



**SB238 SD1**  
**RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**  
Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo

Pepeluali 17, 2021

10:00 a.m.

Hālāwai Keleka‘a‘ike

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The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB238 SD1, which would direct the Chief Election Officer to place the names of candidates on the OHA Board of Trustees ballot in random, rather than alphabetical, order.

To the extent that the Legislature seeks to randomize the names of candidates listed on an election ballot, OHA respectfully requests that the randomization occurs across all ballots overseen by the Chief Election Officer, rather than singling out the OHA Board of Trustees ballot for such treatment.

Mahalo nui loa for the opportunity to testify.



**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 SENATE COMMITTEE ON JUDICIARY  
ON SENATE BILL NO. 238, SD 1  
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

February 17, 2021

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to provide comments on Senate Bill No. 238, SD 1. This bill amends ballot requirements to display candidates for the Office of Hawaiian Affairs Board of Trustees, 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 to be the first letter to organize the candidate names for the Office of Hawaiian Affairs contests. For example, if the letter "H" was randomly selected by lot, candidates whose last name start with an "H" would be listed first and subsequent names will follow alphabetically (e.g., "I," "J," "K").

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. 238, SD 1.

Statement Before The  
Wednesday, February 17, 2021  
10:00 AM  
Via Videoconference

in consideration of  
**SB 238, SD1**  
**RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.**

Chair RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii provides written comments on SB 238, SD1, which amends ballot requirements to display candidates for the Office of Hawaiian Affairs Board of Trustees, by residency and non-residency requirements and to randomize the order of candidate names within those groupings.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to strengthening democracy through modernizing our elections system, starting with our ballots.

It has long been recognized 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.” See [https://insight.kellogg.northwestern.edu/article/first\\_among\\_equals](https://insight.kellogg.northwestern.edu/article/first_among_equals). A candidate listed first on a ballot increases his/her/their chance of winning by almost five percentage points. *Id.* Further, research shows that “[g]oing from last to first on the ballot raises a candidate's vote share by 10 percentage points.” See <https://www.npr.org/2016/07/27/487577930/why-the-first-name-on-the-ballot-often-wins>. Thus, randomizing the order of candidate names on a ballot will improve the fairness of elections. To truly correct for the first named candidate bias on a ballot, each individual voter would have to have a randomized ballot. Such a method, however, would be very costly to implement with our vote-by-mail system.

In sum, SB 238, SD1 is laudable. Thank you for the opportunity to provide comments on SB 238, SD1. If you have questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii