

JAN 22 2021

A BILL FOR AN ACT

RELATING TO ARRANGEMENT OF CANDIDATE NAMES ON BALLOTS.

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

1 SECTION 1. The legislature finds that there are numerous
2 publicly available studies that show that the election candidate
3 who is listed first on a ballot has an advantage over the other
4 candidates listed. The legislature also finds that several
5 states, such as California and Ohio, arrange the candidates'
6 names randomly across ballots so that each possible permutation
7 appears an equal number of times. This allows each candidate to
8 be represented fairly and equally on the ballots.

9 Currently, on the Hawai'i ballot, candidates for a specific
10 office are listed in alphabetical order starting with the letter
11 "A", and the ballots are identical across precincts for that
12 office.

13 The purpose of this Act is to:

- 14 (1) Require the randomization of names of candidates
15 listed on individual ballots and on ballots across
16 precincts, thereby making the advantage of being the
17 first candidate listed on a ballot a random event;



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(2) Require the office of elections to inform voters and candidates, by a method suited for the voting system, that the names of candidates may not be in alphabetical order; and

(3) Require that any new contract entered into by the office of elections for equipment or services relating to preparing ballots or counting votes include the capability to randomize the names of candidates appearing on the ballot if technologically possible.

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

"§11- Preparation of ballots; vote counting; equipment; services; capability to randomize the names of candidates. Any new contract that the office of elections enters into for equipment or services relating to preparing ballots or counting votes shall include the capability to randomize the names of candidates appearing on the ballot if technologically possible."

SECTION 3. Section 11-115, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:



1 "(a) The names of the candidates shall be placed upon the
2 ballot for their respective offices in ~~[alphabetical]~~ random
3 order so that the names are randomized on individual ballots and
4 randomly rotated from one precinct to another, except:

5 (1) As provided in section 11-118;

6 (2) ~~[For]~~ Subject to the limitations of the voting system
7 in use; and

8 (3) ~~[For]~~ In the case of the candidates for vice president
9 and lieutenant governor in the general election

10 ~~[whose]~~, the names of those candidates shall be placed
11 immediately below the name of the candidate for
12 president or governor of the same political party.

13 The office of elections shall inform voters and candidates, by a
14 method suited for the voting system, that the candidates may not
15 necessarily be listed on the ballot in alphabetical order."

16 SECTION 4. The chief election officer shall establish
17 procedures to implement the purpose of this Act, which shall
18 apply to the election cycle beginning on January 1, 2022.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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1 SECTION 6. This Act shall take effect on July 1, 2021.

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INTRODUCED BY: Karl Rhoads



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Report Title:

Elections; Ballot; Arrangement of Candidate Names

Description:

Requires candidate names to be randomized on individual ballots and randomly rotated across precincts. Requires the Office of Elections to inform voters and candidates, by a method suited for the voting system, that the names of candidates may not be in alphabetical order. Requires that any new contract entered into by the Office of Elections for equipment or services relating to preparing ballots or counting votes include the capability to randomize the names of candidates appearing on the ballot if technologically possible.

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