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# A BILL FOR AN ACT

RELATING TO ELECTION REFORM.

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

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

3 **"§11-92.1 Election proclamation; establishment of a new**  
4 **precinct; voter service centers and places of deposit; changes**  
5 **to precinct boundaries.** (a) The clerk shall issue a  
6 proclamation listing all voter service centers and places of  
7 deposit, including the days each voter service center and place  
8 of deposit is open and the hours of operations and location of  
9 each voter service center and place of deposit, as may have been  
10 determined by the clerk as of the proclamation date and whenever  
11 a new precinct is established in any representative district.

12 There shall be at least one voter service center for each county  
13 council district. On election day, each county council district  
14 shall feature one voter service center open for in-person  
15 voting. The clerk shall make arrangements for the rental or  
16 erection of suitable shelter for the establishment of a voter  
17 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;~~



1                   (2) ~~In each round, the number of votes for each continuing~~  
2                   ~~candidate shall be counted, with each continuing~~  
3                   ~~ballot counting as one vote for its highest ranked~~  
4                   ~~continuing candidate for that round;~~  
5                   (3) ~~Inactive ballots shall not be counted for any~~  
6                   ~~continuing candidate; and~~  
7                   (4) ~~The round shall end with one of two potential~~  
8                   ~~outcomes:~~  
9                   (A) ~~If there are two or fewer continuing candidates,~~  
10                   ~~the candidate with the most votes shall be~~  
11                   ~~declared the winner of the election; or~~  
12                   (B) ~~If there are more than two continuing candidates,~~  
13                   ~~the last place candidate shall be defeated and a~~  
14                   ~~new round shall begin.~~  
15                   (c) ~~A tie under this section between candidates for the~~  
16                   ~~most votes in the final round or a tie between last place~~  
17                   ~~candidates in any round shall be decided by lot, and the~~  
18                   ~~candidate chosen by lot shall be:~~  
19                   (1) ~~Declared the winner if the tie is between candidates~~  
20                   ~~for the most votes in the final round; or~~



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

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

5                   (1) ~~The number of allowable rankings shall be limited to~~  
6                   ~~no fewer than six candidates; and~~  
7                   (2) ~~Two or more candidates may be defeated simultaneously~~  
8                   ~~by batch elimination in any round of tabulation.~~

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

14 **"S11-155 Certification of results of election.** (a) On  
15 receipt of certified tabulations from the election officials  
16 concerned, the chief election officer in a state election, or  
17 county clerk in a county election, shall compile, certify, and  
18 release the election results by district and precinct after the  
19 expiration of the time for bringing an election contest. The  
20 certification shall be based on a comparison and reconciliation  
21 of the following:





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                   (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.



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.



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.



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

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;



- (5) Conduct a performance evaluation of the chief election officer within two months after the date a general election is certified;
- (6) Hold a public hearing on the performance of the chief election officer [and consider the information gathered at the hearing in deliberations on the chief election officer's reappointment]; and
- (7) Advise the chief election officer on matters relating 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:

BY: Dingfelder ✓  
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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.*

