**STATE OF HAWAII**
**OFFICE OF ELECTIONS**
802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE

CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS

TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

ON SENATE BILL NO. 47

RELATING TO ARRANGEMENT OF CANDIDATE NAMES ON BALLOTS

March 17, 2023

Chair Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to provide comments on Senate Bill No. 47. This bill 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; and 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.

To accomplish the purpose of this measure, we would randomly select a letter of the alphabet to be the first letter to organize the candidate names. For example, if "H" was randomly selected by lot, candidates whose last name starts with an "H" would be listed first and subsequent names will follow alphabetically (e.g., "I," "J," "K").

The current voting system is programmed for precinct rotation such that if "H" was the randomly selected letter for the first district/precinct (i.e., 01-01), "I" would be the start of the alphabet for the second district/precinct (i.e., 01-02), and "J" for the third district/precinct (i.e., 01-03), and so on. The system is not capable of randomizing the names within a precinct as the vote counting system is programmed to read x and y coordinates when tallying votes.

Additionally, the alphabetical organization is used for proofing the ballots to ensure all candidates are properly listed and the vote counting system is recording votes for the proper candidate.

Thank you for the opportunity to provide comments on Senate Bill No. 47.

Committee on JUDICIARY AND HAWAIIAN AFFAIRS
Sen. David A. Tarnas, Chair
Sen. Gregg Takayama, Vice Chair

Friday, March 17, 2023, 2:00 p.m., Room 325 & Via Videoconference

SB 47— RELATING TO ARRANGEMENT OF CANDIDATE NAMES ON BALLOT

TESTIMONY
Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Takayama, and Committee Members:

**The League of Women Voters of Hawaii offers comments only on SB47, that would require candidate names to be randomized on individual ballots and randomly rotated across precincts.**

The main purpose of the bill is to address the well-known problem that coming first on the ballot increases a candidate's total vote count. This phenomenon is well documented in political science and psychology research, and the advantage has been found to be about 2- 3% in close races. [1]

The Office of Elections has already testified on this bill indicating they could accomplish the purpose of this bill.  If the measure passes, our understanding is they would choose the first order candidate randomly, based on the first letter of the person's last name.  Then the remaining candidate last names on this ballot would follow in alphabetical order after the first candidate.

An additional step could be undertaken, i.e. rotation of first names across precincts.  This is fairer than having the same name order on every precinct ballot (e.g. for statewide candidates) because there would be more than one chance to be the lucky person whose name appears at the top of the contest.

Since alphabetical candidate order has been the norm, we expect voters will be confused by a ballot where the names are listed in a different order. The measure requires the Office of Elections to inform voters and candidates of the new randomization and rotation

---

[1] Ho, Daniel E. and Kosuke, Imai, "Estimating the Causal Effects of Ballot Order from a Randomized Natural Experiment: the California Alphabet Lottery, 1978-2002,  *The Public Opinion Quarterly*, *(2008) 72 (2): 216-240*

"by a method suited for the voting system." At a minimum instructions or statements on the ballot produced by the voting system should be required.

Voter education concerns us. We do not believe ballot instructions alone are sufficient, and hope the Office of Elections would also plan and conduct a public awareness effort about such a change. If the bill is enacted, presumably voters would also have to forgo having a "sample" ballot to examine before voting. This tool has been popular for a long time, but if there are many different ballot designs for an election there's no single sample. Perhaps the Office of Elections could make different sample ballots available to voters, based on the randomization in their precinct. Our State very much needs a more robust voter education program, and we support expanding this as described in SB1076/SD2.

The right to vote is a fundamental right of every eligible citizen, and it is now well established that ballot order can impact voting, when it dilutes the votes for candidates who do not have an advantageous position on the ballot. The League also supports the equal right of every citizen to be elected to office. With this in mind, we plan to continue watching measures like this which have implications for equal protection under our U.S. Constitution.

Thank you for the opportunity to submit testimony.

**SB-47**
Submitted on: 3/15/2023 7:02:01 PM
Testimony for JHA on 3/17/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---|---|---|---|
| Andrew Crossland | Individual | Oppose | Written Testimony Only |

Comments:

I oppose this unnecessary Bill that further complicates the system of elections in Hawaii.

**SB-47**
Submitted on: 3/16/2023 1:54:21 PM
Testimony for JHA on 3/17/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|:---:|:---:|:---:|:---:|
| Scott Shedko | Individual | Oppose | Written Testimony Only |

Comments:

I oppose this bill.

It will necessitate adding more technology to our already overly complicated electronic voting system!