

Honolulu, Hawaii
February 18, 2016

RE: H.B. No. 1590
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1590 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to establish a procedure for the arrangement of names on election ballots, which requires the Chief Election Officer to select a letter of the alphabet by lot and arrange candidate names on the ballot in alphabetical order by last name, beginning with the randomly selected letter.

The Office of Elections and The League of Women Voters of Hawaii commented on this measure.

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). Currently, candidates are listed on the ballot in alphabetical order starting with the letter "A". This measure would create a process to make the advantage of being the first listed on a ballot a random event, therefore, the candidates would be listed in alphabetical order starting with a letter that is randomly selected by the Chief Election Officer.



Your Committee has amended this measure by:

- (1) Inserting a preamble that explains the purpose of the measure;
- (2) Clarifying that the Chief Election Officer shall select the letter of the alphabet by lot no later than 60 days before the first election of the election cycle or the second Tuesday in June before the first election of the election cycle, whichever comes first;
- (3) Providing that when the last names of two or more candidates begin with the same letter, the names of the candidates shall be arranged in alphabetical order, starting with the letter "A", of the second and subsequent letters of the candidates' last names, then the first and subsequent letters of the candidates' first names;
- (4) Requiring that the Chief Election Officer inform the voters and candidates of the order that the candidates will be listed on the ballot;
- (5) Defining "election cycle" for purposes of this measure;
- (6) Requiring the Chief Election Officer to implement this procedure for elections beginning on January 1, 2018;
- (7) Inserting an effective date of July 1, 2017; and
- (8) Making technical, nonsubstantive amendments for clarity and style.

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 H.B. No. 1590, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1590, H.D. 1, and be referred to your Committee on Finance.



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

Karl Rhoads

KARL RHOADS, Chair



