

Beyond the Butterfly: The Complexity of U.S. Ballots

By Richard G. Niemi and Paul S. Herrnson

Curiosities and inconsistencies in the format of U.S. election ballots go far beyond the infamous “butterfly” ballot. Ballot instructions, candidate and party listings, party symbols, and, in general, variations that result from a complex and highly decentralized election system provide ample opportunity for all but the most sophisticated voters to misunderstand, mismark, or spoil their ballots and for all voters to feel confused and frustrated. We call attention to the enormous disparity in ballot designs across the states and to individual state designs that are inconsistent and needlessly complex. We recommend changes that would promote clarity and uniformity and yet allow room for state variations in the most politically potent aspects of ballot design. We also suggest steps by which reforms might be accomplished.

The format of ballots and the accompanying mechanisms for voting sprang into prominence in the 2000 presidential election. It is not exaggerating to say that the election of the U.S. president hinged on the well-intentioned but flawed design of a ballot in a single U.S. county: Palm Beach County, Florida. The probable errors caused by the infamous “butterfly” ballot were enough to swing the outcome in the county, state, and electoral college from one candidate to another.¹

What happened in Florida was unusually dramatic, but variations in ballots and methods of voting have long been known to affect election outcomes. Indeed, the effects of ballot design on voter roll-off (the discrepancy in the number of votes between high- and low-level offices), split-ticket voting, and the outcome of elections were frequent topics of discussion in the earliest days of the political science profession, along with prescriptions about

ballots’ excessive length and lack of uniformity.² At mid-century, as well, there was a flurry of studies on the relationship of ballot formats to roll-off and split-ticket voting.³ Since then, there has been a small but continuing series of such studies, along with studies of the effects of candidate name order.⁴

The events surrounding the 2000 presidential election, however, called attention to aspects of voting that have not been dealt with since the introduction of the Australian ballot more than 100 years ago—namely, that voting technology and ballot design affect how voters feel about their ability to exercise their right to vote, and that these things influence voters’ willingness to accept the results of an election as legitimate. The absence of information about these aspects of voting means that as state legislatures and state and local election officials respond to the problems associated with the 2000 election, there is little solid information on which to base massive reforms, significant expenditures, or even the redesign of individual local ballots.

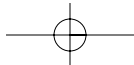
As a first step toward the evaluation of voting technology and ballot formats, we describe here the enormous variation in ballot designs across the states and some of the problems of individual state designs. Given the paucity of research in this area, it is not clear how much, if at all, each of the many factors we describe affects the actual votes cast. Some features may be inconsequential, more a curiosity than anything else. Yet it seems likely that some do confuse or otherwise influence voters.

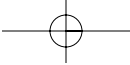
Certain major features clearly have an effect. In Illinois, for example, when the straight-ticket (one-punch) option was eliminated after 1996, roll-off increased considerably.⁵ But consider as well several “minor” features of Florida ballots in 2000 (*not* the butterfly ballot). In Duval County, the names of presidential candidates were spread over two pages; an instruction read “turn page to continue voting,” and a sample ballot had been distributed with the instruction “vote every page.” The county experienced more than 20,000 overvotes, over half of which were for one candidate on the first page and one on the second page. Similarly, in

Richard G. Niemi is Don Alonzo Watson Professor of Political Science at the University of Rochester (niemi@rochester.edu). He is co-author or co-editor of several books, including Comparing Democracies 2, Term Limits in the State Legislatures, and Civic Education. He has written numerous articles on political socialization, voting, and legislative districting. His current research interests are civic education, term limits, and voting technologies.

Paul S. Herrnson is director of the Center for American Politics and Citizenship and a professor in the Department of Government and Politics at the University of Maryland (pherrnson@capc.umd.edu). He is author of Congressional Elections; co-author of The Financiers of Congressional Elections; and author, editor, or co-editor of other books. He has written numerous articles on political parties and campaigns and elections. His current research interests are congressional elections, money and politics, and voting technologies.

The authors thank Matthew Stiffler for his assistance in collecting and checking ballots.





