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# 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 require:

14           (1) That any new contract entered into by the office of  
15           elections for equipment or services relating to  
16           preparing ballots or counting votes include the



1            capability to randomize the names of candidates  
2            appearing on the ballot if technologically possible;  
3            (2) The names of candidates to be placed upon the ballot  
4            for their respective offices in a randomized order, to  
5            the greatest extent possible; and  
6            (3) The office of elections to inform voters and  
7            candidates, by a method suited for the voting system,  
8            that the names of candidates may not be in  
9            alphabetical order.

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

13           "11-           Preparation of ballots; vote counting; equipment;  
14 services; capability to randomize the names of candidates. Any  
15 new contract that the office of elections enters into for  
16 equipment or services relating to preparing ballots or counting  
17 votes shall include the capability to randomize the names of  
18 candidates appearing on the ballot if technologically possible."

19           SECTION 3. Section 11-115, Hawaii Revised Statutes, is  
20 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~~] a  
3 randomized order, to the greatest extent possible, except:

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

5           (2) [~~For~~] As subject to the limitations of the voting  
6 system in use; and

7           (3) [~~For~~] 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 The office of elections shall inform voters and candidates, by a  
13 method suited for the voting system, that the candidates may not  
14 necessarily be listed on the ballot in alphabetical order."

15           SECTION 4. The chief election officer shall establish  
16 procedures to implement the purpose of this Act, which shall  
17 apply to the election cycle beginning on January 1, 2024.

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 Statutory material to be repealed is bracketed  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

20           SECTION 6. This Act shall take effect on July 1, 2023.



**Report Title:**

Elections; Ballot; Arrangement of Candidate Names; Randomization

**Description:**

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. Requires candidate names to be randomized on ballots, to the greatest extent possible. 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. (HD1)

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