
A BILL FOR AN ACT

RELATING TO ELECTION BALLOTS.

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

1 SECTION 1. The legislature finds that Hawaii allows for
2 the use of ballot images instead of physical ballots in the
3 post-election pre-certification audit process. The purpose of
4 this Act is to comply with best practices by requiring that
5 physical ballots be used in election audits.

6 SECTION 2. Section 16-42, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§16-42 Electronic voting requirements.** (a) When used at
9 primary or special primary elections, the automatic tabulating
10 equipment of the electronic voting system shall count only votes
11 for the candidates of one party, or nonpartisans. In all
12 elections, the equipment shall reject all votes for an office
13 when the number of votes [~~therefor~~] therefore exceeds the number
14 that the voter is entitled to cast.

15 No electronic voting system shall be used in any election
16 unless it generates a paper ballot or voter verifiable paper
17 audit trail that may be inspected and corrected by the voter



1 before the vote is cast, and unless every paper ballot or voter
2 verifiable paper audit trail is retained as the definitive
3 record of the vote cast.

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

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

13 (2) No upgrades, patches, fixes, or alterations shall be
14 applied to the system through thirty days after the
15 election;

16 (3) The chief election officer conducts a post-election,
17 pre-certification audit of a random sample of not less
18 than ten per cent of the precincts employing the
19 electronic voting system, to verify that the
20 electronic tallies generated by the system in those
21 precincts equal hand tallies of the original physical



1 paper ballots [~~generated by the system~~] in those
2 precincts; and

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:

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JAN 18 2024



H.B. NO. 1754

Report Title:

Minority Caucus Package; Ballots; Elections; Audits

Description:

Requires that post-election pre-certification audits rely on physical ballots.

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