
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§11- Petition for recount. (a) Notwithstanding any
5 law to the contrary, a petition for the recount of a federal,
6 state, or county contest for election to office shall be
7 conducted pursuant to this section.

8 (b) A candidate for office may petition the appropriate
9 elections officer for a recount of all ballots cast in the
10 candidate's contest; provided that the number of votes cast that
11 separates the petitioning candidate and the successful candidate
12 is less than five hundred votes or one-quarter of one per cent
13 of all votes cast for the contest, whichever is less.

14 (c) A petition for recount shall be filed with the office
15 of the appropriate elections officer, not later than 4:30 p.m.
16 on the second day after the election.



1 (d) Each relevant county clerk's office shall conduct a
2 recount of a contest and report its tabulations to the office of
3 elections in an expeditious manner to enable the chief election
4 officer to certify and release the results no later than the
5 sixth day after the election.

6 (e) The chief election officer shall certify and release
7 the result of a recounted contest based on the sum of the
8 tabulations received under this section no later than the sixth
9 day after the election.

10 (f) If in order to conduct a recount pursuant to a
11 petition filed under this section all ballots cast for another
12 contest must also be recounted, then that other contest shall be
13 recounted and the results reported to the office of elections
14 and certified pursuant to subsections (d) and (e).

15 (g) A candidate who requests a recount pursuant to this
16 section shall be barred from filing a complaint pursuant to part
17 XI of this chapter.

18 (h) For any complaint filed pursuant to part XI of this
19 chapter, unless barred pursuant to subsection (g), where a
20 recount of the relevant contest had previously been conducted
21 and certified pursuant to this section, the certified results



1 shall be the results for purposes of any hearing on the
2 complaint.

3 (i) For purposes of this section:

4 "All votes cast" means all votes cast for candidates for a
5 particular contest and counted pursuant to section 11-151.

6 "Appropriate elections officer" means the chief election
7 officer for a state election or the relevant county clerk for a
8 county election.

9 "Successful candidate" means a candidate in a primary
10 election contest who qualifies for the general election ballot
11 or a candidate who is elected to office as a result of an
12 election contest."

13 SECTION 2. Section 11-172, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§11-172 Contests for cause[~~, generally~~].** With respect to
16 any election, any candidate, or qualified political party
17 directly interested, or any thirty voters of any election
18 district, may file a complaint in the supreme court. The
19 complaint shall set forth [~~any~~] the cause or causes [~~, such as~~
20 ~~but not~~] for the contest. Causes shall be limited to[~~7~~]
21 provable fraud, [~~overages, or underages, that could cause~~] other



1 unlawful activity, and force majeure. The complaint shall also
2 contain a statement why the alleged cause or causes might create
3 a difference in the election [~~results.~~] success of one or more
4 candidates. The complaint shall also set forth any reasons for
5 reversing, correcting, or changing the decisions of the precinct
6 officials or the officials at a counting center in an election
7 using the electronic voting system. A copy of the complaint
8 shall be delivered to the chief election officer or the clerk in
9 the case of county elections."

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 on January 7, 2059.



Report Title:

Elections; Recount; Supreme Court; Contests for Cause

Description:

Establishes a process for the recounting of ballots cast in a contest. Authorizes that contests for cause challenging a contest result may also be based upon unlawful activity or force majeure. (SB364 HD1)

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