Articles | Beyond the Butterfly

15 of Florida’s counties, the 10 presidential candidates were listed in two columns—eight in one column and two in the next. In those counties, the most common overvote was a vote for George W. Bush or Al Gore and a vote for one of the candidates in the second column. Finally, excluding the Gore-Buchanan combination, the most common overvote throughout Florida was for Gore and the Libertarian Party candidate, Harry Browne, who appeared directly below Gore-Lieberman on the ballot. This may have been due to an instruction, required by Florida law, telling voters to “Vote for Group,” meaning that one vote counts for both a presidential candidate and the vice presidential running mate; the phrase may have been interpreted by some as an instruction to punch the ballot two times—in other words, to vote for *everyone* in the group.⁶

At the very least, the variety of ballot forms and instructions makes the act of voting relatively demanding—especially for first-time voters, those not fluent in English, the elderly, the visually impaired, and those who simply have moved from one state (or even locality) to another. At a time when flawed ballots and faulty voting machines have raised concerns about the underpinnings of American democracy, it is important to be aware of complexities in the voting process and of simple steps that might reduce confusion and concerns over fairness and the integrity of the outcome.

Ultimately, we hope that such awareness will result in efforts to make ballots and the voting process simpler, clearer, and more uniform. To this end, we make suggestions for possible reform.⁷

Curiosities


























Emblems

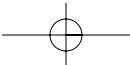
Heading the list of curiosities is which emblems, if any, are used to identify the parties. Most states do not use emblems at all. However, in the dozen states where emblems are used, one would expect to see the donkey for Democrats and the elephant for Republicans. Surprisingly, however, Louisiana and Utah are the only states in which both of these familiar symbols are used in this way (see Figure 1 for a partial array). A given symbol is not the exclusive property of one party, as an eagle, a star, a donkey (or horse), and the

Statue of Liberty all represent both major and minor parties. One state (Louisiana) uses symbols for some parties but not others.⁸

Originally, symbols were probably designed to serve an electorate that had a significant number of illiterate members. It is also likely that the symbol was a factor in partisan voting.⁹ Instructions to “vote the rooster” or “put an X through the eagle” were perhaps part of party advertising. In the present environment—where literacy is high, ballots are printed in multiple languages, and individual candidates are prominent—there seems to be little reason for symbols. They might still encourage straight-ticket voting, but that is far from certain. The straight-ticket feature used in Wisconsin has no graphic, yet its placement and

Figure 1
Emblems Representing the Political Parties

	Democrat	Republican	Libertarian	Reform
Indiana				
Louisiana				
Michigan				
Missouri				
New Hampshire				
New York				
Oklahoma				
Rhode Island				
Utah				



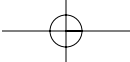


Figure 2
Instructions for How Many Votes to Cast

Voting for one candidate: Vote for one. (multiple states) You may vote for one. (multiple states) Vote once. (N.Y.) Vote for one (1) only. (Ind.) Vote for no more than one. (Iowa) Vote for not more than one. (multiple states) Vote for not more than one (1). (multiple states) Vote for no more than one name. (N.Dak.) Vote for no more than (ONE) name. (N.Dak.) You may vote for one, less than one, but not more than one. (S.C.) One to be elected. (La.)	Voting for multiple candidates: Vote for two. (N.Y.) Vote for no more than two. (Md.) Vote for no more than two names. (N.Dak.) Vote for any three. (N.Y.) Vote for not more than three (3). (N.H.)
Voting for president and vice president (or governor and lieutenant governor, where elected as a pair): Vote for one/once/etc. (multiple states; names are placed on the same line or otherwise clearly linked) Vote for no more than ONE name. (N.Dak., where the vice presidential candidate's name is simply not listed) Vote for one pair. (Md.) Vote for one team. (Minn.) Vote in one oval. (Mont.) You may vote for ONE slate. (S.Dak.) Vote for one presidential candidate only. (La.)*	
*On a lever machine, the presidential and vice presidential candidates' names each appear under a lever, but the voter is instructed to "turn the lever above the name of the presidential candidate."	

format make it unlikely to be overlooked as one searches the ballot for candidate names. In contrast, Indiana's straight-ticket provision uses a large graphic, but the display is different from the candidate portion of the ballot and could be missed by a hurried voter.

If symbols are not eliminated, states and parties should at least be encouraged to adopt uniform symbols for the parties, including the elephant and donkey for the Republicans and Democrats, respectively.

