

**ACT 27**

S.B. NO. 2333

A Bill for an Act Relating to Election Audits.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that existing law requires the chief election officer, as a condition of using an electronic voting system to create an electronic tally of ballots, to audit the vote counts in ten per cent of the precincts where an electronic voting system was used and select the precincts to audit at random. The legislature also finds that existing law requires the chief election of-

ficer to conduct the audit of the randomly selected precincts by comparing electronic tally amounts against the original paper ballots. The legislature further finds that using accurate copies of paper ballots, rather than the original paper ballots, to conduct the audits will increase the efficiency of the audits without compromising their precision.

Accordingly, the purpose of this Act is to allow the chief election officer to use accurate copies of paper ballots, rather than the originals, when conducting a precinct audit of an electronic voting system's tally.

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

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

- (1) The electronic voting system is subject to inspection, audit, and experimental testing, by qualified observers, before and after the election, pursuant to administrative rules adopted by the chief election officer under chapter 91;
- (2) No upgrades, patches, fixes, or alterations [~~shall be~~ are] applied to the system through thirty days after the election;
- (3) The chief election officer conducts a post-election, pre-certification audit of a random sample of not less than ten per cent of the precincts employing the electronic voting system, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the paper ballots generated by the system in those precincts; [and] provided that accurate copies of the paper ballots, including accurate electronic copies, may be used in place of the paper ballots when verifying that the electronic tallies are equal to the hand tallies of the paper ballots; and
- (4) [~~H~~] When discrepancies appear in the pre-certification audits in paragraph (3), the chief election officer, pursuant to administrative rules, [~~shall~~] immediately [~~conduct~~] conducts an expanded audit to determine the extent of misreporting in the system.”

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

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

(Approved May 23, 2024.)