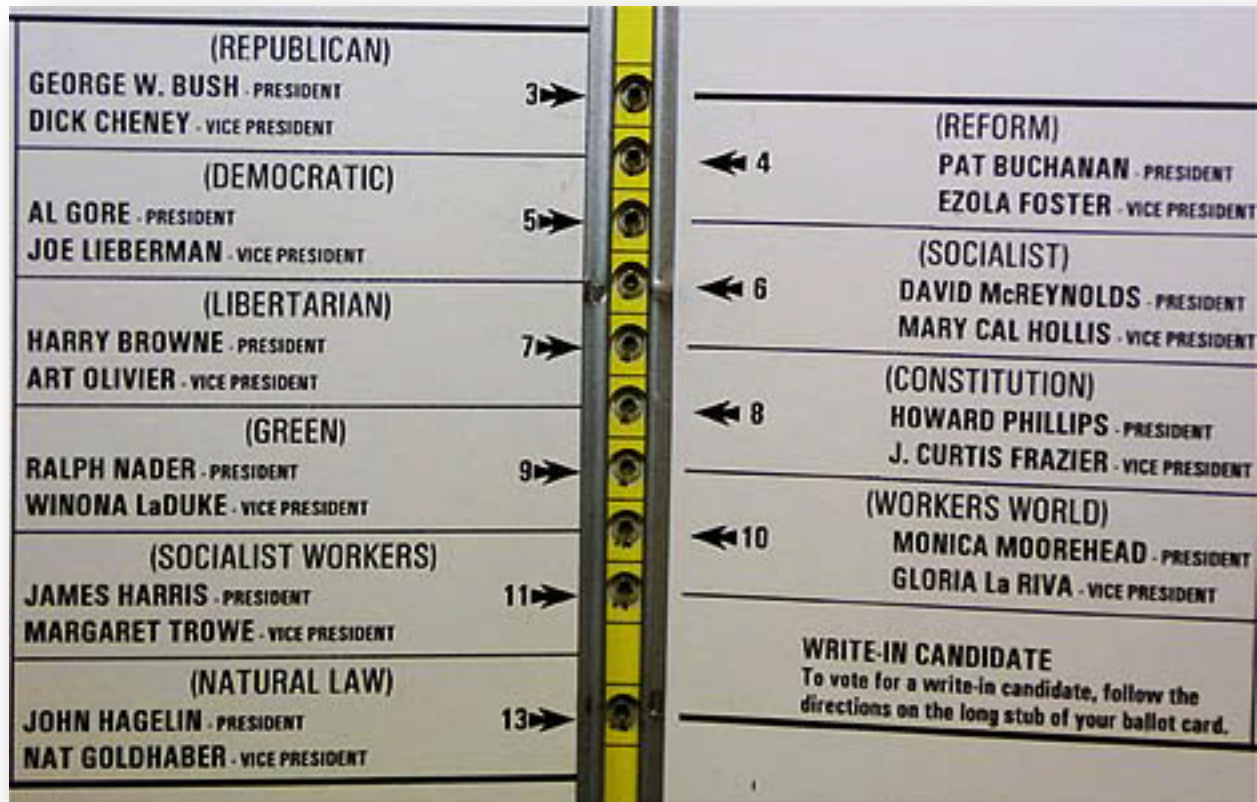


Better Design Better Elections

A review of design flaws and
solutions in recent national elections

Palm Beach County, FL - 2000



Twelve years after Palm Beach County and the infamous “butterfly ballot,” American elections are still marred by design problems, contributing to the loss of several hundred thousand votes in every federal election.

Sarasota County, FL - 2006

U.S. REPRESENTATIVE IN CONGRESS 13TH CONGRESSIONAL DISTRICT (Vote for One)		
Vern Buchanan	REP	☐
Christine Jennings	DEM	☐

STATE GOVERNOR AND LIEUTENANT GOVERNOR (Vote for One)		
Charlie Crist	REP	☐
Jeff Kottkamp		
Jim Davis	DEM	☐
Daryl L. Jones		
Max Linn	REF	☐
Tom Macklin		
Richard Paul Dembinsky	NPA	☐
Dr. Joe Smith		
John Wayne Smith	NPA	☐
James J. Kearney		
Karl C.C. Behm	NPA	☐
Carol Castagnero		
Write-In		☐

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A ballot design problem in Sarasota County may have changed the outcome in the contest to replace former Florida Secretary of State Katherine Harris in Congress. Republican Vern Buchanan was declared the winner by a margin of less than 400 votes. But approximately **14,000** ballots in Sarasota County did not include a vote in this contest.

