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# A BILL FOR AN ACT

RELATING TO ELECTION AUDITS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that existing law  
2 requires the chief election officer, as a condition of using an  
3 electronic voting system to create an electronic tally of  
4 ballots, to audit the vote counts in ten per cent of the  
5 precincts where an electronic voting system was used and select  
6 the precincts to audit at random. The legislature also finds  
7 that existing law requires the chief election officer to conduct  
8 the audit of the randomly selected precincts by comparing  
9 electronic tally amounts against the original paper ballots.  
10 The legislature further finds that using accurate copies of  
11 paper ballots, rather than the original paper ballots, to  
12 conduct the audits will increase the efficiency of the audits  
13 without compromising their precision.

14           Accordingly, the purpose of this Act is to allow the chief  
15 election officer to use accurate copies of paper ballots, rather  
16 than the originals, when conducting a precinct audit of an  
17 electronic voting system's tally.



1 SECTION 2. Section 16-42, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) The chief election officer may rely on electronic  
4 tallies created directly by electronic voting systems, in lieu  
5 of counting the paper ballots by hand or with a mechanical  
6 tabulation system, if:

- 7 (1) The electronic voting system is subject to inspection,  
8 audit, and experimental testing, by qualified  
9 observers, before and after the election, pursuant to  
10 administrative rules adopted by the chief election  
11 officer under chapter 91;
- 12 (2) No upgrades, patches, fixes, or alterations [~~shall be~~]  
13 are applied to the system through thirty days after  
14 the election;
- 15 (3) The chief election officer conducts a post-election,  
16 pre-certification audit of a random sample of [~~not~~] no  
17 less than ten per cent of the precincts employing the  
18 electronic voting system, to verify that the  
19 electronic tallies generated by the system in those  
20 precincts equal hand tallies of the paper ballots  
21 generated by the system in those precincts; [~~and~~]



1 provided that accurate copies of the paper ballots,  
2 including accurate electronic copies, may be used in  
3 place of the paper ballots when verifying that the  
4 electronic tallies are equal to the hand tallies of  
5 the paper ballots; and

6 (4) [~~If~~] When discrepancies appear in the pre-  
7 certification audits in paragraph (3), the chief  
8 election officer, pursuant to administrative rules,  
9 [~~shall~~] immediately [~~conduct~~] conducts an expanded  
10 audit to determine the extent of misreporting in the  
11 system."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Chief Election Officer; Election Audits; Electronic Voting System; Electronic Tally of Ballots

**Description:**

Allows the Chief Election Officer to use accurate copies of paper ballots, rather than the originals, when conducting a precinct audit of an electronic voting system's tally.  
Effective 7/1/3000. (HD1)

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

