

HOW TO AVOID A BUTTERFLY BALLOT

When it comes to problems with the design of ballots, everyone first thinks of Florida and its infamous butterfly, but it is by no means the only situation where faulty ballot design caused voters to make mistakes – it was just the most significant. Because of the prevalence of local races, not to mention local ballot measures, ballots are not uniform even at the state level, and thus single solutions are not possible. Nonetheless, here are a few hints that might reduce ballot misunderstanding.

- Even with local elections, the races at the top of the ticket – President, Senator, Governor etc. – are the same throughout the state, and so the Secretary of State or other appropriate state official should review at least those parts of the ballot. If the county confuses the voters on the race for dog catcher, the damage will be largely confined to the county, unlike the contests that cover the entire state or large portions of it.
- State election officials see many more ballots than do counties, and so state officials should review (and make non-binding recommendations) for the entire ballot. The US Election Assistance Commission has excellent materials, as well as down-loadable forms, available, at no charge to state and local officials, at <http://www.eac.gov/election/effective-polling-place-designs/effective-designs-for-the-administration-of-federal-elections/?searchterm=ballot%20design>. The Brennan Center's website, www.brennancenter.org, also has useful materials on the subject.
- Would you buy a car without driving it around the block? Or even closer, would you buy a car for your older parent, or perhaps teenage son, without putting them behind the wheel first? Would you be satisfied if the car company told you that all their experts have driven this car and it's a dream? Yet that is what we do with election ballots. We let experts design and test them, and then expect the rest of the world – young & old, tech savvy and luddite, PhD's and high school dropouts – to operate the machines without a hitch. And then we wonder why there are mistakes and why lines at the machines grow longer.
- Here's an idea: when the ballot is in almost final form, around the time that the candidates and the parties get to see it, make it available to the public, with the machines that will be used with it. Better yet: take the show on the road, to schools, churches, and retirement homes, the places where you will get a broad cross-section of those who are most likely to encounter voting problems. And if there are parts that confuse people, see if they can be fixed before becoming the local butterfly.