

JAN 18 2019

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- Manual recount of votes; when required. (a) The
5 chief election officer, or the clerk in the case of county
6 elections, shall conduct a manual recount of all votes cast for
7 any office at 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 apparently qualified for
10 the general election ballot or elected to office and the number
11 of votes cast for the closest apparently defeated opponent is
12 equal to or less than one hundred votes or equal to or less than
13 one-half of one per cent of the total number of votes cast for
14 the contest, whichever is less.

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



1 (c) All manual recounts of votes under this section shall
2 be completed and the results publicly announced no later than
3 the fifteenth day following the election.

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

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

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

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

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

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



1 the expiration of the time for bringing an election contest.

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

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

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



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

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

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



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1 recount pursuant to section 11- (c). The clerk shall issue to
 2 the defendants named in the complaint a summons to appear before
 3 the supreme court not later than 4:30 p.m. on the fifth day
 4 after service [~~thereof.~~] of summons."

5 SECTION 4. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

Elections; Manual Recount of Votes; Margin of Victory

Description:

Requires a manual recount of election votes when the margin of victory is equal to or less than one hundred votes cast or equal to or less than one-half of one per cent of the votes cast, whichever is less.

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

