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## COUNTY INFORMATION SERVICES

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**OP-ED**

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### MAKING VOTES COUNT

From California to Florida, Wisconsin to Tennessee, confusion over ballot design and voter instructions has become part and parcel to post-election news coverage. Issues such as the infamous “double bubble” in this year’s Presidential Primary or “butterfly ballots” from Florida 2000 may seem mundane, but confusing features like these are significant in their impact on public confidence in elections.

For the past 6 years, non-partisan voters in Los Angeles County were told by political parties that they were allowed to cross over from their intended non-affiliated status and vote a party ballot -- or that they couldn’t -- or that they could in some contests, but not in others. To effectuate these variables, non-partisan voters had to mark a second “bubble” to have their choice for President recognized. Some did and some didn’t.

The consequences of these dizzying rules didn’t register with voters or elections officials until the 2008 Presidential Primary when the votes of Los Angeles County’s non-partisan voters took center stage in the Democratic Presidential contest. Too many voters left their polling places confused and angry, wondering if their votes were properly recorded. An admittedly poor ballot design and confusion over instructions added to the problem.

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At the end of the day about 60,000 ballots had a marked choice for President but no mark for the bubble identifying a party choice. The County did everything it could to count the ballots –and although 46,000 votes were added to the overall tally – the fact remains the situation was unacceptable and public confidence took a hit.

To prevent this from happening again, the County scrapped the double bubble format and convened a working group of voting rights advocates, election watchdog groups, political parties and other interested individuals to review sensible ballot designs and voter instructions for future elections. The group agreed on a ballot design that allows non-partisan voters to choose a ballot using the same process as all other voters at the polling booth.

The new layout and instructions were introduced in the recent June 2008 Statewide Primary. Nearly 50,000 non-partisan “cross over” ballots were cast and, by all accounts, things ran smoothly.

A clear lesson emerged in the wake of our double bubble situation – decisions on ballot layout and voting instructions can't be made in a vacuum; this means listening to voters and understanding the culture and behavior of the voting community.

Elections officials also need to collaborate with academics who conduct research and study everything from ballot design to public perception of the voting process. It is sensible to conduct and review good research to determine if voting processes can be retooled to provide better service to voters.

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Once a ballot design has been developed and tested, it needs to be introduced to the public through voter education campaigns, the Internet, voter guides, sample ballots, and every other form of feasible communication.

The upcoming November 2008 Presidential Election is expected to attract record numbers of voters to the polls – many will be first-time voters who are not experienced with the voting process. It is our duty as elections officials and advocates to make sure their ballots are designed sensibly, that they have access to information about voting, and that they cast their ballots in a safe and secure manner.

The Brennan Center for Justice has issued a full report on ballot design; [www.brennancenter.org/ballot](http://www.brennancenter.org/ballot) includes visual samples of common ballot flaws and ways to improve them.

Good ballot design checklists are now available. Elections officials can use these to design legible ballots and then field test the layout before the election to make sure instructions are clear and ballots are easy to use.

The best thing that came out of Los Angeles' voting experience in February was a renewed collaboration between the people who administer elections and the voters who participate in them. Confidence in the voting process is built through collaboration and education. That's something we all have the potential to find.

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