

JAN 17 2020

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 electoral advantage, as in the case of a candidate
4 who is listed first due to the alphabetical arrangement of
5 names. For example, a 2015 study found that among elected state
6 representatives, "representation is noticeably skewed by
7 alphabetically ordering ballots toward early-alphabet names".
8 Barry C. Edwards, *Alphabetically Ordered Ballots and the*
9 *Composition of American Legislatures*, St. Pol. & Pol'y Q. 1, 13
10 (2015). Further, a 2014 study determined that "arranging
11 candidates in alphabetical order by last name . . . is not
12 neutral with respect to race and ethnicity", that "[t]he
13 surnames of different racial and ethnic groups are not similarly
14 distributed with respect to alphabetic order", and that "[t]he
15 evidence . . . suggests that alphabetic ordering does not treat
16 any racial or ethnic subpopulation for which reliable
17 demographic information is available in an entirely even-handed



1 manner". Barry C. Edwards, *Race, Ethnicity, and Alphabetically*
2 *Ordered Ballots*, Election L.J. 394, 403 (2014). The legislature
3 recognizes that under existing Hawaii law, election ballots list
4 candidates for a specific office in alphabetical order, starting
5 with the letter "A", and the ballots are identical across
6 precincts for that office. The legislature also finds that in
7 contrast, states such as California and Ohio arrange the
8 candidates' names to be random across ballots so that each
9 possible order permutation appears an equal number of times.
10 This allows each candidate to be represented fairly and equally
11 on the ballots.

12 The purpose of this Act is to require the randomization of
13 names of candidates listed on individual ballots and on ballots
14 across precincts, thereby making the advantage of being the
15 first candidate listed on a ballot a random event.

16 SECTION 2. Section 11-115, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

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



S.B. NO. 2499

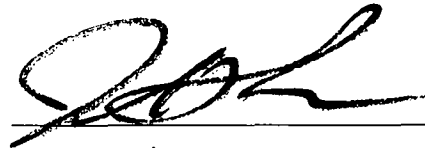
- 1 (1) As provided in section 11-118;
- 2 (2) [~~Fœr~~] Subject to the limitations of the voting system
- 3 in use; provided that the chief election officer shall
- 4 not enter into or extend any contract regarding
- 5 ballots with a vendor who is unable to implement the
- 6 random ballot requirement; and
- 7 (3) [~~Fœr~~] In the case of the candidates for vice president
- 8 and lieutenant governor in the general election
- 9 [~~whose~~], the names of those candidates shall be placed
- 10 immediately below the name of the candidate for
- 11 president or governor of the same political party."

12 SECTION 3. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

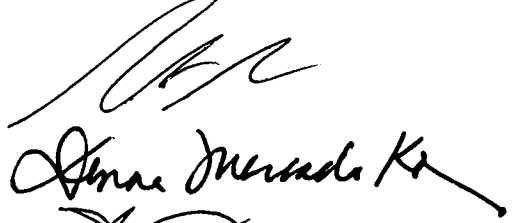
14 SECTION 4. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:



Kal Abdul







S.B. NO. 2499

Report Title:

Elections; Ballot; Arrangement of Names

Description:

Requires candidate names to be randomized on individual ballots and across precincts.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

