

STAND. COM. REP. NO.

2474

Honolulu, Hawaii

**FEB 11 2020**

RE: S.B. No. 217

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.  
No. 217 entitled:

"A BILL FOR AN ACT RELATING TO ARRANGEMENT OF CANDIDATE NAMES  
ON BALLOTS,"

begs leave to report as follows:

The purpose and intent of this measure is to require that  
candidates' names be randomized on individual ballots and across  
precincts.

Your Committee received comments on this measure from the  
Office of Elections.

Your Committee finds that numerous studies show that the  
candidate listed first on a ballot has an advantage. Under  
existing law, candidates' names are listed in alphabetical order  
from top to bottom, giving advantage to whomever's surname begins  
at the start of the alphabet. Therefore, your Committee finds  
that to ensure that candidates are not given an advantage due to  
ballot placement of their name, placement of candidate's names  
should be randomized.

Your Committee notes that ideally individualized ballots  
should be randomized to the extent that two voters voting within  
the same precinct would receive ballots with a different order of  
candidate names; however, your Committee understands that current



voting systems render such randomization impracticable. Your Committee further recognizes that precincts are no longer in use since the State adopted voting by mail; however, if precincts or another similar subdivision were to be in place, it is preferable that randomized ballots be rotated between such subdivisions to lessen any advantage gained by a candidate being listed first. Your Committee supports any efforts to ensure a level playing field regarding candidates' name placement on the ballot.

Your Committee has amended this measure by:

- (1) Deleting language that would have required ballots to be randomly rotated from one precinct to another;
- (2) Deleting the exception subjecting the chief election officer to the limitations of the voting system in use;
- (3) Clarifying that the chief election officer may complete any existing contract with a vendor who is unable to implement the random ballot requirement;
- (4) Specifying that the random ballot requirement shall apply to the election cycle beginning January 1, 2022;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Inserting an effective date of January 1, 2021.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 217, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 217, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 217</b>	Committee Referral: <b>JDC</b>	Date: <b>01/28/2020</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado				/
FEVELLA, Kurt		/		
<b>TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report   Clerk's Office   Drafting Agency   Committee File Copy				

\*Only one measure per Record of Votes