



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON SENATE BILL NO. 364
RELATING TO ELECTIONS

February 4, 2015

Chair Keith-Agaran and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to provide comments on Senate Bill No. 364. The purpose of this bill is to require the Office of Elections to conduct recounts for elections decided by less than one thousand votes or one-half of one percent of all votes cast for the office, whichever is less.

While the decision to statutorily require a recount for a close election is a matter of policy for the Legislature, we would recommend that any recount be requested within two calendar days of a Primary Election, so that the results of such a recount may be known in sufficient time so as to not interfere with ballot production deadlines associated with the General Election. In regard to a recount after a General Election, the seven calendar days proposed by bill should not interfere with the post-election swearing-in-ceremonies that typically occur in early December or January, depending on the office. Additionally, while one-half of one percent may be an objective standard to use to permit a request for a recount, we would recommend dropping the alternate standard of less than 1,000 votes, as such an amount could constitute a significant percentage for a typical state representative contest or similar contest. Finally, in regard to the standard "one-half of one per cent of all votes cast for the office" the term "all votes cast" should be clearly defined either in the statute or the legislative committee reports to reflect that "all votes cast" refers to only the votes cast for individual candidates, as opposed to including blank and over votes, if that is the intent of the legislation.

Thank you for the opportunity to testify on Senate Bill No. 364.