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## 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 part X to be appropriately designated  
3 and to read as follows:

4           "§11-    Mandatory recount of votes.   (a) The chief  
5 election officer, or the county clerk in the case of county  
6 elections, shall conduct a recount of all votes cast for any  
7 office in any election if the official canvass of all of the  
8 returns for that office reveals that the difference in the  
9 number of votes cast for a candidate who apparently qualified  
10 for the general election ballot or was elected to office and the  
11 number of votes cast for the closest apparently defeated  
12 opponent is less than 0.5 per cent of the total number of votes  
13 cast for the contest.

14           (b) No cost of a mandatory recount under this section may  
15 be charged to any candidate.



1        (c) All mandatory recounts of votes conducted under  
2 subsection (a) shall be completed and the results publicly  
3 announced no later than the ninth day following the election.

4        (d) The chief election officer shall adopt rules pursuant  
5 to chapter 91 for mandatory recounts of votes under this  
6 section; provided that the rules shall:

7        (1) Authorize candidates affected by the recount, or their  
8 designated representatives, to attend and witness a  
9 recount; and

10       (2) Require the notification of the parties described in  
11 paragraph (1) of the time and place of the recount no  
12 later than one day prior to the date of a recount.

13       (e) This section shall apply to votes counted pursuant to  
14 section 11-151."

15       SECTION 2. Section 11-155, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       **"§11-155 Certification of results of election.** On receipt  
18 of certified tabulations from the election officials concerned,  
19 the chief election officer or county clerk in county elections  
20 shall compile, certify, and release the election results after  
21 the expiration of the time for bringing an election contest.



1 The certification shall be based on a comparison and  
2 reconciliation of the following:

- 3 (1) The results of the canvass of ballots conducted  
4 pursuant to chapter 16;
- 5 (2) The audit of pollbooks (and related record books) and  
6 resultant overage and underage report;
- 7 (3) The audit results of the manual audit team;
- 8 (4) The results of the absentee ballot reconciliation  
9 report compiled by the clerks; [~~and~~]
- 10 (5) The results of any mandatory recount of votes  
11 conducted pursuant to section 11- ; and
- 12 [~~+5~~] (6) All logs, tally sheets, and other documents  
13 generated during the election and in the canvass of  
14 the election results.

15 A certificate of election or a certificate of results declaring  
16 the results of the election as of election day shall be issued  
17 pursuant to section 11-156; provided that in the event of an  
18 overage or underage, a list of all precincts in which an overage  
19 or underage occurred shall be attached to the certificate. The  
20 number of candidates to be elected receiving the highest number  
21 of votes in any election district shall be declared to be



1 elected. Unless otherwise provided, the term of office shall  
2 begin or end as of the close of polls on election day. The  
3 position on the question receiving the appropriate majority of  
4 the votes cast shall be reflected in a certificate of results  
5 issued pursuant to section 11-156."

6 SECTION 3. Section 11-173.5, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 **"§11-173.5 Contests for cause in primary, special primary**  
9 **elections, and county elections held concurrently with a**  
10 **regularly scheduled primary or special primary election. (a)**  
11 In primary and special primary election contests, and county  
12 election contests held concurrently with a regularly scheduled  
13 primary or special primary election, the complaint shall be  
14 filed in the office of the clerk of the supreme court not later  
15 than 4:30 p.m. on the sixth day after a primary or special  
16 primary election, or county election contests held concurrently  
17 with a regularly scheduled primary or special primary election,  
18 and shall be accompanied by a deposit for costs of court as  
19 established by rules of the supreme court[-]; provided that a  
20 complaint pertaining to votes subject to a mandatory recount  
21 pursuant to section 11- shall be filed no later than 4:30



1 p.m. on the thirteenth calendar day following the election. The  
 2 clerk shall issue to the defendants named in the complaint a  
 3 summons to appear before the supreme court not later than 4:30  
 4 p.m. on the fifth day after service [~~thereof.~~] of summons."











5 SECTION 4. This Act does not affect rights and duties that  
 6 matured, penalties that were incurred, and proceedings that were  
 7 begun before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



# H.B. NO. 715

**Report Title:**

Elections; Recount of Votes

**Description:**

Requires recounts of election votes when the margin of victory is less than 0.5 per cent of the votes cast.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

