
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 be appropriately designated and to
3 read as follows:

4 "§11- Petition for recount. (a) Notwithstanding any
5 law to the contrary, a petition for the recount of a state or
6 county election shall be conducted pursuant to this section.

7 (b) A candidate for office may petition the appropriate
8 elections officer for a recount of all ballots cast in the
9 candidate's election; provided that the number of votes cast
10 separating the petitioning candidate and the successful
11 candidate receiving the next greater number of votes is less
12 than one thousand votes or one-half of one per cent of all votes
13 cast for the office, whichever is less.

14 (c) A petition for recount shall be filed with the office
15 of the appropriate elections officer, not later than 4:30 p.m.
16 on the seventh day after the election; provided that in the case
17 of a petition for recount of the result of a primary election,



1 the petition shall be filed within three calendar days of the
2 primary election.

3 (d) Within one business day of receipt of a petition for
4 recount, the appropriate elections officer shall provide an
5 estimate of the recount cost to the petitioning candidate.

6 (e) Within two business days after receiving the estimate
7 in subsection (d), the petitioning candidate shall make a
8 deposit for the same amount with the office of the appropriate
9 elections officer. Failure to provide a timely deposit shall
10 void the petition.

11 (f) If the recount results in a different successful
12 candidate, the appropriate elections officer shall refund the
13 entire deposit of the petitioning candidate.

14 (g) If the recount does not result in a different
15 successful candidate, the appropriate elections officer shall
16 provide the petitioning candidate with an accounting of the
17 actual costs of the recount. If the actual costs of the recount
18 are less than the deposit, a refund of the difference may be
19 included with the accounting of the actual costs of the recount.
20 If the actual costs of the recount are greater than the deposit,
21 the deposit shall be forfeited and the petitioning candidate



1 shall pay any difference to the appropriate elections officer
2 within three business days of the determination of the outcome
3 based on the recount.

4 (h) Any recount shall be conducted in an expeditious
5 manner by each relevant county clerk's office, which shall
6 report its findings to the office of elections. The office of
7 elections shall then announce the result of the recount based on
8 the sum of the reports received under this subsection.

9 (i) The chief election officer shall certify the result of
10 an election based on the outcome of a recount made in accordance
11 with this section.

12 (j) For purposes of this section:

13 "All votes cast" means all votes cast for candidates for
14 the office and counted pursuant to section 11-151.

15 "Appropriate elections officer" means the chief election
16 officer for a state election or the relevant county clerk for a
17 county election.

18 "Successful candidate" means a candidate in a primary
19 election who qualifies for the general election ballot or a
20 candidate who is elected to office as a result of an election."



1 SECTION 2. Section 11-172, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§11-172 **Contests for cause** [~~;~~ ~~generally~~]. With respect to
4 any election, any candidate, or qualified political party
5 directly interested, or any thirty voters of any election
6 district, may file a complaint in the supreme court. The
7 complaint shall set forth [any] the cause or causes [~~;~~ ~~such as~~
8 ~~but not~~] for the contest. Causes shall be limited to [~~;~~
9 provable fraud, [overages, or underages, that could cause] other
10 unlawful activity, and force majeure. The complaint shall also
11 contain a statement why the alleged cause or causes might create
12 a difference in the election [results.] success of one or more
13 candidates. The complaint shall also set forth any reasons for
14 reversing, correcting, or changing the decisions of the precinct
15 officials or the officials at a counting center in an election
16 using the electronic voting system. A copy of the complaint
17 shall be delivered to the chief election officer or the clerk in
18 the case of county elections."

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

21 SECTION 4. This Act shall take effect on January 7, 2059.



Report Title:

Elections; Recount; Supreme Court; Contests for Cause

Description:

Establishes a process for the recounting of ballots in an election. Authorizes that contests for cause challenging an election result may also be based upon unlawful activity or force majeure. Effective 01/07/2059. (SD2)

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