
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to part X to be appropriately designated
3 and to read as follows:

4 "§11- Automatic recount by hand of general election
5 votes. (a) For each contest or question on the ballot at a
6 general election, the chief election officer shall conduct a
7 hand count of votes for comparison against the unofficial tally
8 of votes for those ballots in accordance with the following
9 procedure:

10 (1) If the unofficial tally of votes reveals that the
11 margin of victory between the two candidates receiving
12 the largest number of votes in a contest, or between
13 the positions on a question on the ballot, is less
14 than one per cent of the total votes cast for the
15 contest or question, a hand count of the votes cast
16 for the contest or question shall be conducted in at



1 least ten per cent of all pertinent precincts or
2 ballots;

3 (2) If the unofficial tally of votes reveals that the
4 margin of victory between the two candidates receiving
5 the largest number of votes in a contest, or between
6 the positions on a question on the ballot, is greater
7 than or equal to one per cent but less than two per
8 cent of the total votes cast for the contest or
9 question, a hand count of the votes cast for the
10 contest or question shall be conducted in at least
11 five per cent of all pertinent precincts or ballots;
12 and

13 (3) If the unofficial tally of votes reveals that the
14 margin of victory between the two candidates receiving
15 the largest number of votes in a contest, or between
16 the positions on a question on the ballot, is greater
17 than or equal to two per cent of the total votes cast
18 for the contest or question, a hand count of the votes
19 cast for the contest or question shall be conducted in
20 at least three per cent of all pertinent precincts or
21 ballots.



1 (b) The chief election officer shall select at random the
2 precincts for the hand count of votes pursuant to this section;
3 provided that at the general election, no fewer than
4 ballots shall have been cast in at least one of the
5 precincts selected.

6 (c) The chief election officer may delegate the chief
7 election officer's responsibilities under this section to the
8 pertinent county clerk in accordance with section 11-2; provided
9 that not later than 5:00 p.m. of the third business day after
10 the date of the general election, the chief election officer
11 shall advise the county clerk in writing of:

12 (1) Any contests or questions for which votes are to be
13 hand counted; and

14 (2) The precincts in which votes are to be hand counted.

15 (d) All hand counts prescribed by this section shall be
16 completed and the results made publicly available on the office
17 of elections' website no later than 4:30 p.m. on the fifteenth
18 day after the election.

19 (e) The chief election officer shall conduct a comparison
20 of the unofficial tally of votes for a contest or question with



1 the tally of votes produced by the hand count prescribed by this
2 section as follows:

3 (1) If a hand count conducted under this section results
4 in a tally of votes for a contest or question that is
5 different from the unofficial tally of votes for the
6 contest or question, and the difference in votes is
7 equal to or less than one-half of one per cent, the
8 chief election officer shall apply the unofficial
9 tally of votes in the certification of election
10 results under section 11-155;

11 (2) If a hand count conducted under this section results
12 in a tally of votes for a contest or question that is
13 different from the unofficial tally of votes for the
14 contest or question, and the difference in votes is
15 greater than one-half of one per cent, the chief
16 election officer shall conduct a second hand count of
17 the same votes;

18 (3) If the second hand count conducted under paragraph (2)
19 results in a tally of votes for a contest or question
20 that is different from the unofficial tally of votes
21 for the contest or question, and the difference in



1 votes is equal to or less than one-half of one
2 percent, the chief election officer shall apply the
3 unofficial tally of votes in the certification of
4 election results under section 11-155; and

5 (4) If the second hand count conducted under paragraph (2)
6 results in a tally of votes for a contest or question
7 that is different from the unofficial tally of votes
8 for the contest or question, and the difference in
9 votes is greater than one-half of one percent, the
10 chief election officer shall conduct a hand count of
11 all votes cast for the contest or question and apply
12 the resulting tally of votes in the certification of
13 election results under section 11-155.

14 (g) For purposes of conducting hand counts as may be
15 delegated pursuant to subsection (c), the county clerk shall:

16 (1) Retain custody of the ballots; and

17 (2) Provide for security for the ballots and the
18 information required to be collected under this
19 subsection.



1 (h) For the purposes of this section, "unofficial tally of
2 votes" means the final tally of votes cast for a contest or
3 question on a ballot prior to:

4 (1) The conduct of any hand count of those votes pursuant
5 to this section; and

6 (2) The certification of election results pursuant to
7 section 11-155."

8 SECTION 2. Section 11-155, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§11-155 Certification of results of election.** On receipt
11 of certified tabulations from the election officials concerned,
12 the chief election officer or county clerk in county elections
13 shall compile, certify, and release the election results after
14 the expiration of the time for bringing an election contest.
15 The certification shall be based on a comparison and
16 reconciliation of the following:

17 (1) The results of the canvass of ballots conducted
18 pursuant to chapter 16;

19 (2) The audit of pollbooks (and related record books) and
20 resultant overage and underage report;

21 (3) The audit results of the manual audit team;



- 1 (4) The results of the absentee ballot reconciliation
2 report compiled by the clerks; [~~and~~]
- 3 (5) For general elections, the results of the hand count
4 of ballots conducted pursuant to section 11- ; and
- 5 ~~[(5)]~~ (6) All logs, tally sheets, and other documents
6 generated during the election and in the canvass of
7 the election results.

8 A certificate of election or a certificate of results declaring
9 the results of the election as of election day shall be issued
10 pursuant to section 11-156; provided that in the event of an
11 overage or underage, a list of all precincts in which an overage
12 or underage occurred shall be attached to the certificate. The
13 number of candidates to be elected receiving the highest number
14 of votes in any election district shall be declared to be
15 elected. Unless otherwise provided, the term of office shall
16 begin or end as of the close of polls on election day. The
17 position on the question receiving the appropriate majority of
18 the votes cast shall be reflected in a certificate of results
19 issued pursuant to section 11-156."

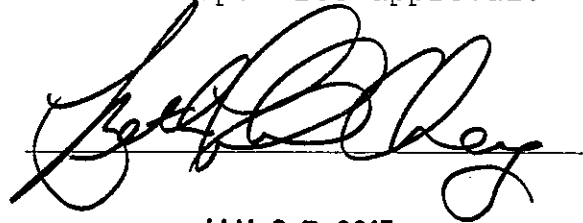
20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Jeff Blaney", is written over a horizontal line.

JAN 27 2015



H.B. NO. 1035

Report Title:

Elections; Automatic Recounts by Hand

Description:

Requires automatic recounts by hand of general election votes, the scope of which depends on the margin of victory.

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