



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 2408  
RELATING TO ELECTIONS

February 18, 2013

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to provide technical comments regarding House Bill No. 2408. The purpose of this bill is to require the Chief Election Officer to establish procedures to select a letter of the alphabet by lot and arrange candidate names on ballots in alphabetical order of the last names, beginning with the randomly selected letter.

The Office of Elections provides the following comments and recommendations:

The current bill's provision of randomly selecting a letter of the alphabet and then arranging names in alphabetical order of the last names, beginning with the selected letter, appears to work as follows:

1. The letter Z is randomly selected.
2. The name ZIEGLER, Thomas would come first, then ZIFF, John.
3. After the Zs were exhausted, we would go to the A's and organize the names alphabetically (i.e. ABE, Timothy, then ADAMs, Lindsay, and so on).
4. We would then proceed to B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, and Y.

Such a system could be easily implemented and with appropriate candidate/voter education could mitigate any candidate/voter confusion.

Thank you for the opportunity to testify on House Bill No. 2408.



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
www.lwv-hawaii.com | 808.531.7488 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY  
Rep. Karl Rhoads, Chair, Rep. Sharon Har, Vice Chair and Committee Members

Tuesday, February 18, 2014, 2:00 p.m.

HB 2408, RELATING TO ELECTIONS

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

Chair Rhoads, Vice Chair Har, and Committee Members:

**The League of Women Voters of Hawaii offers comments on HB2408**, which would require the Chief Elections Officer to establish procedures to select a letter of the alphabet by lot and arrange candidate names on the ballot in alphabetical order by last name, beginning with the randomly selected letter. Our reading of the bill is that the proposed letter selection followed by alphabetic ordering would be the same throughout the State, without differences among legislative districts.

The League applauds the fact that this bill recognizes ballot design is important in producing a fair election, and hopes the Office of Elections will consider the good suggestions about the format of the ballot that are contained in this measure.

But the main purpose of the bill appears to be addressing the well-known problem that coming first on the ballot increases a candidate's total vote count.<sup>1</sup> This phenomenon is well documented in political science and psychology research. Estimates of the typical average advantage are varied, from two to three percentage points, depending on whether

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<sup>1</sup> Krosnick, Jon A. and Joanne M. Miller, *The Public Opinion Quarterly*, Vol. 62, No. 3 (Autumn, 1998), pp. 291-330



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major or minor party candidates are involved, whether it is a nonpartisan race or whether it is a primary or general election.<sup>2</sup>

This is not trivial theoretical research. In 2000 in California, George W. Bush got nine percent more votes in the assembly districts where he was listed first than in the assembly districts where he was listed last. This occurred in California even though California was also rotating the name order across assembly districts. The nine percent advantage was present even when researchers took into account the fact that certain districts tend to vote Democratic and others tend to vote Republican. The authors concluded that although name order cannot swing the votes of decided voters, in a close race similar to this one the winner can (and in this race was), decided by the order of candidates' names on the ballot.<sup>3</sup>

HB2408 proposes a simple rotation scheme to mitigate this positional problem. Choosing a letter of the alphabet would introduce a small amount of randomization, but not much.<sup>4</sup> Using the procedure described in the bill wouldn't eliminate the problem – it would only lead to greater success for the candidate who was lucky enough to get selected first in the draw. I am also saying "simple" rotation because the bill does not propose to rotate the order of names across the State, as many states such as Ohio and California already do. In an ideal world, you would want each possible ordering of candidates to be represented equally on our ballots. This is not accomplished with the alphabet drawing approach in this bill. For example, if there were 4 candidates for the Democratic primary election in House

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<sup>2</sup> 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.

<sup>3</sup> Jon A. Krosnik, Joanne M. Miller, and Michael P. Tichy, "An unrecognized need for ballot reform," in Ann N. Crigler, Marion R. Just, and Edward J. McCaffery (eds.), *Rethinking the Vote: The Politics and Prospects of American Election Reform* (New York: Oxford University Press, 2004), pp. 52, 53, 63

<sup>4</sup> One problem is that the letters of the alphabet are not equally like to be used at the beginning of last names. I know only one person in Hawaii whose last names begins with X," but I know many people whose last names begin with "L."



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District 42, there would be 24 possible orders of candidates.<sup>5</sup> Even with extremely careful printing and distribution by the Office of Elections, it would be impractical and confuse voters to print and distribute 24 different ballot orderings in this district. The Office of Elections currently makes sample ballots available for voters in advance of elections, and this “best practice” would be infeasible. With 24 different orderings how could voters feel assured they had received the correct ballot?

Coming up with a fairer approach to ballot ordering is definitely possible in Hawaii elections, when there are a limited number of candidates (e.g. the presidential candidates in a general election) for a relatively large number of districts. Ohio, for example, tries hard to optimize fairness and accountability by varying the name order across the state so that each possible order permutation appears an equal number of times, and observers can inspect ballots on Election Day to be sure the rotation was done properly. Idaho, North Dakota, Wyoming and a few other states use versions of this system.<sup>6</sup> But the larger the field of candidates the more difficult it is to use this approach.

The League concludes that the intent of the proposed bill is good, but the methodology and implementation are very imperfect. Under these circumstances, there is no compelling reason to spend the money required to implement the proposed complex ballot order system rather than using the current approach of ordering names alphabetically. Thank you for the opportunity to submit testimony.

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<sup>5</sup> (4 factorial, i.e. 4x3x2x1)).

<sup>6</sup> Krosnick, Jon A. “In the Voting Booth, Bias Starts at the Top,” **New York Times**, November 4, 2006.

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**HB2408**

Submitted on: 2/18/2014

Testimony for JUD on Feb 18, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Comments Only	No

Comments: In national studies, name placement on ballots matters. Studies have shown that the order in which candidates' names appear on a ballot influences voters' decisions. Typically, candidates listed at the top of a ballot earn a greater share of the vote than they would receive in any other position, regardless of their policies and personalities. When do voters gravitate to the first name they see? Usually, it's when voters know little or nothing about the candidates, or when the candidates' party affiliations are not listed on the ballot, or when the incumbent (whom voters typically know at least somewhat) is not running for re-election. Thus, some voters apparently feel an obligation or desire to vote even when they have no basis for choosing a candidate and are drawn to the first name they read. In Hawaii though, a review of election results in 2012 doesn't seem to bear this out, except for the Office of Hawaiian Affairs Trustee race. The trend for Hawaii seems to be more of favoring incumbents. In my personal view in tracking the races in 2012, many of the challengers lacked equal education or experience. Too, take a look at the current incumbents of the House and Senate races, most of the alphabets are represented especially in the "C" and "M" and "T" alphabet in the House; and "K" in the Senate. For the Office of Hawaiian Affairs, four of the nine incumbent trustees last name begins with an "A". The proposed change may bring some fairness to the election process, though it may take a voter longer to find the candidate of his/her choice and based on historical voter trends may change little in the outcome for voter elections in Hawaii.

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