Charlotte County, FL - 2006

REPRESENTATIVE IN CONGRESS DISTRICT 13 (Vote For One)		
Vern Buchanan	REP	☐
Christine Jennings	DEM	☐

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Many experts have attributed the exceptionally high number of undervotes to a ballot design issue: specifically, in Sarasota County, the separation between the gubernatorial and congressional contests was not clear on the touchscreen machines. In comparison, in Charlotte County, where the congressional contest was on its own page, very few voters skipped the race.

Augalize and Warren Counties, OH - 2008

AG	AGS	AGS
Agincourt County	General Election	November 4, 2008
INSTRUCTIONS TO VOTER 1. To vote you must completely enclose the ball (●) to the left of the candidate or answer of your choice. If you vote for more choices than permitted, your vote for that race will not be counted. 2. To cast a write-in vote, darken the oval (○) to the left of the name provided and write in the candidate's name. Only a candidate who has timely filed a valid notice of intent to become a write-in candidate may have a vote counted in his or her favor. 3. If you make an error, please return your ballot to an election official and obtain a new ballot. Please do not attempt to erase or cross out any marks made in error.	For President: ☐ Chuck Baldwin For Vice-President ☐ Darrell L. Castle Constitution Party For President: ☐ Bob Barr For Vice-President ☐ Wayne Allen Root Libertarian Party of Ohio For President: ☐ Write-In For Vice-President ☐ Write-In For Attorney General (Unexpired Term Ending January 9, 2011) ☐ Robert M. Owens	For County Commissioner (Full Term Commencing 1-3-09) ☐ Tommy F. Cullen Vote For One (1) ☐ Brent W. Henschen Democratic ☐ Donald Regula Republican For Prosecuting Attorney Vote For One (1) ☐ Edwin A. Pierce Republican For Clerk of Court of Common Pleas ☐ John J. Cullen Vote For One (1) ☐ Sue Ellen Kohler Republican
OFFICIAL OFFICE TYPE BALLOT	☐ Richard Cordray Democratic ☐ Mike Crites Republican	☐ For Sheriff Vote For One (1) ☐ Allen F. Solomon Democratic
For President and Vice-President Vote For One (1) To vote for President and Vice-President darken the oval (●) to the left of the name of each of the persons candidates for president. Your vote will be counted for each race if you vote for both candidates. If you have marked in the Secretary of State	For Representative to Congress (4th District) ☐ Mike Carroll Democratic ☐ Jim Jordan Republican For State Senator (12th District) ☐ Thomas Matthew Democratic ☐ Keith Faber Republican ☐ Jack Kaffenberger Sr.	For County Recorder Vote For One (1) ☐ Ann A. Billings Republican For County Treasurer ☐ April E. Bowersock Republican
☐ For President: Richard Duncan For Vice-President Ricky Johnson	☐ For State Representative (78th District) Vote For One (1) ☐ John Adams Republican	For County Engineer Vote For One (1) ☐ Douglas P. Reinhart Republican For Coroner ☐ Thomas R. Freytag Republican
☐ For President: John McCain For Vice-President Sarah Palin Republican	☐ For County Commissioner (Full Term Commencing 1-2-09) Vote For One (1) ☐ John N. Barginman Republican	☐ For County Engineer Vote For One (1) ☐ Deron L. Horman
☐ For President: Cynthia McKinney For Vice-President Rosa A. Clemente Green Party of the United States	☐ For President: Ralph Nader For Vice-President Matt Gonzalez	☐ For President: Bernard Obama For Vice-President Joe Biden Democratic
☐ For President: Barack Obama For Vice-President Joe Biden Democratic		

