
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 The chief election officer, or the county clerk in the case of
6 county elections, shall conduct a recount of all votes cast for
7 any office at any election if the official canvass of all of the
8 returns for that office reveals that the difference in the
9 number of votes cast for a candidate apparently qualified for
10 the general election ballot or elected to office and the number
11 of votes cast for the closest apparently defeated opponent is:

12 (1) For statewide elections, less than one-eighth of one
13 per cent of the total number of votes cast for both
14 candidates; or

15 (2) For all other elections not included in paragraph (1),
16 less than one-fourth of one per cent of the total
17 number of votes cast for both candidates.



1 (b) No cost of a mandatory recount under this section may
2 be charged to any candidate.

3 (c) All mandatory recounts of votes under this section
4 shall be completed and the results publicly announced no later
5 than on the fifteenth day following the election.

6 (d) The chief election officer shall adopt rules pursuant
7 to chapter 91 for the mandatory recount of votes under this
8 section; provided that the rules shall:

9 (1) Authorize candidates affected by the recount, or their
10 designated representatives, to attend and witness the
11 recount; and

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

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

17 "**§11-155 Certification of results of election.** On receipt
18 of certified tabulations from the election officials concerned,
19 the chief election officer or county clerk in county elections
20 shall compile, certify, and release the election results after
21 the expiration of the time for bringing an election contest.



1 The certification shall be based on a comparison and
2 reconciliation of the following:

- 3 (1) The results of the canvass of ballots conducted
4 pursuant to chapter 16;
- 5 (2) The audit of pollbooks (and related record books) and
6 resultant overage and underage report;
- 7 (3) The audit results of the manual audit team;
- 8 (4) The results of the absentee ballot reconciliation
9 report compiled by the clerks; ~~and~~
- 10 (5) The results of any mandatory recount of votes
11 conducted pursuant to section 11- ; and
- 12 ~~(5)~~ (6) All logs, tally sheets, and other documents
13 generated during the election and in the canvass of
14 the election results.

15 A certificate of election or a certificate of results declaring
16 the results of the election as of election day shall be issued
17 pursuant to section 11-156; provided that in the event of an
18 overage or underage, a list of all precincts in which an overage
19 or underage occurred shall be attached to the certificate. The
20 number of candidates to be elected receiving the highest number
21 of votes in any election district shall be declared to be



1 elected. Unless otherwise provided, the term of office shall
2 begin or end as of the close of polls on election day. The
3 position on the question receiving the appropriate majority of
4 the votes cast shall be reflected in a certificate of results
5 issued pursuant to section 11-156."

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

8 "(a) In primary and special primary election contests, and
9 county election contests held concurrently with a regularly
10 scheduled primary or special primary election, the complaint
11 shall be filed in the office of the clerk of the supreme court
12 not later than 4:30 p.m. on the sixth day after a primary or
13 special primary election, or county election contests held
14 concurrently with a regularly scheduled primary or special
15 primary election, and shall be accompanied by a deposit for
16 costs of court as established by rules of the supreme court[-];
17 provided that, notwithstanding the foregoing, a complaint
18 pertaining to votes subject to a mandatory recount pursuant to
19 section 11- shall be filed no later than 4:30 p.m. on the
20 fifth day after the public announcement of the results of the
21 mandatory recount pursuant to section 11- (d). The clerk



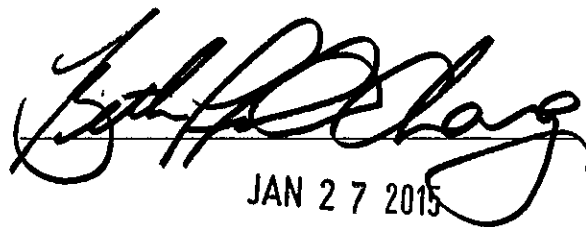
1 shall issue to the defendants named in the complaint a summons
2 to appear before the supreme court not later than 4:30 p.m. on
3 the fifth day after service thereof."

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

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

7

INTRODUCED BY:



JAN 27 2015



H.B. NO. 1038

Report Title:

Elections; Mandatory Recount of Votes

Description:

Requires automatic recounts of election votes for narrow margins of victory.

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

