

STAND. COM. REP. NO.

17

Honolulu, Hawaii

FEB 05 2021

RE: S.B. No. 238  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 238 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN  
AFFAIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to require the  
names of the candidates for the Office of Hawaiian Affairs Board  
of Trustees to be placed on the ballot grouped by residency and  
non-residency requirements and to randomize the order of candidate  
names within those groupings.

Your Committee received testimony in support of this measure  
from one individual. Your Committee received comments on this  
measure from the Office of Elections, Common Cause Hawaii, and one  
individual.

Your Committee finds that under existing law, names of  
candidates for the Board of Trustees of the Office of Hawaiian  
Affairs are placed on the ballot in alphabetical order to ensure  
that all candidates are properly listed, which corresponds to the  
voting position for the vote counting system. Your Committee  
further finds that the ordering of candidate names on a ballot has  
been shown to affect election outcomes because the first name on  
the ballot generally has an advantage over names listed further  
down the ballot. A candidate listed first on a ballot increases

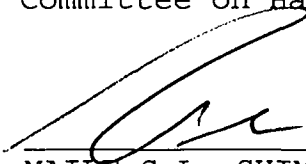


their chances of winning by almost five percentage points and going from last to first on the ballot raises a candidate's vote share by ten percentage points. To mitigate any advantage that may arise from the order of candidate names on the ballot, this measure requires that the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs be randomized on individualized ballots.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 238, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Hawaiian Affairs,



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MAILE S.L. SHIMABUKURO, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:* <b>SB 238</b>	Committee Referral: <b>HWN, JDC</b>	Date: <b>2/2/2021</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	x			
KEOHOKALOLE, Jarrett (VC)	x			
ACASIO, Laura	x			
IHARA, Jr., Les				x
FEVELLA, Kurt	x			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

**\*Only one measure per Record of Votes**