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	WARREN COUNTY	GENERAL ELECTION	NOVEMBER 4, 2008
INSTRUCTIONS TO VOTER	1. To vote you must completely darken the oval (●) to the left of the candidate or number of your choice.	OFFICIAL OFFICE TYPE BALLOT	For Attorney General (Unexpired Term Ending January 5, 2011) Vote For One (1)
	2. To cast a write-in vote, darken the oval (●) to the left of the line provided and write in the candidate's name. Only a candidate who has timely filed a valid notice of intent to become a write-in candidate may have a vote counted in his or her favor.		☐ Richard Corday ☐ Demaris ☐ Haskins ☐ Robert M. Owens
	3. If you made an error, please return your ballot to an election official and obtain a new ballot. Please do not attempt to erase or cross out ink marks made in error. If you vote for more choices than permitted, your vote for that race will not count.		For Representative to Congress Vote For One (1)
			☐ David H. Kirkland ☐ Jean Scheidt ☐ Victoria Wuolin ☐ Demaris ☐ Write In
			For State Representative (87th District) Vote For One (1)
			☐ Shannon Jones ☐
			For County Commissioner (Full Term Commencing 1/2/09) Vote For One (1)
			☐ David G. Young ☐
			For County Commissioner (Full Term Commencing 5/5/09) Vote For One (1)
			☐ Pat Arnold South ☐
	For Prosecuting Attorney Vote For One (1)		
	☐ Rachel Hutzel ☐		
	For Clerk of Court of Common Pleas Vote For One (1)		
	☐ James L. Sparr ☐		
	For Sheriff Vote For One (1)		
	☐ Larry Lee Sims ☐		
	VOTE BOTH SIDES		

In 2008, 10 counties in Ohio using paper ballots split the presidential contest over two columns. As a result, many voters chose more than one candidate in that contest, and lost their vote. In these counties, voters were 50% more likely to have no vote recorded in the presidential contest than the 23 Ohio counties that kept the race in just one column.

Minnesota - 2008

The diagram shows a ballot envelope with a trapezoidal top flap. Below the flap is a large rectangular area for the ballot. At the bottom of this area is a section for the voter to complete, which is divided into two parts by a horizontal line. The top part is labeled 'TO BE COMPLETED BY VOTER' and contains three fields: 'VOTER'S NAME (PLEASE PRINT)', 'VOTER'S MINNESOTA ADDRESS (PLEASE PRINT)', and a small box labeled 'MN'. Below these fields is a line for the voter's signature and a line for the date. The bottom part of the section is labeled 'TO BE COMPLETED BY WITNESS' and contains a line for the witness to certify that the voter met the legal requirements to vote by absentee ballot, followed by a bulleted list of three requirements: showing blank ballots, marking ballots in private or as directed, and enclosing and sealing the ballots in the secrecy envelope.

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S MINNESOTA ADDRESS (PLEASE PRINT)

MN

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE

DATE

↓ TO BE COMPLETED BY WITNESS ↓

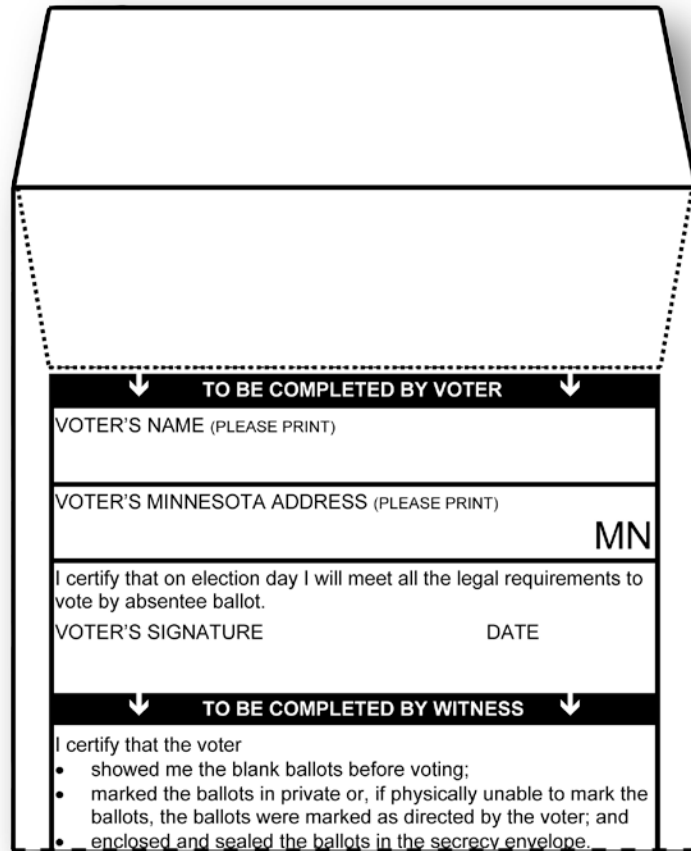
I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and
- enclosed and sealed the ballots in the secrecy envelope.

