

Something New In Ballot Alphabets

By RICHARD RODDA
McClatchy Newspapers Political
Editor

Ever hear of the randomized alphabet? It could start with Z instead of A. Or an X. Or a G. Instead of ABCDEFG it might go KGWOIQS.

Secretary of State March Fong Eu will prepare "randomized alphabets" six times during the next two years. The result is that California elections will be fairer.

In most elections incumbents and candidates whose surnames begin with A, B, or other letters early in the alphabet have had leading positions on primary and general election ballots.

Several months ago the State Supreme Court said this system, with its inherent favoritism, had to go. The 1975 State Legislature responded with the randomized alphabet.

The lawmakers were advised that ballot listings for legislative races, county supervisor races, municipal, school, and special district elections were in direct violation of the court decision. Congressional elections and countywide elections were of questionable constitutionality. The only elections complying were those for president, statewide constitutional offices (governor, U.S. senator, etc.), and State Board of Equalization. Ballots for those offices have been using a system of rotating the names of candidates. Now the new alphabets will be used as the fairest and simplest method for all elections.

At 11 a.m. Monday, Jan. 5, Mrs. Eu will set the new system in motion by conducting the first drawing. She will reach into a container of 26 capsules into which have been inserted the different letters of the alphabet.

The law is explicit. The container "shall be shaken vigorously in order to mix them (the capsules) thoroughly."

The resulting order of letters, as they are drawn, will constitute the randomized alphabet which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections.

The law further states: "For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn..."

The first drawing applies to the March general-law city elections and any other elections held at that time.

There are 336 general-law, or non-chartered, cities in California. They are required to hold city council elections in March of even years.

A second drawing will be held March 15 for the June 8 primary election. The third will be on Sept. 20 for the general election on Nov. 9.

The drawings will be open to the public. Mrs. Eu must notify the news media and other interested parties. The state chairman of each qualified political party shall be invited to attend or send a representative to the drawings pertaining to the primary and general elections or any special elections.

Three drawings will be held in 1977 for the various local elections held throughout the state.

Assemblyman Jim Keysor, D-San Fernando, chairman of the Joint Committee for the Revision of the Elections Code, is author of the new law, recently approved by Gov. Edmund G. Brown Jr.

During the year the legislature struggled with various other methods and formulas to comply with the court.

According to Keysor, a solution to the problem finally was suggested by Dwight L. Bolinger, a retired Harvard University professor living in Palo Alto. Bolinger is a former president of the Linguistic Society of America and currently is president of the Linguistic Association of Canada and the United States. His son, Bruce, is principal consultant to Assemblyman Keysor.

"The suggestion was incredibly simple," Keysor explained. "Conduct a single drawing of the letters of the alphabet and use the resulting randomized alphabet for determining the order on the ballot of the names of all candidates for all offices for an entire election."

In declaring the old methods unfair, the Supreme Court said they violated the equal protection clauses of federal and state constitutions.

Listing of names in conventional alphabetical order has been the general policy of California since the adoption of the Australian ballot in 1893.

In 1935 the legislature provided that all incumbents be listed first and the remaining candidates in alphabetical order. Surprisingly, the legislature repealed this requirement

in 1937, but the governor pocket vetoed the bill.

In 1941, drawings were imposed in elections of county central committees after it was determined a disproportionate number of members with names beginning with A, B, C, etc., were being elected.

Until the recent court decision, the only other change in the law was Proposition 9's prohibition last year of incumbents going first.

Campaign experts say top position, especially for an incumbent, gives the candidate a 10 per cent advantage over opponents.

A study published last year disclosed that 24 states used some form of rotation on ballot names. Eleven states used alphabetical order. It is believed these states will be under mounting pressure to find other systems in the face of the California court case and a similar decision in Arizona.

Of the remaining states, six used lotteries; ten used party success in previous elections to some degree; one used time of filing; two were party column states and two left it to the discretion of election officials.

At one time, the California Legislature considered a system of separate drawings for each contest to determine the order of names. This was rejected as being too costly. A rotation method for ballot lists also was turned down, with estimates ranging from \$1.5 million to \$6.8 million as the statewide cost, depending on whether the names would be rotated every 50 precincts, every 20 precincts or every 10 precincts.

The final decision — the randomized alphabet — so impressed Assemblyman Keysor that he is recommending it to other states.

In a letter to 49 secretaries of state, Keysor stated:

"By this system we meet the requirements of the (California) State Supreme Court that no class of candidates automatically will be guaranteed the best or worst positions on the ballot and we eliminate 2,000 separate drawings in favor of one highly publicized drawing. However, we will also continue to rotate candidates for statewide and certain other offices by State Assembly dis-

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trict as has been our practice in the past."

The California Supreme Court decision resulted from a suit challenging the ballot for the Santa Monica city elections of April 1973.

The city charter called for elections patterned after the state law with incumbents listed first and

opponents next in alphabetical order. The Supreme Court upheld a Superior Court decision requiring Santa Monica to reprint its ballots following a drawing to determine the order of names.

Under the new law, drawings will be held after the close of filing so that no one can take advantage of knowing what the order will be of candidates' names.

