

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 AND HAWAIIAN AFFAIRS

### ON HOUSE BILL NO. 1606

### RELATING TO ARRANGEMENT OF CANDIDATE NAMES ON BALLOTS

### January 30, 2024

Chair Tarnas and members of the House Committee on Judiciary and Hawaiian Affairs, thank you for the opportunity to provide comments on House Bill No. 1606. This bill 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; and 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.

We would accomplish the purpose of this measure by randomly selecting 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 to allow for precinct rotation of 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. We do not currently know of any voting system on the market that is capable of randomizing the names within a precinct as the vote counting system is programmed to read x and y coordinates when tallying votes.

Testimony on HB 1606 – Relating to Arrangement of Candidate Names on Ballots January 30, 2024 Page 2

Additionally, the alphabetical organization is used by election officials to proof 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 House Bill No. 1606.

#### TESTIMONY

#### HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

#### HB1605 RELATING TO ARRANGEMENT OF CANDIDATE NAMES ON BALLOTS

### Tuesday, January 30, 2024, at 2:00 pm

#### State Capitol Conference Room 325 via Videoconference

Submitted in OPPOSITION by Mrs. Jamie Detwiler, President, Hawai'i Federation of Republican Women

Honorable Chair Tarnas, Vice-Chair Takayama, and Committee Members,

I oppose HB1606 for the following reasons:

 <u>Research</u>. According to the Massachusetts Institute of Technology (MIT) Election Data Science Lab, academic research into ballot-order effects has mostly confirmed commonsense beliefs on the subject: that appearing first increased a candidate's chances of performing well in an election, and that incumbents often appeared first. However, this research has also suggested that ballot-order effects are probably not equally strong across types of elections and types of candidates. Furthermore, <u>the cognitive</u> <u>mechanism that leads to ballot-order effects</u>, if they do exist, are unclear.

MIT researchers also found that Some scholars have found that being listed first on the ballot translates into an electoral advantage, while others have found little or no evidence of a relationship between where a candidate appears on the ballot and the final election results. A quick review of the Hawaii 2022 House of Representatives race did not reveal a bias. In fact, I was listed first in my race for HD37 and the incumbent listed below my name won the race.

2. <u>Waste of resources</u>. If this bill passes, the office of election will have to spend resources such as manpower and perhaps money to update the software. Their budget will be better spent ensuring chain of custody of ballots and overall security of the election process.

Please do not pass HB1606. Please vote NO.

Thank you for the opportunity to testify.

Respectfully Submitted, Jamie Detwiler

HB-1606 Submitted on: 1/27/2024 10:25:08 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this BIll.

Submitted on: 1/28/2024 1:33:11 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Candace Vizcarra	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill! Hawaii needs more transparency! I rebuke anything that is evil and not of GOD Almighty!!

Concerned resident of Hawaii

HB-1606 Submitted on: 1/28/2024 1:46:23 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Sharron VanDeusen	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

Submitted on: 1/28/2024 1:50:23 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cari Sasaki	Individual	Oppose	Written Testimony Only

Comments:

This would make ballot audits way more difficult

Submitted on: 1/28/2024 2:07:29 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jadine L Brown	Individual	Oppose	Written Testimony Only

Comments:

I am against this bill because it complicates the voting process.

HB-1606 Submitted on: 1/28/2024 2:31:27 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

HB-1606 Submitted on: 1/28/2024 2:33:06 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kanoe Willis	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

Submitted on: 1/28/2024 3:03:11 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

We need to simplify and bring more transparency to the election process and these bills do not support that

#### HB-1606 Submitted on: 1/28/2024 4:08:28 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Corinne Solomon	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1606

What purpose does name randomization on ballots serve?

According to the <u>MIT Election Data and Science Lab</u>, "If the order in which candidates appear on the ballot influences election outcomes, then these laws will advantage some candidates over others, whether this advantage is due to incumbency, party, or alphabetical order".

Hawai'i ballots list candidates alphabetically. A quick look at the <u>2022 General election results</u> shows whether or not SB2627 is needed to level the playing field:

Races won by Candidates whose name **appeared first: 33** 

Races won by Candidates whose name did NOT appear first: 35

#### More races were won by candidates whose name appeared farther down on the ballot.

Alphabetizing candidate names did not create an unfair advantage.

Of note, incumbents won 64 of 67 races. Hawai'i voters typically vote for incumbents and in a hyperpartisan state, ballot name order does not make any difference.

I respectfully request that you do not pass this bill and focus your time amd resources for bills that positively impact the people of Hawai'i.

Thank you for your service,

Corinne Solomon, HD 20, Oahu

Submitted on: 1/28/2024 4:46:44 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
TERI SAVAIINAEA	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 1606.

Thank you,

Teri Savaiinaea

Submitted on: 1/28/2024 4:47:35 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Wendy Nguyen	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE this bill.