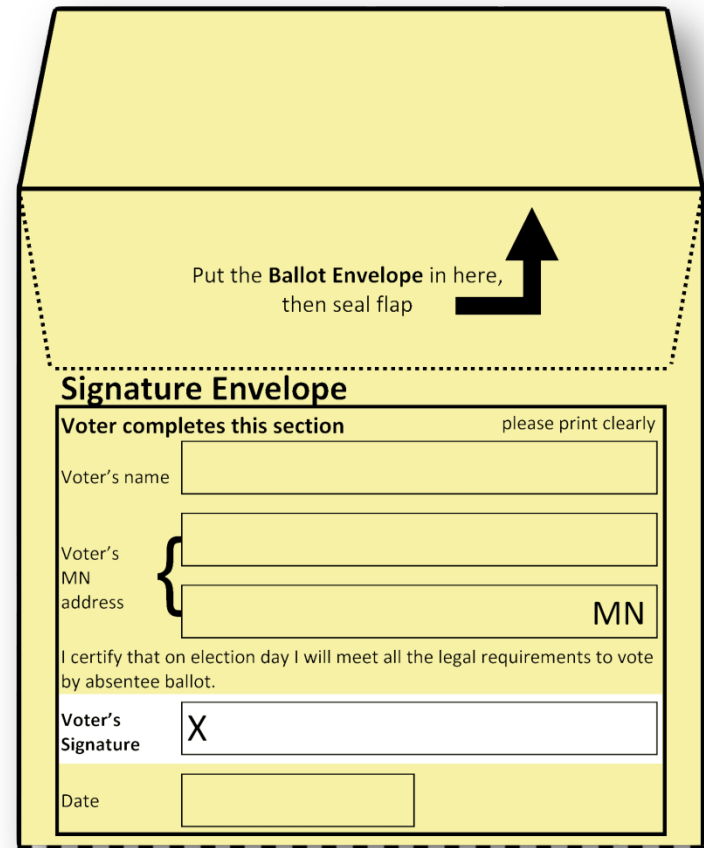
The rise of absentee and provisional voting since 2000 has increased the importance of design in elections.

The Brennan Center estimates that in the 2008 and 2010 elections combined, as many as **400,000** people had their absentee or provisional ballot rejected because they made technical mistakes completing the forms or preparing and returning the envelope.

Minnesota - 2008 (left) and 2010 (right)



The 2008 Minnesota Absentee Ballot Envelope is a white envelope with a black header and footer. The header contains the text "TO BE COMPLETED BY VOTER" with arrows pointing to the fields below. The fields include "VOTER'S NAME (PLEASE PRINT)", "VOTER'S MINNESOTA ADDRESS (PLEASE PRINT)" with a "MN" state code box, a certification statement "I certify that on election day I will meet all the legal requirements to vote by absentee ballot.", "VOTER'S SIGNATURE", and "DATE". The footer contains the text "TO BE COMPLETED BY WITNESS" with arrows pointing to a certification statement "I certify that the voter" followed by a bulleted list of requirements: "showed me the blank ballots before voting;", "marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and", and "enclosed and sealed the ballots in the secrecy envelope."



The 2010 Minnesota Absentee Ballot Envelope is a yellow envelope. At the top, it says "Put the **Ballot Envelope** in here, then seal flap" with an arrow pointing to the top flap. Below this is the "Signature Envelope" section. It includes a header "Voter completes this section" with "please print clearly" to the right. The fields include "Voter's name", "Voter's MN address" with a "MN" state code box, a certification statement "I certify that on election day I will meet all the legal requirements to vote by absentee ballot.", "Voter's Signature" with a large "X" in the box, and "Date".

