

To: County Boards of Elections, State of Ohio, where TSX is used

From: The Brennan Center, AIGA Design for Democracy, and the Usability Professionals' Association

Re: Concern about Ballot Layout for Presidential Contest

Date: October 23, 2008

The Brennan Center and the Usability Professionals' Association recently collaborated with the nation's leading election officials, designers, political scientists and usability experts to produce *Better Ballots*, a study of ballot design flaws and their impact on elections. Design for Democracy, a contributor to *Better Ballots*, has studied ballot design and its impact on elections for several years. Last year, the U.S. Election Assistance Commission (EAC) accepted Design for Democracy's research and best practice recommendations for ballot and polling place information design.

Layout of the Presidential Contest on the TSX

We have recently been contacted by Ohio voters concerned that in certain counties using the AccuVote TSX, the presidential contest is spread over two pages. Based on calls to county boards in the past day, this complaint appears to be correct. *Some counties (including Montgomery and Butler) report that they placed the entire presidential contest on a single page.*

Our studies have shown that placing the presidential contest on two screens is likely to confuse many voters and could lead to voter error. Of course, the TSX will not allow voters to vote twice in the same contest. However, we fear that some voters will select a candidate on the first page, only to realize that their actual preferred choice is on the second page. As you surely know, some voters — particularly elderly and new voters — can have difficulty figuring out how to change their selection.

If the presidential contest on your TSX is split over two screens, we urge you to change your ballot layout so that, *like the ballots in Montgomery and Butler counties*, the entire presidential contest is listed on one page.

If this cannot be done, we hope that you will post signs in your polling place showing voters that the presidential contest is listed over two pages, reminding them that they may only select 1 pair (President and Vice President) of candidates from those two pages, and

encouraging them to ask a poll worker for help if they have any trouble selecting their preferred candidate.

We also ask that you instruct poll workers to provide these same instructions when voters arrive at the polls, and that they remind voters to carefully check their review screens and paper trails before casting their votes.

Please feel free to contact us if you have any questions or thoughts on this matter. You can e-mail any or all of us at the following addresses:

Lawrence Norden
Brennan Center for Justice
lawrence.norden@nyu.edu
212-998-6322

Jessica Friedman Hewitt
AIGA Design for Democracy
jessica_hewitt@aiga.org

Whitney Quesenbery
Usability Professionals' Association
voting@usabilityprofessionals.org