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 numerous studies

2 have shown that the election candidate who is listed first on a

3 ballot has an advantage. See, Daniel E. Ho & Kosuke Imai,

4 *Estimating Causal Effects of Ballot Order From a Randomized*

5 *Natural Experiment, The California Alphabet Lottery, 1978-2002,*

6 72 Pub. Op. Q. 216 (2008); Laura Miller, *Election by Lottery:*

7 *Ballot Order, Equal Protection, and the Irrational Voter,* 13

8 N.Y.U. J. Legis. & Pub. Pol'y 373 (2010). The legislature also

9 finds that several states, such as California and Ohio, arrange

10 the candidates' names to be random across ballots so that each

11 possible order permutation appears an equal number of times.

12 This allows each candidate to be represented fairly and equally

13 on the ballots.

14   Currently, on the Hawaii ballot candidates for a specific

15 office are listed in alphabetical order starting with the letter

16 "A" and the ballots are identical across precincts for that

17 office.

1   The purpose of this Act is to require the randomization of

2 names of candidates listed on individual ballots, thereby making

3 the advantage of being the first candidate listed on a ballot a

4 random event.

5   SECTION 2. Section 11-115, Hawaii Revised Statutes, is

6 amended by amending subsection (a) to read as follows:

7   "(a) The names of the candidates shall be placed upon the

8 ballot for their respective offices in [alphabetical] random

9 order except:

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

11   (2) [For the limitations of the voting system in use; and]

12   Where there is an existing contract regarding ballots

13   with a vendor who is unable to implement the random

14   ballot requirement; provided that the chief election

15   officer shall not enter into or extend any contract

16   regarding ballots with a vendor who is unable to

17   implement the random ballot requirement;

18   (3) [For] In the case of the candidates for vice president

19   and lieutenant governor in the general election

20   [whose], the names of those candidates shall be placed

1   immediately below the name of the candidate for

2   president or governor of the same political party."

3   SECTION 3. The chief election officer is directed to

4 establish procedures to implement the purpose of this Act, which

5 shall apply to the election cycle beginning on January 1, 2022.

6   SECTION 4. Statutory material to be repealed is bracketed

7 and stricken. New statutory material is underscored.

8   SECTION 5. This Act shall take effect on January 1, 2021.

S.B. NO. ²¹⁷ S.D. 1

Report Title:
Elections; Ballot; Arrangement of Names

Description:
Requires candidate names to be randomized on individual ballots. (SD1)

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