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COMMITTEE ON WAYS AND MEANS
WEDNESDAY, April 3, 2019, 10:20 a.m., Room 211

HB 709 HD1 SD1 PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF HAWAII
TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Dela Cruz, Vice-Chair Keith-Agaran and Committee Members:

The League of Women Voters of Hawaii strongly supports this measure which proposes a Constitutional amendment for mandatory recounts in close elections.

This is a very important bill, which we hope will make Hawaii compare more favorably with 43 states that already permit some form of recount. Twenty 20 states and the District of Columbia already provide for *mandatory* recounts like that proposed in this bill. All citizens need to be confident that in close elections there has been a fair examination of counting and other procedures. For a mandatory recount, the cost of the recount should be borne by taxpayers as required in this bill.

The League supports the premise of the bill that most of the time it should not be necessary for the Judiciary to intervene in close elections. The State's Chief Elections Officer can conduct the recount in the case of Federal or State elections and the County Clerk can conduct the recount in the case of single County-only elections. We are fortunate that these elections officials have protocols which should make it relatively easy to implement this bill, including using paper ballots, reconciliation of the number of ballots during the election, ballot security and independent observation of elections.

This bill calls for a close votes recount for contests between individual candidates as well as ballot measures. Regarding the .5% trigger for a recount, this appears to compare favorably with an average of .4% used in other jurisdictions.¹

We fully support allowing candidates or their representatives or parties challenging a ballot question to witness the recount and to maintain voter confidence in the recount, we suggest that the rules for the recount be disclosed to the public.

Thank you for the opportunity to submit testimony.

¹ Halvorseon, Mark, Platten, Jane, Reed, Sam and Ritchie, Mark. *Recount Principles and Best Practices*, February 2014, page 3.