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NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Ballot Format: Ordering of Candidate Names

Random Order

Alaska §15.15.030(6)

Ordered by Party – Candidates of the party receiving the most votes for a particular office at the last election are first; others in descending order

Arizona	§16-502(F) – based on votes for governor
Connecticut	§9-249a – based on votes for governor
Florida	§101.151 – based on votes for governor
Indiana	§3-11-2-6 – based on votes for secretary of state
Michigan	§168.703 – based on votes for secretary of state
New Hampshire	§656:5 – no office specified
New York	Election Code §7-116 – based on votes for governor
Texas	Election Code §52.091 – based on votes for governor (alphabetical within party)
Virginia	§24.2-613 – decided by lot (alphabetical within party)
Wisconsin	§5364(1)(es)
Wyoming	§22-6-121 – based on votes for representative in Congress (alphabetical within party)

Ordered by Party – Democratic Party in left-hand column, Republican Party in second column, other parties as the department of elections shall decide

Delaware §15-4502(a) (alphabetical within party)

Order Determined by Lot

Arkansas	§7-5-208(e)(4)
Colorado	§1-5-403(4)
Rhode Island	§17-19-9.1
South Dakota	§12-16-8
Washington	§29-30-025
West Virginia	§3-6-2(d)(2)

Alphabetical Order

Hawaii §11-115

Iowa §49.31(1) -- Commissioner of Elections determines order of parties on ballot; candidates are listed alphabetically after the name of their party

Kansas §25-610 -- alphabetical list is rotated from one section of the state to another, such that each candidate is first on the ballot in some part of the state

Louisiana §18:551(2)

Maine Tit. 21-A, §601(2)

Maryland §33-9-210(j)(3)

Massachusetts Ch. 54, §42 -- incumbents placed first, followed by other candidates in alphabetical order

Montana §13-12-205 -- ballot order is rotated within the state such that each candidate's name appears at or near the top of the list on at least one ballot

Nevada §293.267

Ohio §3505.03(B) -- order rotated from one precinct to the next

Utah §20A-6-302

Order Determined by Randomized Alphabet -- Secretary of State conducts a drawing of the letters of the alphabet, the result of which is known as the randomized alphabet

California Election Code §13111 and 13112

Oregon §254.155

Other

Idaho (§34-903) -- order is prescribed by the Secretary of State

South Carolina (§7-13-320(E)) -- arranged by the State Election Commission as to those ballots for which it is responsible for distribution and by the commissioners of election for the respective counties as to the ballots for which they are responsible for distribution

RECENT LEGISLATION

2001 Legislation

Delaware

HB 115 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Description: Stipulates that, in a primary election, the placement of a candidate's name on the ballot is to be determined by a random drawing rather than by alphabetical order.

Idaho

H 208 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Description: Requires system for random listing of candidate names on the ballot

Indiana

HB 1108 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Source: National Conference of State Legislatures
March 2003

For more information, contact Jennie Drage Bowser or Tim Storey at 303-364-7700.

Description: Requires that the names of all candidates on the primary ballot be arranged in random order as determined by a lottery

Mississippi

HB 931 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Description: Provides that candidates names shall be listed in alphabetical order on the ballot

SB 2845 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Description: Places candidates' names on the ballot alphabetically

New Hampshire

HB 633 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Description: Order of names within a party grouping on the general election ballot to be determined by a random drawing

2002 Legislation

Mississippi

SB 3034 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Description: Places candidates' names on the ballot alphabetically

New York

A 1124 Regular Session Status Unknown

Subcategories: | Ballots - Format & Design |

Description: Provides for ballot position rotation of candidates' names in primary elections for statewide offices

A 1126 Regular Session Status Unknown

Subcategories: | Ballots - Format & Design |

Description: Provides for ballot position rotation of candidates' names in all primary elections throughout the state

Oklahoma

HB 1146 Regular Session Failed

Subcategories: | Ballots - Format & Design |

Description: Ballots - rotation of candidate names and parties

2003 Legislation

New Hampshire

HB 188 Regular Session Pending

Subcategories: | Ballots - Format & Design |

Description: This bill requires that incumbents be listed before non-incumbents on state election ballots. This bill also eliminates party groupings of candidates on general election ballots.

HB 306 Regular Session Pending

Subcategories: | Ballots - Format & Design |

Description: This bill provides that the order of names on the state general election ballot shall be determined by a random drawing held by the secretary of state.

Source: National Conference of State Legislatures
March 2003

For more information, contact Jennie Drage Bowser or Tim Storey at 303-364-7700.

New York

A 2973 Regular Session Pending

Subcategories: | Ballots - Format & Design |

Description: Provides for ballot position rotation of candidates' names in primary elections for statewide offices by transposing first named candidate to the bottom of the order at each succeeding election district and that the names of such candidates shall be placed under the title of the office in alphabetical order of their surnames, in the first district within a county.

A 2974 Regular Session Pending

Subcategories: | Ballots - Format & Design |

Description: Provides for ballot position rotation of candidates' names in all primary elections throughout the state by alphabetically placing the candidates' names in order of their surnames, in the first or lowest numbered assembly and election district of any political unit or subdivision of a county; provides that names shall be rotated thereafter by election district by transposing the first named candidate to the bottom of the order at each succeeding election district so that each name shall appear first and in each other position in an equal number, as nearly as possible.

