

STAND. COM. REP. NO.

665

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 247
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 247, 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 require a recount of election votes cast for any office, in any election, when the margin of victory is less than two hundred fifty votes or less than one per cent of the total number of votes cast for the contest, whichever is less.

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

Your Committee finds that a candidate may already contest a narrow margin of victory through the court system pursuant to article II, section 10 of the Hawaii Constitution and part XI of chapter 11, Hawaii Revised Statutes. Specifically, a candidate may file a complaint in the Hawaii Supreme Court alleging overages, underages, provable fraud, or any other reason for a difference in the election results. However, the reality is that not all candidates have equal access to the courts, given the costs of legal representation and filing fees. In contrast, this measure would provide a mechanism in certain instances for an automatic recount at no cost to any candidate.

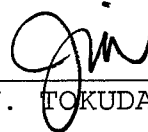


Your Committee also finds that with respect to a complaint filed in the Hawaii Supreme Court pertaining to votes subject to a mandatory recount pursuant to this measure, when the votes were cast in a primary or special primary election or in a county election contest held concurrently with a regularly scheduled primary or special primary election, the complaint filing deadline must allow election officials adequate time to proof, approve, and print the general election ballot.

Accordingly, your Committee has amended this measure by clarifying that a complaint pertaining to primary or special primary election votes subject to a mandatory recount shall be filed no later than 4:30 p.m. on the thirteenth calendar day following the election, or the third calendar day following a recount, whichever occurs first.

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. 247, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 247, S.D. 2.

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

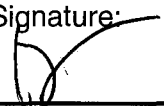


JILL N. TOKUDA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 247, SDI	SDL, WAM	2/24/17		
<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
TOKUDA, Jill N. (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
ENGLISH, J. Kalani				✓
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			WAKAI
KAHELE, Kaiali'i				✓
RIVIERE, Gil	✓			
SHIMABUKURO, Maile S.L.	✓			
TANIGUCHI, Brian T.	✓			
WAKAI, Glenn	✓			
TOTAL	8			3
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