HB-1606 Submitted on: 1/28/2024 6:17:07 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
J. Chun	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

Submitted on: 1/28/2024 6:42:03 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Heather R Lauro	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill! This will complicate the auditing process and Hawaii has already proven election technology is not up to the complexity that this would require. SIMPLIFY the election process with paper ballots only and candidates in usual alphbetical order! Quit trying to cheat the system!

Submitted on: 1/28/2024 8:13:37 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dalene McCormick	Individual	Oppose	Written Testimony Only

Comments:

Why are we making our ability to manually audit votes more complicated. The state is already not following Hawaii Revised Staues related to post election audits and now we want to randomize candidate names. This makes no sence.

#### HB-1606 Submitted on: 1/28/2024 8:38:56 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Lynne Bautista	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1606. Hawai'i ballots list candidates alphabetically. A quick look at the <u>2022</u> <u>General election results</u> shows whether or not HB1606 is needed to level the playing field:

Races won by Candidates whose name appeared first: 33

Races won by Candidates whose name did NOT appear first: 35

#### More races were won by candidates whose name appeared farther down on the ballot.

Alphabetizing candidate names did not create an unfair advantage.

I don't think you need to change anything. When you try to "make things fairer" you just end up causing more problems. Thank you.

Submitted on: 1/28/2024 8:40:41 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
James R Cabodol Jr	Individual	Oppose	Written Testimony Only

Comments:

I believe that this bill should not be passed with the already screwed up voting system as it is rearranging the names of the candidates will make it more difficult when an audit is taken place. Again doin this makes me wonder why would you folks want to change the way we vote? Is it to benefit a certain candidate because that's what it seems too me and for those reasons I oppose this bill

Submitted on: 1/28/2024 8:53:53 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jessica Penner	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it may complicate the auditing process of our election. We want more transparency and a simpler process, this bill does not accomplish those goals.

Submitted on: 1/28/2024 9:15:32 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Keith A. Smith	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as it further complicates an already cumbersome system. Randomizing names of candidates on the ballots is not what the voters need. It's like rearranging the deck chairs on the Titanic. We have bigger problems with our voting system to resolve than this nonsense.

Submitted on: 1/28/2024 9:54:26 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
AnnMarie Hamilton	Individual	Oppose	Written Testimony Only

Comments:

will make it more difficult to do audits.. bad idea.

HB-1606 Submitted on: 1/28/2024 9:59:05 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jeffrey F Mizuno	Individual	Oppose	Written Testimony Only

Comments:

Oppose

Submitted on: 1/28/2024 10:42:25 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Marlies Lee	Individual	Oppose	Written Testimony Only

Comments:

Keep it very simple for everyone to understand

Submitted on: 1/28/2024 10:46:07 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Amanda Scardilli	Individual	Oppose	Written Testimony Only

Comments:

OPPOSING DUE TO:

RANDOMIZING THE NAMES WILL ONLY BRING CONFUSION TO THE IN PERSON BALLOTS.

Thanks,

Amanda Scardilli

HB-1606 Submitted on: 1/28/2024 11:34:01 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Catherine Thyne	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill!

Submitted on: 1/29/2024 12:17:42 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill. No randomizing names. Will make an audit very difficult.

Submitted on: 1/29/2024 12:44:17 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Scott Shedko	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Our ballot and election system is already too complicated. We need to simplify our voting laws before we add any additional extraeous requirements.

I oppose HB1606.

Submitted on: 1/29/2024 2:01:31 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jessica Tamaribuchi	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1606. Please do not randomize names on the ballot. Should there be a manual audit of the ballots, this would complicate the process. For this reason, I oppose HB1606.

Thank you,

Jessica Tamaribuchi

Submitted on: 1/29/2024 4:53:47 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
julie schaus	Individual	Oppose	Written Testimony Only

Comments:

I oppose hb1606

its against our constitution

HB-1606 Submitted on: 1/29/2024 5:03:05 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Greg schaus	Individual	Oppose	Written Testimony Only

Comments:

I oppose hb1606

HB-1606 Submitted on: 1/29/2024 5:10:40 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Sam schaus	Individual	Oppose	Written Testimony Only

Comments:

I oppose hb1606

Submitted on: 1/29/2024 7:42:51 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Anne Kamau	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Mahalo.

Submitted on: 1/29/2024 6:42:15 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Thomas Stanton	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1606 as it could make it more difficult to do the HRS 16-42 post election precertification audits as required by the law.

Mahalo,

Tom Stanton

Submitted on: 1/29/2024 8:38:54 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Noela von Wiegandt	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this Bill.

Our Election processes must be secure, safe and easily navigated. This Bill does the opposite. We need simplified and transparent Election Processes.

Thank you very much.

Noela von Wiegandt

HB-1606 Submitted on: 1/29/2024 9:02:03 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Maria	Individual	Oppose	Written Testimony Only

Comments:

I oppose the bill

Submitted on: 1/29/2024 9:11:22 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Laura Cushnie	Individual	Oppose	Written Testimony Only

Comments:

NO! We need to keep the names of candidates in the same order and NOT randomize in order to perform the manual audits as required by Hawaii statutes. Let's make legislation simple, transparent and enforce election integrity! This bill does the opposite NO!