In 2008, Al Franken defeated Norm Coleman for United States Senator by just 312 votes. Nearly 4,000 absentee ballots were not counted because voters failed to sign the absentee ballot envelope. The Minnesota Secretary of State's office worked with usability and design experts to redesign the envelope.

It now identifies the signature block with a large "X".

Citrus County, FL - 2008

**OFFICIAL GENERAL ELECTION BALLOT
CITRUS COUNTY, FLORIDA
NOVEMBER 4, 2008**

- TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE.
- Use a blue or black ink pen.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.
- To vote for a candidate whose name is not printed on the ballot, fill in the oval, and write in the candidate's name on the blank line provided for a write-in candidate.

If voters cross out or erase a selection on a paper ballot, and attempt to vote for a different candidate, they can end up losing their vote. The ballot scanner may read two selections, instead of one. This is known as “overvoting.”

Voters who make a mistake should instead ask for a new ballot, as these instructions say clearly.

Miami-Dade, FL - 2008

ELECTION BALLOT MIAMI-DADE COUNTY, FLORIDA NOVEMBER 4, 2008		DE LAS ELECCIONES GENERALES CONDADO DE MIAMI-DADE, FLORIDA 4 DE NOVIEMBRE DEL 2008		ELECTION BALLOT ELEKSYON JENERAL KONTE MIAMI-DADE, FLORID 4 NOVANM 2008	
 * N 0 1 9 - 1 * Precinct 248.0 002 Sheets		TO VOTE, COMPLETELY FILL IN THE OVAL ☐ NEXT TO YOUR CHOICE. If you make a mistake, review the instructions provided to correct your ballot. PARA VOTAR, LLENE COMPLETAMENTE EL OVALO ☐ JUNTO A SU SELECCIÓN. Si se equivoca, lea las instrucciones que se le dan para corregir su boleta. POU VOTE, RANPLI ANDEDAN OVAL LAN NET ☐ AKOTE SA W CHWAZI AN. Si w fè yon erè, revize enstriksyon yo sou kouman pou korije bilten vòt w an.		NONPARTISAN NO PARTIDISTA SAN PATI POLITIK DISTRICT COURT OF APPEAL DISTRITO DEL TRIBUNAL DE APELACIONES DISTRIT TRIBINAL DAPÈL Shall Judge Juan Ramirez Jr. of the 3rd District Court of Appeal be retained in office? ¿Deberá retenerse en su cargo al Juez Juan Ramirez Jr. del Tribunal de Apelaciones del 3er Distrito? Èske se pou Jij Juan Ramirez Jr. de 3yèm Distrik Tribinal Dapèl lan rete nan pòs sa a? ☐ YES/SÍ/WI 82 ☐ NO/NO/NON 83	
PRESIDENT AND VICE PRESIDENT PRESIDENTE Y VICEPRESIDENTE PREZIDAN AK VIS PREZIDAN PRESIDENT AND VICE PRESIDENT PRESIDENTE Y VICEPRESIDENTE PREZIDAN AK VIS PREZIDAN (Vote for One/ Vote por uno/ Vote pou youn)		JUSTICE OF THE SUPREME COURT MAGISTRADO DEL TRIBUNAL SUPREMO JIJ TRIBINAL SIPRÈM Shall Justice Charles T. Wells of the Supreme Court be retained in office? ¿Deberá retenerse en su cargo al Magistrado Charles T. Wells del Tribunal Supremo? Èske se pou Jij Charles T. Wells Tribinal Siprèm lan rete nan pòs sa a? ☐ YES/SÍ/WI 70 ☐ NO/NO/NON 71		DISTRICT COURT OF APPEAL DISTRITO DEL TRIBUNAL DE APELACIONES DISTRIT TRIBINAL DAPÈL Shall Judge Vance E. Salter of the 3rd District Court of Appeal be retained in office? ¿Deberá retenerse en su cargo al Juez Vance E. Salter del Tribunal de Apelaciones del 3er Distrito? Èske se pou Jij Vance E. Salter de 3yèm Distrik Tribinal Dapèl lan rete nan pòs sa a? ☐ YES/SÍ/WI 85 ☐ NO/NO/NON 86	
☐ John McCain Sarah Palin 10 REP ☐ Barack Obama Joe Biden 11 DEM ☐ Gloria La Riva Eugene Puryear 12 PSL ☐ Chuck Baldwin Darrell Castle 13 CPF ☐ Gene Amondson Leroy Pletten 14 PRO		DISTRICT COURT OF APPEAL DISTRITO DEL TRIBUNAL DE APELACIONES DISTRIT TRIBINAL DAPÈL Shall Judge Gerald B. Cope Jr. of the 3rd District Court of Appeal be retained in office?		CIRCUIT JUDGE, 11TH CIRCUIT GROUP 19 JUEZ DE CIRCUITO, 11NO CIRCUITO GRUPO 19 JIJ AWONDISMAN, 11YÈM AWONDISMAN, GWROUP 19 (Vote for One/ Vote por uno/ Vote pou youn)	

In Miami-Dade in 2008 and 2010, the instructions tell voters who make a mistake to “review” another set of instructions.

It seems that many voters did not find the separate instruction to ask for a new ballot:

In 2008, Miami-Dade had an overvote rate 2.5 times the state average.

In 2010, it was 5 times the statewide rate.

Miami-Dade, FL - 2008



MARK YOUR BALLOT CORRECTLY	MARQUE SU BOLETA CORRECTAMENTE	MAKE BILTEN VÒT W AN KÒRÈKTEMAN
DO mark your ballot this way:  DO NOT mark your ballot in the following ways: 	MARQUE su boleta de esta modo:  NO marque su boleta de las maneras siguientes: 	W! make biltèn vòt w an kòrèkteman:  NON PA make biltèn vòt w an kòrèkteman: 
Step 1 Receive your ballot(s) and privacy folder. Proceed to Privacy Booth.	1er Paso Reciba su boleta(s) de papel y funda de privacidad del trabajador electoral. Diríjase a la cabina de privacidad.	1e Etap Pran biltèn vòt an papye anjeyò ak totati kondisyonel la nan men Anplwayè Biltèn Vòt la. Pase an nan kabèn a.
Step 2 Make your selection(s) for a particular contest by completely filling in the oval on the ballot with the black pen provided. WRITE-IN CANDIDATES (if needed): Fill in the oval next to the words "Write-in" and write the candidate's name on the line.	2do Paso Haga su selección para la contienda para la cual desea referir completamente el óvalo en la boleta con la pluma o bolígrafo de tinta negra que se le provee. CANDIDATOS CUYO NOMBRE NO APARECE EN LA BOLETA (si fuese necesario): Rellene el óvalo junto a las palabras "Write-in" (candidato cuyo nombre no aparece en la boleta) y escriba el nombre del candidato sobre la línea.	2yèm Etap Ranplè ovalè ki sou biltèn vòt la konplètman ak plim nwa ke yo ba w an pou chwazi yon kontè ou an patibiyè. ÈKRÈ NON KANDIDA YO KI PA PARèt SOU BILTÈN VÒT LA (si nesesè): Ranplè ovalè ki sou bòtè ki mèt "Ekrè non kandida ki pa parèt sou biltèn vòt" epi ekri non kandida a sou liyen.
Step 3 Make sure you read your ballot carefully and understand how many candidates to vote for in each contest.	3er Paso Cerórese de haber leído su boleta cuidadosamente y de que comprende por cuántos candidatos votar para cada contienda.	3yèm Etap Aanswè ke w li biltèn vòt w an epi w liyen konpans pou kondisyon kandida pou votè nan chak kontè.
Step 4 Review and check both sides of your ballot for accuracy. If you make a mistake, please return your ballot page(s) to the poll worker and request new ballot page(s).	4to Paso Revisa y verifique la corrección de su boleta en ambos lados de ésta. Si se equivoca, devuelva la(s) página(s) de su boleta al trabajador electoral y pedir (una) nueva(s) página(s) de la boleta.	4yèm Etap Revizè epi cheke tout bò biltèn vòt w an pou asirè w ke li kòrèk. Si w li yon erè, tanpri retounen paj biltèn vòt w anjeyò bay trawayè biltèn vòt la epi mande nouvo paj biltèn vòt.
Step 5 After completing your ballot, proceed to the optical scan voting machine and insert your ballot.	5to Paso Tras terminar de rellenar su boleta, pase a la máquina de votación con escáner óptico e inserte su boleta.	5yèm Etap Après ke w fin ranplè biltèn vòt w an, ale sou aparèy eskane optik la epi antre biltèn vòt w an.
Step 6 Check the screen to see whether there are any issues with the ballot, such as overvoting or blank ballots. Press RETURN to get the ballot back. Press ACCEPT to submit ballot.	6to Paso Revisa la pantalla para determinar si hay problemas en la boleta como, por ejemplo, votación excesiva o boleta en blanco. Oprima REGRESAR para que se le devuelva la boleta. Oprima ACEPTAR para someter la boleta.	6yèm Etap Tcheke ekran an pou wè si gen okenn bagay ki pa kòrèk sou biltèn vòt lan. Tanpri si w li bagay chwa oubyen si biltèn vòt la vèt. Pèse RETOURNÈ pou biltèn vòt la touren vin jwenn w. Pèse ASEPTE pou soumèt biltèn vòt la.