Washington

SB 5397 Regular Session Pending

Subcategories: | Ballots - Format & Design |

Description: The order of candidates' names on all primary ballots is no longer rotated. The filing officer determines the order of candidates' names by lot.

West Virginia

HB 3025 Regular Session Pending

Subcategories: | Ballots - Format & Design |

Description: The purpose of this bill is to provide that candidates for statewide political office belonging to the party with the most registered voters in the state, or in the case of congressional elections, then belonging to the political party with the most registered voters in the congressional district, be placed in a preeminent position on the election ballot. The bill also charges the secretary of state with the duty of determining officially which party has the most registered voters.

Source: National Conference of State Legislatures
March 2003

For more information, contact Jennie Drage Bowser or Tim Storey at 303-364-7700.

Alaska Statutes.Title 15. ElectionsChapter 15. Elections and BallotsSection 30. Preparation of Official Ballot.

previous: Section 20. Date of General Election.

next: Section 35. Printing of Ballots and Other Material.

AS 15.15.030. Preparation of Official Ballot.

The director shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections. The following directives shall be followed when applicable:

- (1) The director shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law.
- (2) The director shall number ballots in series to assure simplicity and secrecy and to prevent fraud.
- (3) The director may contract for the preparation of the ballots on a regional basis if necessary and may contract for the preparation of ballots without obtaining competitive bids.
- (4) The director may not include on the ballot as a part of a candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate.
- (5) The names of the candidates and their party designations shall be placed in separate sections on the state general election ballot under the office designation to which they were nominated. The party affiliation, if any, shall be designated after the name of the candidate. The lieutenant governor and the governor shall be included under the same section. Provision shall be made for voting for write-in and no-party candidates within each section. Paper ballots for the state general election shall be printed on white paper.
- (6) The general election ballot shall be designed with the position of names of the candidates set out in the same order in each section on each ballot used in a house district. However, the order of placement of the names of the candidates for each office shall be randomly determined by the director for ballots printed for use in each house district.
- (7) The general election ballot shall be designed with the names of candidates of each political party for the office of President and Vice-President of the United States placed in the same section on the ballot rather than the names of electors of President and Vice-President.
- (8) The general or special election ballot shall be designed with the title and proposition for any initiative, referendum, or constitutional amendment formulated as prescribed by law and placed on the ballot in the manner prescribed by the director. When placed on the ballot, a state ballot proposition or ballot question shall carry the number that was assigned to the petition for the proposition or question. Provision shall be made for marking the proposition "Yes" or "No."
- (9) The general or special election ballot shall be designed with the question of whether a

constitutional convention shall be called placed on the ballot in the following manner: "Shall there be a constitutional convention?" Provision shall be made for marking the question "Yes" or "No."

(10) A nonpartisan ballot shall be designed for each judicial district in which a justice or judge is seeking retention in office. The ballot shall be divided into four parts and each part must bear a heading indicating the court to which the candidate is seeking approval. Within each part the question of whether the justice or judge shall be approved or rejected shall be set out in substantially the following manner: (A) "Shall be retained as justice of the supreme court for 10 years?"; (B) "Shall be retained as judge of the court of appeals for eight years?"; (C) "Shall be retained as judge of the superior court for six years?"; or (D) "Shall be retained as judge of the district court for four years?" Provision shall be made for marking each question "Yes" or "No."

(11) When the legislature by law authorizes a state debt for capital improvements, the director shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot, or on the special election ballot if a special election is held for the purpose of ratifying the state debt for capital improvements before the time of the next general election. Unless specifically provided otherwise in the Act authorizing the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate the general subject of the Act. The question shall, by the use of a few sentences in a succinct manner, give a true and impartial summary of the Act authorizing the state debt. The question of whether state debt shall be contracted shall be assigned a letter of the alphabet on the ballot. Provision shall be made for marking the question substantially as follows:

"Bonds. Yes" or "Bonds No,"

followed by an appropriate oval.

(12) [Repealed, Sec. 92 ch 82 SLA 2000].

(13) Notwithstanding any other provision of this title, the director may provide for voting by use of electronic balloting equipment or optically scanned ballots where the requisite equipment is available. If the director provides for voting by use of electronic balloting equipment, the director shall provide electronic balloting equipment that would allow voters with disabilities, including those who are blind or visually impaired, to cast private, independent, and verifiable ballots.

Document 1 of 1**Source:**

South Dakota Codified Laws/TITLE 12. ELECTIONS/CHAPTER 12-16. BALLOTS AND ELECTION SUPPLIES/ § 12-16-8. Order of listing candidates for same office in same column.

§ 12-16-8. Order of listing candidates for same office in same column.

If there is more than one candidate seeking nomination or election for the same office in any column, the names of candidates for that office shall be arranged by lot, under the supervision of the election official in whose office the candidates' nominations were filed. Each candidate has the right to be present or represented when the arrangement is being determined.

Source: SDC 1939, § 16.1105 (1); SL 1974, ch 118, § 73; 1999, ch 74, § 1.

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RCW 29.30.025

Order of candidates on ballots.

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

[1990 c 59 § 80.]

NOTES:

Intent -- Effective date -- 1990 c 59: See notes following RCW 29.01.006.