



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
ON SENATE BILL NO. 729
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

February 5, 2019

Chair Shimabukuro and members of the Senate Committee on Hawaiian Affairs, thank you for the opportunity to provide comments regarding Senate Bill No. 729. The purpose of this bill is to display candidates for the Board of Trustees, Office of Hawaiian Affairs, by residency and non-residency requirements and to randomize the order of candidate names within those groupings.

We would accomplish the purpose of this measure by randomly selecting a letter of the alphabet for each district/precinct (ballot type) to be the first letter to organize the list of names for the Office of Hawaiian Affairs contests. For example, if the letter "H" was randomly selected by lot, candidates whose last name started with an "H" would be listed first and subsequent names will follow alphabetically (e.g., "H", "I", "J").

We would also note, that the randomly selected letter should only be applied to the first letter of the last name and not modify additional alphabetizing. We use the alphabetical organization for proofing the ballots to ensure all candidates are properly listed, which corresponds to the voting position for the vote counting system.

Thank you for the opportunity to testify on Senate Bill No. 729.



LATE

January 31, 2019

To: Senate Committee On Hawaiian Affairs
Senator Shimabukuro, Chair
Senator Kahele, Vice Chair

Re: SB 729 Relating to the Office of Hawaiian Affairs

Date: February 5, 2019

Time of Hearing: 1:15 p.m.

The Council for Native Hawaiian Advancement testifies in **Strong Support of SB 729** which scrambles, in random order, the names of the candidates as they will appear on the OHA election ballot. The reason for this change is that there is a perception that a person whose name begins with a letter at the beginning rather than at the end of the alphabet is at a decided advantage when the names on the ballot are listed in alphabetical order and people simply select the first name they encounter on the ballot.

Scrambling the names and having them appear in random order on the OHA ballot arguably will force voters to actually consider the names of the OHA candidates and make a knowing and intentional choice rather than simply picking the first name they come to. This small change will help to assure that voters will make a meaningful and intentional selection for whom they will cast their vote in the OHA election, and will assist in ensuring that the vote reflects the will of the people, rather than a simple guess. It will also assure that any advantage a candidate has because his or her name begins with a letter at the beginning of the alphabet will be negated since the candidate names will be displayed in random order.

Respectfully,

Respectfully,

J. Kuhio Lewis
Chief Executive Officer
Council for Native Hawaiian Advancement

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SB-729

Submitted on: 1/25/2019 4:00:43 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB-729

Submitted on: 2/3/2019 2:20:40 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noa Lincoln	Individual	Support	No

Comments:

SB-729

Submitted on: 2/3/2019 5:53:08 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Soon	Individual	Support	No

Comments:

TESTIMONY OF ESTHER KIA'AINA
IN SUPPORT OF SB 729 BEFORE THE
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

February 5, 2018, 1:15 p.m., Room 016

Chair Shimabukuro, Vice-Chair Kahele and Members of the Senate Committee on Hawaiian Affairs:

My name is Esther Kia'aina of Nanakuli, Oahu. I am testifying in support of SB 729, which amends ballot requirements to display candidates for the Board of Trustees, Office of Hawaiian Affairs, by residency and non-residency requirements and to randomize the order of candidate names within those groupings.

Given the sheer number of candidates that run for OHA elections and the costs for candidates to mount a state-wide campaign, random balloting would provide for a fairer opportunity for all candidates to be considered by the electorate.

I respectfully urge the committee members to support the passage of SB 729 out of Committee.

Respectfully,

Esther Kia'aina
estherkiaaina@aol.com

LATE

SB-729

Submitted on: 2/5/2019 12:03:38 AM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Samuel Wilder King II	Individual	Support	Yes

Comments:

Ballot order randomization is a very important tool in the fair election toolbox. A quick google of the "ballot order effect" will find all kinds of discussion on this topic. There is also a useful study here:

<https://www.shsu.edu/dpg006/ballot%20order.pdf>

The fundamental point is that in low information, low name-recognition, low participation, low attention races, being on the top of the ballot makes a huge difference. OHA perfectly fits this bill, as anyone who talks to their friends about OHA knows, and as shown by the fact there are regularly more blank ballots in OHA races than there are votes for winning candidates.

If one looks at a list of OHA trustees and the dates they were elected, a quick glance shows that the number of OHA trustees with last names starting with A has increased dramatically in recent times. My hypothesis is that when the *Rice v. Cayetano* case opened up OHA elections to all voters, it also allowed many voters with no interest in or knowledge of OHA to vote in OHA elections. I know that when I first really thought about who I was voting for in an OHA election, I realized I had no idea who the candidates were and I seriously thought about either voting for the first 3 names or whatever candidate had the most Hawaiian sounding name. We all know I am not the only one. That is no basis for a system of government.

Ballot randomization is ultimately important in all races in the state. However, OHA is a special case, where voter apathy combines with a high-number of low name recognition candidates, creating a perfect storm of ballot-order-determinism. OHA elections would be more fair, in my opinion, if the order of the candidate names were randomized.

Thank you.

LATE

SB-729

Submitted on: 2/5/2019 6:12:29 AM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner	Individual	Support	No

Comments:

LATE

SB-729

Submitted on: 2/5/2019 9:53:02 AM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments: