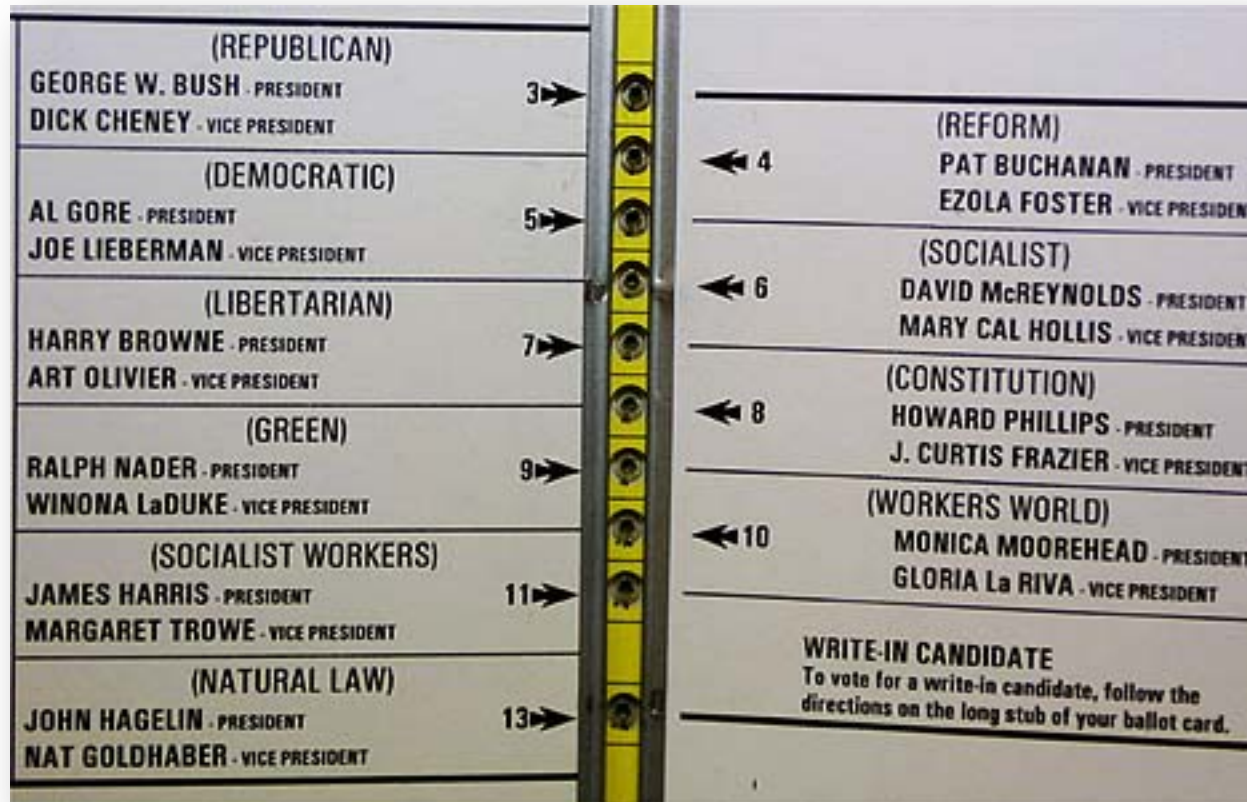


# Better Design Better Elections

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	<input type="checkbox"/>
Christine Jennings	DEM	<input type="checkbox"/>

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

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Public Count: 0

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	<input type="checkbox"/>
Christine Jennings	DEM	<input type="checkbox"/>

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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

OFFICIAL GENERAL ELECTION BALLOT

AUGALIZE COUNTY GENERAL ELECTION NOVEMBER 4, 2008

**INSTRUCTIONS TO VOTER**

- To vote you must completely darken the oval (●) 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.
- 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.
- 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.

**OFFICIAL OFFICE TYPE BALLOT**

**For President and Vice-President Vote For One (1)**

To vote for President and Vice-President darken the oval to the left of the candidate's name. Only a candidate whose name has been certified to the Secretary of State.

For President: Richard Duncan  
For Vice-President: Ricky Johnson

For President: John McCain  
For Vice-President: Sarah Palin

For President: Cynthia McKinney  
For Vice-President: Rosa A. Clemente

For President: Brian Moore  
For Vice-President: Stewart Alexander

For President: Ralph Nader  
For Vice-President: Matt Gonzalez

For President: Barack Obama  
For Vice-President: Joe Biden

**For County Commissioner (Full Term Commencing 1-3-09) Vote For One (1)**

For President: Chuck Baldwin  
For Vice-President: Darrell L. Castle

For President: Brent W. Henschen  
For Vice-President: Donald Regula

**For Prosecuting Attorney Vote For One (1)**

For President: Edwin A. Pierce

**For Clerk of Court of Common Pleas Vote For One (1)**

For President: Sue Ellen Köhler

**For Sheriff Vote For One (1)**

For President: Richard Cordray  
For Vice-President: Mike Crites

**For Representative to Congress (4th District) Vote For One (1)**

For President: Mike Carroll  
For Vice-President: Jim Jordan

**For State Senator (12th District) Vote For One (1)**

For President: Thomas Matthew  
For Vice-President: Keith Faber  
For Vice-President: Jack Kaffenberger Sr.

**For State Representative (79th District) Vote For One (1)**

For President: John Adams

**For County Commissioner (Full Term Commencing 1-2-09) Vote For One (1)**

For President: John N. Bergman

**For County Recorder Vote For One (1)**

For President: Ann A. Billings

**For County Treasurer Vote For One (1)**

For President: April E. Bowersock

**For County Engineer Vote For One (1)**

For President: Douglas P. Reinhart

**For Coroner Vote For One (1)**

For President: Thomas R. Freytag  
For Vice-President: Deron L. Horman

Page 1 of 2

0030 ST. MARYS 2A 01 Typ01 Seq:000 Sp01

OFFICIAL GENERAL ELECTION BALLOT

WARREN COUNTY GENERAL ELECTION NOVEMBER 4, 2008

**INSTRUCTIONS TO VOTER**

- To vote you must completely darken the oval (●) to the left of the candidate or answer of your choice.
- 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.
- 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. If you vote for more choices than permitted, your vote for that race will not count.

**OFFICIAL OFFICE TYPE BALLOT**

**For Attorney General (Unexpired Term Ending January 9, 2011) Vote For One (1)**

For President: Richard Cordray  
For Vice-President: Mike Crites

**For Representative to Congress (2nd District) Vote For One (1)**

For President: David H. Kirkorian  
For Vice-President: Jean Schmidt  
For Vice-President: Victoria Wulsin

**For State Representative (67th District) Vote For One (1)**

For President: Shannon Jones

**For County Commissioner (Full Term Commencing 12/09) Vote For One (1)**

For President: David G. Young

**For County Commissioner (Full Term Commencing 01/03/09) Vote For One (1)**

For President: Pat Arnold South

**For Prosecuting Attorney Vote For One (1)**

For President: Rachel Hutzel

**For Clerk of Court of Common Pleas Vote For One (1)**

For President: James L. Spaeth

**For Sheriff Vote For One (1)**

For President: Larry Lee Sims

**For President and Vice-President Vote For One (1)**

To vote for President and Vice-President, darken the oval to the left of the candidate of your choice. Your vote will be counted for each of the candidates for presidential election whose names have been certified to the Secretary of State.

For President: Bob Barr  
For Vice-President: Wayne Allyn Root

For President: Richard Duncan  
For Vice-President: Ricky Johnson

For President: John McCain  
For Vice-President: Sarah Palin

For President: Cynthia McKinney  
For Vice-President: Rosa A. Clemente

For President: Brian Moore  
For Vice-President: Stewart Alexander

For President: Ralph Nader  
For Vice-President: Matt Gonzalez

For President: Barack Obama  
For Vice-President: Joe Biden

For President: Chuck Baldwin  
For Vice-President: Darrell L. Castle

For President: Write-In  
For Vice-President: Write-In

0010 LEBEC EA SPLIT 1 Typ:00 Seq:0070 Sp01

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 form inside. The form is divided into sections for voter completion and witness completion. The top section is labeled 'TO BE COMPLETED BY VOTER' and contains fields for the voter's name, address, and signature/Date. The bottom section is labeled 'TO BE COMPLETED BY WITNESS' and contains a certification statement and a list of requirements.

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

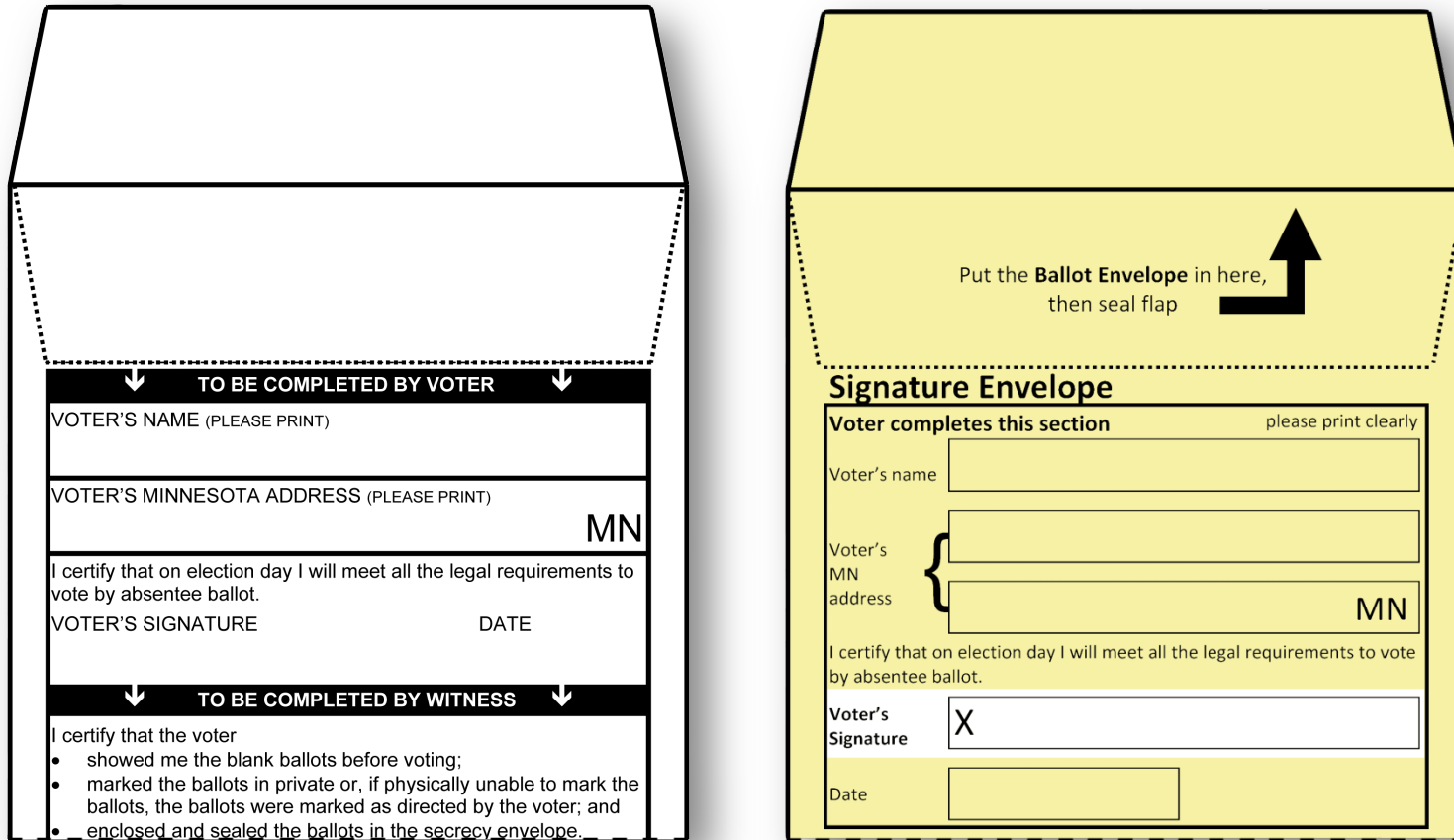
  

TO BE COMPLETED BY WITNESS	
I certify that the voter	
<ul style="list-style-type: none"><li>• showed me the blank ballots before voting;</li><li>• marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and</li><li>• enclosed and sealed the ballots in the secrecy envelope.</li></ul>	

