

JAN 15 2025

A BILL FOR AN ACT

RELATING TO RECOUNTS.

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

1 SECTION 1. The legislature finds that Act 1, Session Laws
2 of Hawaii 2024 (Act 1), changed the criteria for an election
3 outcome to cause an automatic recount by the State or county.
4 The result has been that a very limited number of election races
5 now qualify for an automatic recount. Under Act 1, the required
6 vote difference is the lower number of two benchmarks:

7 (1) Less than one hundred votes between the top two
8 candidates; or

9 (2) Less than one-quarter of one per cent of the total
10 number of votes cast in that race.

11 The one-quarter of one per cent of the total number of
12 votes cast benchmark has been the more determinative standard,
13 even though the vote difference between candidates has been less
14 than one hundred votes. In the 2024 primary and general
15 elections, there were three races where the difference was less
16 than one hundred votes but the per cent difference was higher



1 than one-quarter of one per cent of the total number of votes
2 cast.

3 The legislature further finds that election recounts help
4 to ensure fair and accurate election outcomes and can boost the
5 public's perception of the election process. According to a
6 FairVote analysis of election recounts, the majority of states
7 that require automatic recounts use the standard of a margin of
8 vote difference that is double of Act 1's: one-half of one per
9 cent of the total number of votes in that race.

10 Accordingly, the purpose of this Act is to modestly
11 increase the qualifying criteria for an automatic election
12 recount.

13 SECTION 2. Section 11-158, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) The chief election officer, or the clerk in the case
16 of a county election, shall conduct a recount of all votes cast
17 for any office or ballot question in any election if the
18 official tabulation of all of the returns for that office or
19 question reveals that the difference in:

20 (1) The number of votes cast for a candidate apparently
21 qualified for the general election ballot or elected



1 to office and the number of votes cast for the closest
2 apparently defeated opponent; or

3 (2) The number of votes cast in the affirmative for the
4 ballot question and the number of votes cast in the
5 negative for the ballot question, including when
6 applicable, the tabulation of blank votes,
7 is equal to or less than one hundred votes or [~~one-quarter~~]
8 one-half of one per cent of the total number of votes cast for
9 the contest, whichever is lesser."

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

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

13

INTRODUCED BY: Karl Nho



S.B. NO. 176

Report Title:

Elections; Recounts

Description:

Increases the qualifying criteria for an automatic election recount.

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

