 districts, with particular effort in those districts in which
17 the chief election officer determines registration is lower than
18 desirable. The chief election officer, in carrying out this
19 function, may make surveys, carry on house-to-house canvassing,
20 and assist or direct the clerk in any other area of
21 registration.



1 (c) The chief election officer shall maintain data
2 concerning registered voters, elections, apportionment, and
3 districting. The chief election officer shall use this data to
4 assist the reapportionment commission provided for under Article
5 IV of the Constitution.

6 (d) The chief election officer shall be responsible for
7 public education with respect to voter registration and
8 information.

9 (e) The chief election officer shall adopt rules governing
10 elections in accordance with chapter 91."

11 SECTION 11. Section 11-7.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§11-7.5 Duties of the elections commission.** The duties
14 of the elections commission are to:

- 15 (1) Hold public hearings;
16 (2) Investigate and hold hearings for receiving evidence
17 of any violations and complaints;
18 (3) Adopt rules pursuant to chapter 91;
19 (4) Employ, without regard to chapter 76, a full-time
20 chief election officer, pursuant to section 11-1.6;



1 (5) Conduct a performance evaluation of the chief election
2 officer within two months after the date a general
3 election is certified;

4 (6) Hold a public hearing on the performance of the chief
5 election officer [~~and consider the information~~
6 ~~gathered at the hearing in deliberations on the chief~~
7 ~~election officer's reappointment~~]; and

8 (7) Advise the chief election officer on matters relating
9 to elections."

10 SECTION 12. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 13. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 14. This Act shall take effect on July 1, 2026;
19 provided that Sections 9, 10, and 11 shall take effect on July
20 1, 2029.



H.B. NO. 1761

INTRODUCED BY:

David L. ...
James M. ...
James M. ...
[Signature]
Joe ...
D ...
[Signature]
[Signature]

JAN 21 2026



H.B. NO. 1761

Report Title:

Minority Caucus Package; Election Integrity; Transparency;
Access; Reform

Description:

Amends various election provisions to increase public access to in-person voting, increase public confidence in elections, and impose accountability in the election certification process. Key features include increased access to voter service centers open on election day, abolition of ranked choice voting, public access to election records, signature verification in the presence of official observers, reform of the mandatory recount process, the use of physical ballots during election audits, and subjecting the chief election officer position to election instead of appointment.

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