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)



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		ELEKSYON JENERAL KONTE MIAMI-DADE, FLORID 4 NOVANM 2008		
 <p>* N 0 1 9 - 1 *</p> <p>Precinct 248.0 002 Sheets</p>	<p><b>TO VOTE, COMPLETELY FILL IN THE OVAL <input type="radio"/> NEXT TO YOUR CHOICE. If you make a mistake, review the instructions provided to correct your ballot.</b></p> <p>PARA VOTAR, LLENE COMPLETAMENTE EL OVALO <input type="radio"/> JUNTO A SU SELECCIÓN. Si se equivoca, lea las instrucciones que se le dan para corregir su boleta.</p> <p>POU VOTE, RANPLI ANEDAN OVAL LAN NET <input type="radio"/> AKOTE SA W CHWAZI AN. Si w fè you erè, revize enstriksyon yo sou kouman pou korije bilten vòt w an.</p>		<p>NONPARTISAN NO PARTIDISTA SAN PATI POLITIK</p>			
	<p>PRESIDENT AND VICE PRESIDENT PRESIDENTE Y VICEPRESIDENTE PREZIDAN AK VIS PREZIDAN</p>		<p>JUSTICE OF THE SUPREME COURT MAGISTRADO DEL TRIBUNAL SUPREMO JIJ TRIBINAL SIPRÈM</p>		<p>DISTRICT COURT OF APPEAL DISTRITO DEL TRIBUNAL DE APELACIONES DISTRİK TRIBINAL DAPÈL</p>	
<p>PRESIDENT AND VICE PRESIDENT PRESIDENTE Y VICEPRESIDENTE PREZIDAN AK VIS PREZIDAN (Vote for One/ Vote por uno/ Vote pou youn)</p> <p><input type="radio"/> John McCain Sarah Palin 10 REP</p> <p><input type="radio"/> Barack Obama Joe Biden 11 DEM</p> <p><input type="radio"/> Gloria La Riva Eugene Puryear 12 PSL</p> <p><input type="radio"/> Chuck Baldwin Darrell Castle 13 CPF</p> <p><input type="radio"/> Gene Amondson Leroy Pletten 14 PRO</p>		<p>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?</p> <p><input type="radio"/> YES/SÍ/WI 70</p> <p><input type="radio"/> NO/NO/NON 71</p>		<p>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?</p> <p><input type="radio"/> YES/SÍ/WI 82</p> <p><input type="radio"/> NO/NO/NON 83</p>		
		<p>DISTRICT COURT OF APPEAL DISTRITO DEL TRIBUNAL DE APELACIONES DISTRİK TRIBINAL DAPÈL</p>		<p>CIRCUIT JUDGE, 11TH CIRCUIT GROUP 19 JUEZ DE CIRCUITO, 11NO CIRCUITO GRUPO 19 JIJ AWONDISMAN, 11YÈM AWONDISMAN, GWOUP 19 (Vote for One/ Vote por uno/ Vote pou youn)</p>		
		<p>Shall Judge Gerald B. Cope Jr. of the 3rd District Court of Appeal be retained in office?</p>		<p>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?</p> <p><input type="radio"/> YES/SÍ/WI 85</p> <p><input type="radio"/> NO/NO/NON 86</p>		


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
<p><b>DO</b> mark your ballot this way:</p>  <p><b>DO NOT</b> mark your ballot in the following ways:</p> 	<p><b>MARQUE</b> su boleta de este modo:</p>  <p><b>NO</b> marque su boleta de las maneras siguientes:</p> 	<p><b>WI</b> make biltèn vòt w an kòrèk:</p>  <p><b>NON PA</b> make biltèn vòt w an kòrèk:</p> 
<p><b>Step 1</b> Receive your ballot(s) and privacy toter. Proceed to Privacy Booth.</p>	<p><b>1er Paso</b> Recibe boleta(s) de papei y funda de privacidad del trabajador electoral. Dirijese a la cabina de privacidad.</p>	<p><b>1e Etap</b> Pran biltèn vòt an papei anjò ak kotab konfidansyòl la nan men Anplwaye Bawo VÒT la. Pase ale nan lòtwa a.</p>
<p><b>Step 2</b> Make your selection(s) for a particular contest by completely filling in the oval on the ballot with the black pen provided.</p>	<p><b>2do Paso</b> Haga su selección para la contienda para lo cual debe rellenar completamente el óvalo en la boleta con la pluma o bolígrafo de tinta negra que se le provee.</p>	<p><b>2yèm Etap</b> Ranplè oval li sou biltèn vòt la konplèman ak plim nwa ke yo ba w an pou chwazi yon konkou an patikilye.</p>
<p><b>Step 3</b> WRITE-IN CANDIDATES (if needed): Fill in the oval next to the words "Write-in" and write the candidate's name on the line.</p>	<p><b>3er Paso</b> CANDIDATOS CUYO NOMBRE NO APARECE EN LA BOLETA (si fuera 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.</p>	<p><b>3yèm Etap</b> EKRI NON KANDIDA YO KI PA PARÈT SOU BILTÈN VÒT LA (si nesèsi): Ranplè oval li sou kote li make "Ekr non kandida li pa parèt sou biltèn vòt" epi ekri non kandida a sou li lan.</p>
<p><b>Step 4</b> Make sure you read your ballot carefully and understand how many candidates to vote for in each contest.</p>	<p><b>3er Paso</b> Cercórese de haber leído su boleta cuidadosamente y de que comprende por cuántos candidatos votar para cada contienda.</p>	<p><b>4yèm Etap</b> Asire w ke w liyen li biltèn vòt w an epi w liyen konprann pou konbyen kandida pou vote nan chak konkou.</p>
<p><b>Step 5</b> 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).</p>	<p><b>4to Paso</b> Revisar y verificar la corrección de su boleta en ambos lados de ésta. Si se equivoca, sírvase devolver la(s) página(s) de su boleta al trabajador electoral y pedir (una) nueva(s) página(s) de la boleta.</p>	<p><b>5yèm Etap</b> Revize epi tcheke toude bò biltèn vòt w an pou asire w ke li kòrèk. Si w fè yon erè, tanpri retounen paj biltèn vòt w anjò bay travayè bawo vòt la epi mande nouvo paj biltèn vòt.</p>
<p><b>Step 6</b> After completing your ballot, proceed to the optical scan voting machine and insert your ballot.</p>	<p><b>5to Paso</b> Tras terminar de rellenar su boleta, pase a la máquina de votación con escáner óptico e inserte su boleta.</p>	<p><b>5yèm Etap</b> Après ke w fin ranplè biltèn vòt w an, ale sou aparèy eskane optik la epi antre biltèn vòt w an.</p>
<p><b>Step 6</b> 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.</p>	<p><b>5to Paso</b> Revisar la pantalla para determinar si hay problemas en la boleta como, por ejemplo, votación excesiva o boleta en blanco. Oprima RECRESAR para que se le devuelva la boleta. Oprima ACEPTAR para someter la boleta.</p>	<p><b>5yèm Etap</b> Tcheke ekran an pou wè si gen okenn bagay ki pa kòrèk sou biltèn vòt lan, tankou si w fè twop chwazi oubyen si biltèn vòt la vit. Prete RETOURNÈ pou biltèn vòt la touren vin jeerw w. Prete ASEPTE pou soumèt biltèn vòt la.</p>

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:**      **STRAIGHT PARTY VOTING**

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)

<input type="checkbox"/> Barack Obama Joe Biden DEMOCRAT
<input type="checkbox"/> John McCain Sarah Palin REPUBLICAN
<input type="checkbox"/> Bob Barr Wayne A. Root LIBERTARIAN
<input type="checkbox"/> Write-In

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)

<input type="checkbox"/> DEMOCRATIC
<input type="checkbox"/> REPUBLICAN
<input type="checkbox"/> 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.

BRENNAN  
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FOR JUSTICE

Better  
Design,  
Better  
Elections

Read the report

[http://www.brennancenter.org/content/resource/better\\_design\\_better\\_elections](http://www.brennancenter.org/content/resource/better_design_better_elections)

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