
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 of votes; when required. (a)
5 If the official canvass of all of the returns for any office at
6 any election reveals that the difference in the number of votes
7 cast for a candidate apparently qualified for the general
8 election ballot or elected to any office and the number of votes
9 cast for the closest apparently defeated opponent is less than
10 two thousand votes and less than one-half of one per cent of the
11 total number of votes cast for both candidates, the chief
12 election officer, or the county clerk in the case of county
13 elections, shall conduct a recount of all votes cast for that
14 office; provided that the votes shall be recounted manually by
15 hand tally or as provided in subsection (b) if:

16 (1) For statewide elections, the difference in the number
17 of votes cast for the apparent winner and the closest



1 apparently defeated opponent is less than one thousand
2 votes and less than one-fourth of one per cent of the
3 total number of votes cast for both candidates; and

4 (2) For all other elections not included in paragraph (1),
5 if the difference in the number of votes cast for the
6 apparent winner and the closest apparently defeated
7 opponent is less than one hundred fifty votes and less
8 than one-fourth of one per cent of the total number of
9 votes cast for both candidates.

10 (b) The apparent winner and closest apparently defeated
11 opponent for an office for which a manual recount by hand tally
12 is required under subsection (a) (1) or (a) (2) may select an
13 alternative method of conducting the recount. The two
14 candidates shall agree to the alternative method in a signed,
15 written statement filed with the chief election officer. The
16 recount shall be conducted using the alternative method if:

17 (1) The alternative method is suited to the balloting
18 system that was used for casting the votes for the
19 office;



1 (2) The alternative method involves the use of a vote
2 tallying system that is approved by the chief election
3 officer; and

4 (3) The vote tallying system is readily available to fully
5 conduct the recount.

6 If more than one balloting system was used in casting votes for
7 the office, an alternative method to a manual recount by hand
8 tally may be selected for each system.

9 (c) No cost of a mandatory recount under this section may
10 be charged to any candidate.

11 (d) All mandatory recounts of votes under this section
12 shall be completed and the results publicly announced no later
13 than on the fifteenth day following the election.

14 (e) The chief election officer shall adopt rules pursuant
15 to chapter 91 for the mandatory recount of votes under this
16 section; provided that the rules shall:

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



1 (2) Notify the parties described in paragraph (1) of the
2 time and place of the recount no later than one day
3 prior to the date of the recount."

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

6 "**§11-155 Certification of results of election.** On receipt
7 of certified tabulations from the election officials concerned,
8 the chief election officer or county clerk in county elections
9 shall compile, certify, and release the election results after
10 the expiration of the time for bringing an election contest.
11 The certification shall be based on a comparison and
12 reconciliation of the following:

- 13 (1) The results of the canvass of ballots conducted
14 pursuant to chapter 16;
- 15 (2) The audit of pollbooks (and related record books) and
16 resultant overage and underage report;
- 17 (3) The audit results of the manual audit team;
- 18 (4) The results of the absentee ballot reconciliation
19 report compiled by the clerks; ~~and~~
- 20 (5) The results of any mandatory recount of votes
21 conducted pursuant to section 11- ; and



1 ~~(5)~~ (6) All logs, tally sheets, and other documents
2 generated during the election and in the canvass of
3 the election results.

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

16 SECTION 3. Section 11-173.5, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) In primary and special primary election contests, and
19 county election contests held concurrently with a regularly
20 scheduled primary or special primary election, the complaint
21 shall be filed in the office of the clerk of the supreme court



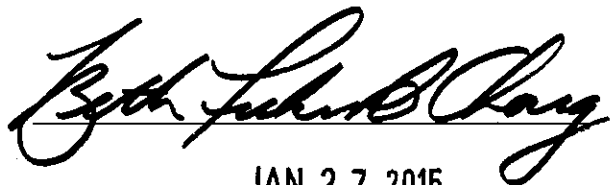
1 not later than 4:30 p.m. on the sixth day after a primary or
2 special primary election, or county election contests held
3 concurrently with a regularly scheduled primary or special
4 primary election, and shall be accompanied by a deposit for
5 costs of court as established by rules of the supreme court [-];
6 provided that, notwithstanding the foregoing, a complaint
7 pertaining to votes subject to a mandatory recount pursuant to
8 section 11- shall be filed no later than 4:30 p.m. on the
9 fifth day after the public announcement of the results of the
10 mandatory recount pursuant to section 11- (d). The clerk
11 shall issue to the defendants named in the complaint a summons
12 to appear before the supreme court not later than 4:30 p.m. on
13 the fifth day after service thereof."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

17

INTRODUCED BY:



JAN 27 2015



H.B. NO. 1036

Report Title:

Elections; Mandatory Recount of Votes

Description:

Requires automatic recounts of election votes for narrow margins of victory. For particularly narrow vote differentials, requires manual recounts by hand or by an alternative method agreed to by the two candidates garnering the most votes.

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