
A BILL FOR AN ACT

RELATING TO TRANSPARENCY OF ELECTIONS.

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

1 SECTION 1. The legislature finds that transparency of
2 election records will provide voters with a stronger sense of
3 confidence in the integrity of election processes and results.
4 The purpose of this Act is to ensure the public has access to
5 reconciliation reports following elections and may request
6 election related information through public record requests.

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

9 "**§11-155 Certification of results of election.** (a) On
10 receipt of certified tabulations from the election officials
11 concerned, the chief election officer in a state election, or
12 county clerk in a county election, shall compile, certify, and
13 release the election results by district and precinct after the
14 expiration of the time for bringing an election contest. The
15 certification shall be based on a comparison and reconciliation
16 of the following:



- 1 (1) The results of the canvass of ballots conducted
- 2 pursuant to chapter 16;
- 3 (2) The audit of records and resultant overage and
- 4 underage report;
- 5 (3) The audit results of the manual audit team;
- 6 (4) The results of any mandatory recount of votes
- 7 conducted pursuant to section 11-158; and
- 8 (5) All logs, tally sheets, and other documents generated
- 9 during the election and in the canvass of the election
- 10 results.

11 A certificate of election or a certificate of results declaring
12 the results of the election as of election day shall be issued
13 pursuant to section 11-156; provided that in the event of an
14 overage or underage, a list of all precincts in which an overage
15 or underage occurred shall be attached to the certificate. The
16 candidates to be elected who receive the most votes in any
17 election district shall be declared to be elected; provided that
18 candidates for offices elected by ranked-choice voting shall be
19 declared to be elected pursuant to section 11-100. Unless
20 otherwise provided, the term of office shall begin or end as of
21 the close of voter service centers on election day. The



1 position on the question receiving the appropriate majority of
2 the votes cast shall be reflected in a certificate of results
3 issued pursuant to section 11-156.

4 (b) Within seven days of certification of any election,
5 the office of elections shall post on their website, or another
6 public site used by the state or for posting information:

7 (1) Ballot images from machine-tabulated elections;

8 (2) A cast vote record showing the votes recorded for each
9 candidate, race, or measure, in the sequence they were
10 tabulated; and

11 (3) A statewide election reconciliation report that
12 discloses the following information:

13 (A) The number of registered voters;

14 (B) The number of ballots issued;

15 (C) The number of ballots received;

16 (D) The number of ballots counted;

17 (E) The number of ballots rejected;

18 (F) The number of provisional ballots issued;

19 (G) The number of provisional ballots received;

20 (H) The number of provisional ballots counted;

21 (I) The number of provisional ballots rejected;



- 1 (J) The number of overseas and service ballots issued
2 by mail, email, website link, or facsimile;
- 3 (K) The number of overseas and service ballots
4 received by mail, email, website link, or
5 facsimile;
- 6 (L) The number of overseas and service ballots
7 counted by mail, email, website link, or
8 facsimile;
- 9 (M) The number of overseas and service ballots
10 rejected by mail, email, website link, or
11 facsimile;
- 12 (N) The number of non-overseas and non-service
13 ballots received by mail, email, website link, or
14 facsimile;
- 15 (O) The number of non-overseas and non-service
16 ballots received by email or facsimile;
- 17 (P) The number of non-overseas and non-service
18 ballots that were rejected for:
- 19 (i) Failing to send an original or hard copy of
20 the ballot by the certification deadline; or



- 1 (ii) Any other reason, including the reason for
- 2 rejection;
- 3 (Q) The number of voters credited with voting;
- 4 (R) The number of replacement ballots requested;
- 5 (S) The number of replacement ballots issued;
- 6 (T) The number of replacement ballots received;
- 7 (U) The number of replacement ballots counted;
- 8 (V) The number of replacement ballots rejected; and
- 9 (W) Any other information the chief officer of
- 10 elections deems necessary to reconcile the number
- 11 of ballots counted with the number of voters
- 12 credited with voting, and to maintain an audit
- 13 trail.

14 (c) Within seven days of certification of any election,

15 the office of elections or city or county clerk shall make

16 available in electronic format upon public records request the

17 following:

- 18 (1) All ballot scanned batch reports, batch detail
- 19 reports;
- 20 (2) All system and audit logs from the elections
- 21 equipment, including the election management systems,



1 scanners, and automated signature verification
2 equipment;

3 (3) Any other reports produced by the election management
4 system which may be called by a different name and is
5 required to audit the elections equipment; and

6 (4) Chain of custody documents for ballot pickup from
7 ballot collection places of deposit and delivery to
8 elections facilities, ballot deliveries from ballot
9 printing facilities to USPS facilities, ballot pickup
10 from USPS to elections facilities, ballot pickups from
11 voting centers to counting facilities, and any other
12 chain of custody documentation required to maintain an
13 audit trail."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2024.

16 INTRODUCED BY:

Dorian S
Jan Mtr
[Signature]
[Signature]



H.B. NO. 1751

Report Title:

Minority Caucus Package; Elections; Reporting; Public Records

Description:

Requires election information to be publicly available either through website access or public records request.

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

