



GOV. MSG. NO. 1101

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

March 5, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on March 5, 2024, the following bill was signed into law:

HB129

RELATING TO RECOUNTS.
ACT 001

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on MAR 5 2024

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 129

A BILL FOR AN ACT

RELATING TO RECOUNTS.

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

1 SECTION 1. Section 11-158, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~11-158~~§~~ **Mandatory recount of votes.** (a) The chief
4 election officer, or the clerk in the case of a county election,
5 shall conduct a recount of all votes cast for any office or
6 ballot question in any election if the official tabulation of
7 all of the returns for that office or question reveals that the
8 difference in:

9 (1) The number of votes cast for a candidate apparently
10 qualified for the general election ballot or elected
11 to office and the number of votes cast for the closest
12 apparently defeated opponent; or

13 (2) The number of votes cast in the affirmative for the
14 ballot question and the number of votes cast in the
15 negative for the ballot question, including when
16 applicable, the tabulation of blank votes,



1 is equal to or less than one hundred votes or one-quarter of one
2 per cent of the total number of votes cast for the contest,
3 whichever is [~~greater.~~] lesser.

4 (b) No candidate shall be charged for the cost of a
5 mandatory recount under this section.

6 (c) All mandatory recounts of votes under this section
7 shall be completed and the results publicly announced [~~no later~~
8 ~~than seventy-two hours after the closing of polls on]~~ by the
9 fifth business day after election day.

10 (d) The chief election officer may adopt rules pursuant to
11 chapter 91 for the mandatory recount of votes under this
12 section, including:

13 (1) Authorizing candidates affected by the recount, or
14 their designated representatives, to attend and
15 witness the recount; and

16 (2) Notifying the parties described in paragraph (1) of
17 the time and place of the recount no later than one
18 day prior to the date of the recount.

19 (e) This section shall apply to votes counted pursuant to
20 section 11-151.



1 (f) A recount conducted pursuant to this section shall not
2 be considered a contest for cause subject to section 11-172."


3 SECTION 2. Section 11-173.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) In a primary and special primary election contest, or
6 a county election contest held concurrently with a regularly
7 scheduled primary or special primary election, the complaint
8 shall be filed in the office of the clerk of the supreme court
9 no later than 4:30 p.m. on the thirteenth day after a primary or
10 special primary election or a county election contest held
11 concurrently with a regularly scheduled primary or special
12 primary election, and shall be accompanied by a deposit for
13 costs of court as established by the rules of the supreme
14 court[; ~~provided that a complaint for a contest for cause that~~
15 ~~arises from a mandatory recount pursuant to section 11-158 shall~~
16 ~~be filed no later than 4:30 p.m. on the third calendar day~~
17 ~~following the public announcement of the results of the~~
18 ~~mandatory recount pursuant to section 11-158(e)]. The clerk
19 shall issue to the defendants named in the complaint a summons
20 to appear before the supreme court no later than 4:30 p.m. on
21 the fifth day after service of the summons."~~

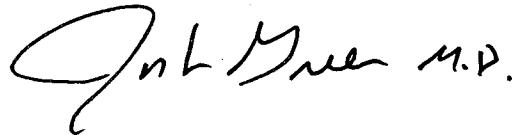


1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

INTRODUCED BY: 
By Request
JAN 17 2023

APPROVED this 5th day of March , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 129

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: February 12, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: February 7, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.



President of the Senate



Clerk of the Senate