

STAND. COM. REP. NO.

648

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 238
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 238, S.D. 1, 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 comments on this measure from the Office of Hawaiian Affairs, Office of Elections, and Common Cause Hawaii.

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 applying the procedures established by the Chief Elections Officer to the election cycle beginning on January 1, 2022, instead of 2021.

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. 238, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 238, S.D. 2.

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



KARL RHOADS, Chair



