

STAND. COM. REP. NO.

804

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 364
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 364, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish requirements and procedures for the recounting of ballots in an election.

The measure also provides that contests for cause challenging an election result shall be limited to provable fraud, unlawful activity, and force majeure.

Your Committee received written comments on this measure from the Office of Elections.

Your Committee finds that existing state law authorizes persons to challenge an election result for cause, including but not limited to provable fraud, overages, or underages, by filing a complaint in the State Supreme Court. Your Committee further finds that this measure provides expanded recourse to challenge the results of a close election by allowing candidates to petition the appropriate elections officer for a recount, if the number of votes cast separating the petitioning candidate and the successful candidate is less than one thousand votes or one-half of one per cent of all votes cast for the office, whichever is less.



Your Committee has amended this measure by defining the term "all votes cast" as all votes cast for candidates for the office and counted pursuant to section 11-151, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 364, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 364, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



JILL N. TOKUDA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB304 SD1	JDL, WAM	2/27/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
TOTAL	11	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">M. D. W.</div>				
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*Only one measure per Record of Votes