

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 194
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 194 entitled:

"A BILL FOR AN ACT RELATING TO ARRANGEMENT OF CANDIDATE NAMES
ON BALLOTS,"

begs leave to report as follows:

The purpose and intent of this measure is to require the randomization of names of candidates listed on individual ballots and on ballots across precincts, thereby making the advantage of being the first candidate listed on the ballot a random event.

Your Committee received testimony in support of this measure from Ho'omanapono Political Action Committee. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that numerous studies have shown that the election candidate who is listed first on a ballot has an advantage. See, Daniel E. Ho & Kosuke Imai, *Estimating Causal Effects of Ballot Order From a Randomized Natural Experiment, The California Alphabet Lottery, 1978 - 2002*, 72 Pub. Op. Q. 216 (Summer 2008), Laura Miller, Note, *Election by Lottery: Ballot Order, Equal Protection, and the Irrational Voter*, 13 N.Y.U. J. Legis. & Pub. Pol'y 373 (2010). Your Committee further finds that currently, candidates are listed on the ballot in alphabetical order starting with the letter "A". This measure would create a



process to make the apparent advantage of being the first candidate listed on a ballot a random event.

Your Committee has amended this measure by:

- (1) Requiring that any new contract entered into by the Office of Elections for equipment or services relating to preparing ballots or counting votes include the capability to randomize the names of candidates appearing on the ballot if technologically possible;
- (2) Requiring the Office of Elections to inform voters and candidates, by a method suited for the voting system, that the names of candidates may not be in alphabetical order; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 194, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 194, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

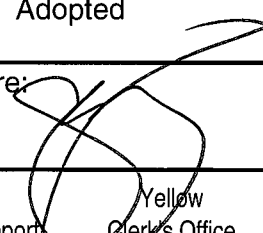


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 194	Committee Referral: JDC, WAM	Date: 2/7/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes