
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 the language of existing law is ambiguous as to whether the
8 chief election officer must audit all the elections in those
9 precincts, or whether it is acceptable for the chief election
10 officer to audit only a single election in those precincts.

11 Accordingly, the purpose of this Act is to:

12 (1) Reduce the number of randomly selected precincts
13 employing an electronic voting system that the chief
14 election officer is required to conduct a post-
15 election, pre-certification audit of from ten per cent
16 to five per cent; and



1 (2) Clarify that the chief election officer must audit all
2 elections in the randomly selected precincts as a
3 condition of using an electronic voting system to
4 create an electronic tally of ballots.

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

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

11 (1) The electronic voting system is subject to inspection,
12 audit, and experimental testing, by qualified
13 observers, before and after the election, pursuant to
14 administrative rules adopted by the chief election
15 officer under chapter 91;

16 (2) No upgrades, patches, fixes, or alterations shall be
17 applied to the system through thirty days after the
18 election;

19 (3) The chief election officer conducts a post-election,
20 pre-certification audit of a random sample of not less
21 than ~~ten~~ five per cent of the precincts employing



1 the electronic voting system, to verify that the
2 electronic tallies generated by the system for all
3 elections in those precincts equal hand tallies of the
4 paper ballots generated by the system for all
5 elections in those precincts; and

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

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 Statutory material to be repealed is bracketed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

13 SECTION 4. This Act shall take effect upon its approval.



Report Title:

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

Description:

Reduces the number of randomly selected precincts employing an electronic voting system that the Chief Election Officer is required to conduct a post-election, pre-certification audit of from ten per cent to five per cent. Clarifies that the Chief Election Officer must audit all elections in the randomly selected precincts as a condition of using an electronic voting system to create an electronic tally of ballots. (SD1)

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