Miami-Dade County Elections Department — 305-499-VOTE — miamidade.gov/elections

This is one of three additional pages of instructions made “available” to Miami voters in 2008.

The second sentence under Step 4 notes “if you make a mistake ...request new ballot page(s).”

It does not state that erasing or making other marks could void the voters’ choice.

North Carolina - 2008

MECKLENBURG COUNTY, NC 2008 GENERAL: (English Version) Ballot Style #51

OFFICIAL BALLOT
MECKLENBURG COUNTY, NORTH CAROLINA
NOVEMBER 4, 2008

PRESIDENTIAL CONTEST:

The offices of President and Vice President of the United States are not included in a Straight Party vote. These offices must be voted separately.

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES
(You May Vote For ONE)

☐ Barack Obama
Joe Biden
DEMOCRAT

☐ John McCain
Sarah Palin
REPUBLICAN

☐ Bob Barr
Wayne A. Root
LIBERTARIAN

☐ Write-In

STRAIGHT PARTY VOTING

a. A Straight Party vote is a vote for all candidates of that party in partisan offices. Individual partisan office selections are not necessary if you select a Straight Party below.

b. You may select a Straight Party AND ALSO vote for a candidate of a different party in any individual office.

c. In any multi-seat race, a Straight Party vote is a vote for ALL candidates of that party. If you individually vote for any candidate in a multi-seat race, you must also individually select all other candidates in that race for whom you wish to vote in order for your vote to count.

d. If you do not select a Straight Party below, you may vote by marking each office separately.

e. A Straight Party vote does not vote for unaffiliated candidates, or nonpartisan offices or referenda.

STRAIGHT PARTY
(You may vote for ONE)

☐ DEMOCRATIC

☐ REPUBLICAN

☐ LIBERTARIAN

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Page: 1

North Carolina, like 15 other states, has an option on the ballot that allows voters to vote for all candidates from a party with one mark called straight-party voting.

But in North Carolina, the option is tricky: a straight-party vote (counter-intuitively) does not include a vote for president. Voters must make a separate mark for president.

In 1996, 2000, and 2004, North Carolina had among the highest percentage of voters who did not cast votes in the presidential elections.

North Carolina - 2008

PLEASE NOTE:

A “straight party” vote **does not** include the office of president or any nonpartisan race or issue. You must vote for president/vice president separately from the other offices. Nonpartisan offices and issues also must be voted separately. More detailed instructions are on your ballot. For paper ballots, be sure to turn the ballot over.

Voter education campaigns in 2008 seemed to mitigate the losses caused by this flaw. In addition to efforts from voting advocacy groups, the media, and both major political parties, the State Board of Elections trained poll workers to give voters verbal instructions and a special slip of paper that detailed information about the issue.

The Brennan Center estimates this saved up to **50,000** votes for president in the state. The margin of victory between Obama and McCain was just over 14,000 votes.

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Better
Design,
Better
Elections

Read the report

http://www.brennancenter.org/content/resource/better_design_better_elections