



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 25, 2019

**GOV. MSG. NO. 1237**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 25, 2019, the following bill was signed into law:

SB216 SD2 HD1 CD1

RELATING TO ELECTIONS.  
**ACT 135 (19)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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# 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 part X to be appropriately designated  
3 and to read as follows:

4           "§11-    Mandatory recount of votes. (a) The chief  
5 election officer, or the clerk in the case of a county election,  
6 shall conduct a recount of all votes cast for any office or  
7 ballot question in any election if the official tabulation of  
8 all of the returns for that office or question reveals that the  
9 difference in:

10           (1) The number of votes cast for a candidate apparently  
11           qualified for the general election ballot or elected  
12           to office and the number of votes cast for the closest  
13           apparently defeated opponent; or

14           (2) The number of votes cast in the affirmative for the  
15           ballot question and the number of votes cast in the  
16           negative for the ballot question, including when  
17           applicable, the tabulation of blank votes,



1 is equal to or less than one hundred votes or one-quarter of one  
2 per cent of the total number of votes cast for the contest,  
3 whichever is greater.

4 (b) No candidate shall be charged for the cost of a  
5 mandatory recount under this section.

6 (c) All mandatory recounts of votes under this section  
7 shall be completed and the results publicly announced no later  
8 than seventy-two hours after the closing of polls on election  
9 day.

10 (d) The chief election officer may adopt rules pursuant to  
11 chapter 91 for the mandatory recount of votes under this  
12 section, including:

13 (1) Authorizing candidates affected by the recount, or  
14 their designated representatives, to attend and  
15 witness the recount; and

16 (2) Notifying the parties described in paragraph (1) of  
17 the time and place of the recount no later than one  
18 day prior to the date of the recount.

19 (e) This section shall apply to votes counted pursuant to  
20 section 11-151.



1        (f) A recount conducted pursuant to this section shall not  
2 be considered a contest for cause subject to section 11-172."

3        SECTION 2. Section 11-155, Hawaii Revised Statutes, is  
4 amended to read as follows:

5        "§11-155 Certification of results of election. On receipt  
6 of certified tabulations from the election officials concerned,  
7 the chief election officer, or county clerk in a county  
8 [elections] election, shall compile, certify, and release the  
9 election results after the expiration of the time for bringing  
10 an election contest. The certification shall be based on a  
11 comparison and reconciliation of the following:

- 12        (1) The results of the canvass of ballots conducted
- 13                pursuant to chapter 16;
- 14        (2) The audit of pollbooks (and related record books) and
- 15                resultant overage and underage report;
- 16        (3) The audit results of the manual audit team;
- 17        (4) The results of the absentee ballot reconciliation
- 18                report compiled by the clerks; [and]
- 19        (5) The results of any mandatory recount of votes
- 20                conducted pursuant to section 11- ; and



1       ~~[-(5)]~~ (6) All logs, tally sheets, and other documents  
2                   generated during the election and in the canvass of  
3                   the election results.

4 A certificate of election or a certificate of results declaring  
5 the results of the election as of election day shall be issued  
6 pursuant to section 11-156; provided that in the event of an  
7 overage or underage, a list of all precincts in which an overage  
8 or underage occurred shall be attached to the certificate. The  
9 number of candidates to be elected receiving the highest number  
10 of votes in any election district shall be declared to be  
11 elected. Unless otherwise provided, the term of office shall  
12 begin or end as of the close of polls on election day. The  
13 position on the question receiving the appropriate majority of  
14 the votes cast shall be reflected in a certificate of results  
15 issued pursuant to section 11-156."

16           SECTION 3. Section 11-173.5, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18           "(a) In a primary and special primary election [~~contests,~~  
19 ~~and~~] contest, or a county election [~~contests~~] contest held  
20 concurrently with a regularly scheduled primary or special  
21 primary election, the complaint shall be filed in the office of

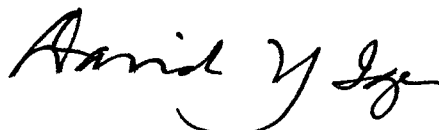


1 the clerk of the supreme court not later than 4:30 p.m. on the  
 2 sixth day after a primary or special primary election~~[7]~~ or a  
 3 county election [~~contests~~] contest held concurrently with a  
 4 regularly scheduled primary or special primary election, and  
 5 shall be accompanied by a deposit for costs of court as  
 6 established by the rules of the supreme court~~[-]~~; provided that  
 7 a complaint for a contest for cause that arises from a mandatory  
 8 recount pursuant to section 11- shall be filed no later than  
 9 4:30 p.m. on the third calendar day following the public  
 10 announcement of the results of the mandatory recount pursuant to  
 11 section 11- (c). The clerk shall issue to the defendants named  
 12 in the complaint a summons to appear before the supreme court  
 13 not later than 4:30 p.m. on the fifth day after service  
 14 [~~thereof.~~] of the summons."

15 SECTION 4. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 25 day of JUN, 2019

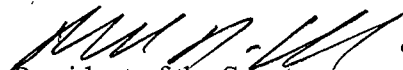



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 30, 2019  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.

  
President of the Senate

  
Clerk of the Senate

SB No. 216, SD 2, HD 1, CD 1

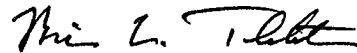
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives