

**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 216, SD 2
RELATING TO ELECTIONS

March 11, 2019

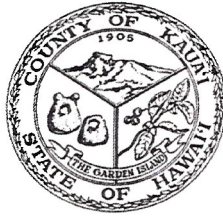
Chair Lee and members of the House Committee on Judiciary, thank you for the opportunity to provide comments on Senate Bill No. 216, SD 2. This bill requires a mandatory recount of election votes when the margin of victory is equal to or less than one hundred or one-half of one percent of the votes cast.

While the Office of Elections takes no position on this bill, it is our understanding that any election contest must “be determined by a court of competent jurisdiction” pursuant to Article II, Section 10 of the Hawaii State Constitution. As a result, HRS §11-173 (repealed by Act 217, SLH 1973), acknowledged this by providing that if there was a small vote difference, a complaint would need to be filed in court for an order to conduct a recount.

Thank you for the opportunity to testify on Senate Bill No. 216, SD 2.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK
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LATE

March 11, 2019

TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA
COUNTY CLERK, COUNTY OF KAUAI
TO THE HOUSE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 216, SD 2
RELATING TO ELECTION

Chair Lee and Committee Members:

Thank you for the opportunity to offer comments on Senate Bill No. 216, SD 2. This Bill would require a mandatory recount of election votes and ballot measures when the margin of victory for election contests or tabulation for ballot measures is equal to or less than one hundred or one-half of one per cent of the votes cast, whichever is greater.

While our office takes no position on the Bill we wish to note that the high number of total votes cast in at-large contests will inflate the number of votes required to trigger a recount and likely increase the frequency of recounts for Kauai county council contests.

Applying the Bill's provisions to the four most recently completed elections indicates that recounts would have been required in two of four at-large contests for Kauai county council.

	2018 General	2018 Primary	2016 General	2016 Primary
Total Votes Cast ¹	126,065	91,590	130,792	NO recount. All 13 candidates moved on to the General Election.
Recount Trigger ²	630 votes	458 votes	654 votes	
Margin of Victory ³	352 votes	1,048 votes	497 votes	
	352 < 630 RECOUNT	1,048 > 458 NO Recount	497 < 654 RECOUNT	

Thank you for this opportunity to offer comments on Senate Bill No. 216, SD 2.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

¹ Kauai county council contest only

² 0.005% of Total Votes Cast

³ Margin of Victory between 14th and 15th place candidates for the Primary Election, and 7th and 8th place candidates for the General Election



Hawaii

Holding Power Accountable

Common Cause Hawaii • 307A Kamani St. • Honolulu, HI 96813 • 808.275.6275

To: The House Committee on Judiciary
From: Brodie Lockard, Board Member, Common Cause Hawaii
Date: Monday, March 11, 2019, 2:00 pm

In support of SB 216

Dear JUD Chair Lee, Vice Chair San Buenaventura and Committee Members—

Common Cause Hawaii supports SB 216.

The 2018 Honolulu City Council election makes it very clear that an automatic recount in a very close election should be mandatory. A recount would avoid

- Voters' loss of confidence in the electoral system
- Acrimony among candidates and their supporters
- Time wasted by the office in question
- Inefficiency and confusion in the body of which the office is a part, e.g., the City Council
- Time and money wasted in the court system
- Time and money wasted on a special election

Please pass SB 216 and save all of the trouble caused by a contested election.

Thank you for the opportunity to testify.

Brodie Lockard
Board Member, Common Cause Hawaii

SB-216-SD-2

Submitted on: 3/10/2019 1:57:51 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-216-SD-2

Submitted on: 3/9/2019 12:24:16 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

long overdue.