HB-1606 Submitted on: 1/29/2024 9:30:42 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Leolani Mahuka iwaki	Individual	Oppose	Written Testimony Only

Comments:

i oppose this bill!

HB-1606 Submitted on: 1/29/2024 11:48:45 AM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Marcelle Liana	Individual	Oppose	Written Testimony Only

Comments:

I strongly Oppose

#### HB-1606 Submitted on: 1/29/2024 12:08:36 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Laura Nakanelua	Individual	Oppose	Written Testimony Only

Comments:

Aloha respected Committee members,

I humbly request that the JHA reject this bill, which 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.

Please consider asking WHY this bill is being proposed. WHAT exactly is the goal of specifically requiring that names of CANDIDATES be randomized?

Please be aware that taking this particular step to randomize names of candidates will complicate the process of conducting a manual audit as required by Hawaii law.

The fact is that Chief Election Officer Scott Nago has already revealed in court that the state and counties actually do NOT manually audit our elections by comparing electronic returns or tallies to 10% of our original paper ballots, as required by the laws on our books, passed by the Hawaii Legislature in 2005.

This is the truth about our elections. If Mr. NAGO is present in the hearing please ask him this question: Why do you not follow our laws as they are written and audit the votes against paper ballots? He will likely tell you that ballot scans or images is JUST LIKE the original paper ballot, but that is not true. In 2022, a small audit was conducted by special request of an observer by Mr. Nago and that tiny little audit uncovered that Brian Schatz would have gained 2 votes more than was tallied electronically. So the electronic tally that Mr. Nago doesnt feel needs to be verified, was INACCURATE.

As our respected elected officials you should be aware that Mr. Nago put forth a bill in the 2022 session that called for the removal of the requirement to check the accuracy of electronic votes tallies by comparing just 10% of those tallies with paper ballots. Luckily that bill was voted down by the JDC.

I humbly ask that you not allow yet another bill designed to erode the efficacy and legitimacy of manual audits to make it through your committee. There is no valid, common sense reason this bill should be passed.

It DOES NOT IMPROVE on our process and will likely significantly harm the legitimacy of our elections processes in Hawaii.

Mahalo for your representation and service to your constituents, the voters of Hawai'i.

Laura Nakanelua

Lauranakanelua@gmail.com

808-561-2325

Submitted on: 1/29/2024 12:11:46 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kim Cordery	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because we don't need to complicate the voting by randomization of names! We need to simplify!

Submitted on: 1/29/2024 12:15:46 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Gary cordery	Individual	Oppose	Written Testimony Only

Comments:

The voting process must be simplified in every method possible, this bill will require sophisticated data interpretation, therefore we are absolutely opposed.

# HB-1606

Submitted on: 1/29/2024 12:42:23 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
L.C	Individual	Oppose	Written Testimony Only

Comments:

This bill would make an audit more difficult. This type of legislation would be unnecessary if we went back to paper ballots only.

#### HB-1606 Submitted on: 1/29/2024 1:11:13 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Adriel Lam	Individual	Comments	Written Testimony Only

Comments:

This legislation would be better suited if done in conjuction with in-person precinct voting with picture ID. Election by Mail has failed the people of Hawaii and any further use of mail-in ballots and serves to increase the expenses of using unreliable technology.

We just witnessed on Jan 13, 2024 Taiwan conduct in-person precinct voting with picture ID and personal insignia for over 14 million voters. They hand-counted 42 millions ballots for each of the three races in questions in under 6 hours. The ballot order did not matter as each ballot was visually counted by a human volunteer and recorded by a human volunteer.

I have included a link below of the questionable electronic recordkeeping of our 2022 General Elections that has been presented to the Office of Elections and the Elections Commission without action or investigation. Open questions still remain unanswered. Why are half ballots in Maui not accounted for? Why are there so many duplicate ballot batch numbers? Why are ballots sequence numbers missing within individual batches? Further reliance on electronic systems continue to compromise the integrity and security of our election.

Report and Analysis of 2022 General Elections Cast Vote Record

The original data for the Cast Voter Records (CVR) for the 2022 General Election are at this link.

Office of Elections 2022 General Election Cast Vote Records

Submitted on: 1/29/2024 1:34:56 PM Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Tracy Gillard	Individual	Oppose	Written Testimony Only

Comments:

This is a waste of our money. We do not need to have the names random as people vote by name, not but order. California is not a state to follow. I can't believe that our State would even think of looking at what California thinks. There state is going down hill.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

## <u>HB-1606</u>

Submitted on: 1/29/2024 10:23:25 PM Testimony for JHA on 1/30/2024 2:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Elle Zhang	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1606.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

# <u>HB-1606</u>

Submitted on: 1/30/2024 10:07:31 AM Testimony for JHA on 1/30/2024 2:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Jayme Kealoha-Dacuycuy	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill HB1606 Election audit. The people should have a say on who they choose to represent. Not government choice.