

Honolulu, Hawaii

FEB 09 2017

RE: S.B. No. 247
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 247 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the recount of all votes cast for any office at any election, at no cost to any candidate, when the margin of victory is less than two hundred fifty votes or less than one percent of the votes cast, whichever is less;
- (2) Require that the mandatory recount of votes be completed and results announced no later than the ninth day following the election;
- (3) Require the Chief Election Officer to adopt rules to implement a mandatory recount of votes;
- (4) Clarify that a mandatory recount of votes applies to votes counted pursuant to section 11-151, Hawaii Revised Statutes;
- (5) Include a comparison and reconciliation of the results of any mandatory recount of votes in the comparison and reconciliation upon which the certification of election results is based; and



- (6) Require that a complaint pertaining to votes subject to a mandatory recount be filed with the Supreme Court no later than thirteen days following the election.

Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that there have been a number of close election races in Hawaii in the past. This measure establishes a process for the automatic recounting of votes cast in the event of a close election result at no cost to the candidates.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 247, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 247, S.D. 1, and be referred to your Committee on Ways and Means.


Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 247	Committee Referral: JDL, WAM	Date: 2/3/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes