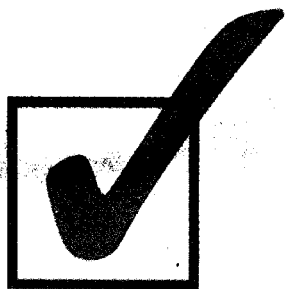




You must choose only ONE.

Ballot bias



In the voting booth, name order can sway an election

By Jon A. Krosnick

On Nov. 7, thousands of Californians filled out paper ballots so election officials could ensure that their votes were recorded and counted accurately. But creating a paper trail of all ballots simply is not enough to guarantee a fair election. The design of the ballot itself also needs to be fair and unbiased. And right now, in California and in many other states, it clearly is not.

An extensive study completed this month by my research team at Stanford confirms that if you're running for office, you want your name to be listed above your competitors. Top billing will bring you 2 percentage points more votes on average than you would receive if your name appeared lower down. That's more than enough to switch the outcome of some elections, especially these days. And in about half the races my team studied, the name order effect was even greater.

Why would a person spend the time to cast a ballot and then just go ahead and vote for the first name he or she sees? One reason is simply lack of information.

Unlike many nations, the United States asks its citizens to cast votes in numerous races for many offices and often on numerous propositions as well. For example, in 2006, many

Californians were asked to vote on more than 25 races for public office and on 13 statewide propositions, which were described in the 166 pages of the state's Voter Guide.

To do all this thoughtfully requires lots of learning and thinking. And the truth is, most of us don't have the time or energy to do that.

In some races, casting a well-considered vote isn't too difficult, either because the contests have been heavily publicized, or because an incumbent is running for re-election, or because the candidates' party affiliations are listed on the ballot. But many races receive little or no media attention and have no incumbent running, making it tough for voters to learn about the candidates. And in some races, the candidates' names are listed on the ballot without party affiliations, making it even harder to make a choice.

A citizen who knows nothing about any of the races is likely to stay at home on Election Day. But many people go to the polls just to vote in a few highly visible contests, and then are asked to vote in other races they know nothing about. Though some of these voters abstain in those contests, others may feel obligated to vote in all races in order to fulfill their civic duty. Some may even mistakenly believe that their ballots will not be counted if they fail to vote in all races.

Psychological research shows that when people are asked to make a

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See **BALLOT**, Page 3P

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Continued from Page 1P

random choice among a set of objects, they tend to select one of the first objects they see. When people taste-test a set of beers, they tend to prefer the first one they taste. When students answer multiple choice test questions incorrectly, they tend to do so by choosing one of the first options offered. Likewise, voters who lack information about competing candidates may also choose the first name on the ballot just to be done with it. That's what has been dubbed a "primacy effect."

There's a second reason why people might vote for the first name they see: ambivalence. In highly visible races, such as for president, voters learn lots about each of the major candidates, some of it flattering and some unbecoming. The more such information voters get, the more conflicted they may feel about whom to support. And when they go into the voting booth, ambivalent voters may find themselves staring at a ballot, unable to choose the lesser of two evils or the greater of two goods. And these people may just decide to grab the first name they see.

Consistent with this logic, our research team has turned up evidence of "primacy effects" in more than 100 elections in Ohio and in North Dakota. And in the research we are just completing, we have found primacy effects in California elections over the past three decades.

California began rotating the order of statewide candidate names in 1976, after the California Supreme Court declared it unconstitutional to give incumbents the privilege of being listed first on the ballot. Since then, ballot placement has been rotated from Assembly district to Assembly district, so each candidate ends up being listed first for about an equal number of voters.

California's system is a social scientist's dream come true, because it's a natural experiment conducted in the real world with real voters in real elections. We can see whether a candidate gets more votes when listed first than when listed last. To be sure that we were seeing the effects of name order, we took into account the fact that some Assembly districts tend to be populated more by Democrats and others more by Republicans. When we adjusted for these tendencies, we found the candidate listed first did significantly better in 85 percent of the 146 statewide races we examined.

Our research in California shows that some candidates running for president also have received a statistically significant greater number of votes when listed first than when listed last. These include Gerald Ford in 1976, Ronald Reagan in 1980, Bill Clinton in 1996, and George Bush and Al Gore in 2000.

For example, Clinton's vote tally in 1996 was four percentage points higher in California Assembly districts where he was listed first than in ones where he was listed last — a difference that persisted even after my research team took into account pre-existing Democratic registration levels in the districts.

And in 2000, Bush's tally was nine percentage points higher in the California districts where he was listed first rather than last — again, taking party registration levels into account.

Can the order of names on the ballot determine who wins an election? You bet it can. In Florida in 2000, George W. Bush's official margin of victory was razor thin. Bush's name was first on every ballot throughout the state, because Florida law gives top billing to candidates from the party of the governor; George's brother Jeb Bush. If the effect of name order in Florida was even one-tenth the size

it was in California that year, reversing the name order would have made Gore president. It's ironic that the law that caused Bush to be listed first was enacted by Democrats in the Florida Legislature.

The problem of ballot "primacy" can be solved using a system that Ohio has been implementing for decades. Ohio law requires that candidate names be rotated from precinct to precinct. There are thousands of precincts throughout the state, so rotating this way is very likely to list each candidate first on about an equal number of ballots. Anyone skeptical of the implementation can inspect the ballots on Election Day to be sure the rotation was done properly.

California's rotation across Assembly districts isn't as effective, because with only 80 districts in the state, the rotation system may not always generate comparable numbers of voters

senatorial districts in New Hampshire in 2006 for the first time.

But only a small minority of states use the kind of rotation now in effect in New Hampshire. Far more common are procedures that award an advantage to one particular candidate, either by always listing Democratic candidates first (as is the case in Delaware and Tennessee); listing candidates alphabetically by their party names (meaning that Democrats always precede Republicans); listing candidates alphabetically by their own names; listing first the incumbent running for re-election; or allowing elections officials to list names however they like (surprise: research shows they tend to list their own party's candidates first).

All these procedures would be unconstitutional in New Hampshire, as would Minnesota's endearing procedure of listing first the candidates of

search indicates that the order of candidates' names on American ballots does not significantly influence voters" and that using a single name order would save money and reduce the potential for voter confusion.

Oregon also recently eliminated its longtime procedure for rotating candidate names, on similar grounds.

This mayhem has got to stop. It's time to acknowledge the wisdom of the New Hampshire Supreme Court. California and other states should adopt Ohio's precinct-level name ordering procedure. Americans do not need 2008 to be yet another year in which they have reason to doubt the trustworthiness of their electoral procedures.

Don't expect politicians to make this change happen, though. Many, perhaps most, officials currently in office have no incentive to change their state's law, because it helps their own party now or might do so in the future. In fact, none of the government commissions formed since 2000 to improve election procedures has addressed the issue of candidate name order. So Americans will need to insist that the system be changed.

It's no surprise that such a movement has yet to begin. Name ordering procedures are anything but transparent. State government Web sites often list election statutes, but they don't specify the procedures used to implement those statutes. It took my research team nearly a year of e-mailing and telephoning secretaries of state and county boards of elections across the country to confirm the details of how ballots are designed.

But now we know. And it's clear that in California and across the country, our elected representatives need to be pushed to institute reforms that will enhance the fairness of future elections.

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seeing each name order. More important, California rotates name order only in statewide races, using a single randomly selected alphabetical order to list candidate names in all other races. This method always awards an advantage to the candidate who is lucky enough to win the random alphabet ordering.

The New Hampshire Supreme Court recently declared this sort of procedure unconstitutional, as well as that state's past practice of listing first the candidate whose party received the most votes in the last election. As a result of this ruling, candidate name order was rotated across

the party that got the fewest votes in the most recent election. So reform is needed not only in California, but across the country.

Amazingly, some states have been moving in the opposite direction. Before 1995, Alaska rotated candidate names to give all candidates placement in the first position equally often. But in 1995, the legislature began requiring that one single randomly determined order of names be used for each race.

This change had been recommended by the lieutenant governor's Election Policy Transition team, which erroneously claimed that "re-