Number of votes to cast

Another curiosity is the varied ways of telling voters how many candidates they should vote for (see Figure 2). Sometimes more than one wording appears on the same ballot, as in New York, where both "vote once" and "vote for one" appear. The differences are not entirely meaningless. Presidential and vice presidential candidates are usually listed together. "Vote once" spells out the voter's task correctly, whereas "vote for one" would not be correct if it were understood to mean only one person. And, of course, since voters are not required to vote for each office, a fastidious person might say that "vote for no more than one" should be used.

There seems to be no reason for the large number of variations. Instructing the voter that "you may" vote seems like excessive politeness. Informing the voter that he or she does not have to vote for any candidates seems unnecessary, as does putting a numeral in parentheses after a spelled-out number. The varied instructions for pairing candidates in presidential and gubernatorial elections also seem unnecessary, inasmuch as candidates can

be linked in ways that are used in most other states.

Nicknames

Most states allow candidates to use common nicknames but do not allow them to use titles (such as "Dr."). Differences in how names are listed from state to state raise problems only in the presidential race because the same candidates appear on many ballots. In 2000 the result was a variety of name treatments for both major- and minor-party presidential and vice presidential candidates (see Figure 3).

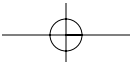
While the use of nicknames might continue, it would not seem too difficult for the national parties and the states to agree on a single name by which a given candidate would be

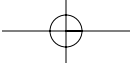
Figure 3
Listings of Selected Presidential and Vice Presidential Candidates in 2000

Republican, vice president Dick Cheney multiple states Richard B. Cheney Del. "Dick" Cheney N.H. Cheney Kans. Not listed Ariz., N.Dak. Dick Chaney* Ark.		Democrat, vice president Joe Lieberman multiple states Joseph Lieberman Hawaii "Joe" Lieberman N.H. Lieberman Kans. Not listed Ariz., N.Dak.	
Democrat, president Al Gore multiple states Albert Gore Hawaii "Al" Gore N.H. Gore Ariz., N.Dak., Kans. Vice President Al Gore Ark.		Reform, vice president Ezola Foster multiple states Ezola Broussard Foster S.C. Higgins, Sr. Mass.	
Reform, president Pat Buchanan multiple states Patrick Joseph Buchanan S.C. Patrick Buchanan Oreg. "Pat" Buchanan N.H. Buchanan Mass.		Natural Law, vice president Mike Tompkins multiple states Dr. Mike Tompkins Ark. Ticciati Kans.	
Natural Law, president John Hagelin multiple states Dr. John Hagelin Ark. Hagelin N.Dak., Kans.		Constitution, vice president J. Curtis Frazier multiple states J. Curt Frazier Miss. Curt Frazier Minn. Frazier Kans. Absent Ark.** Not listed N.Dak.	
		Libertarian, vice president Art Olivier multiple states "Art" Olivier N.H. Olivier Kans.	

*Arkansas officials confirmed that this misspelling appeared on the official ballot, as it was discovered after ballots had already been printed.

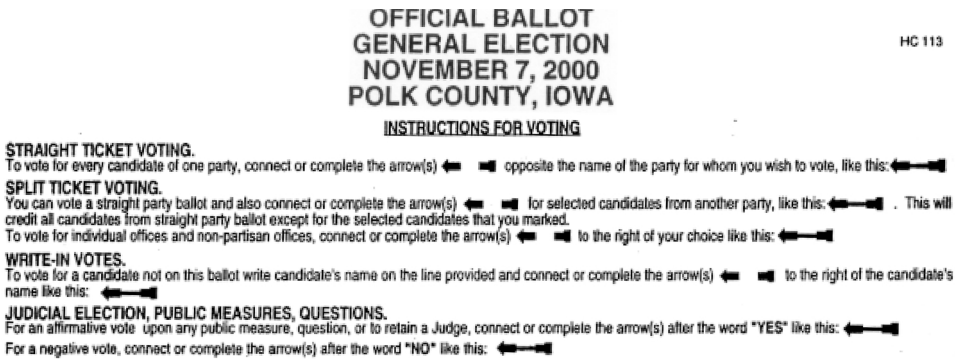
**Both presidential and vice presidential candidates' names were listed, except for the "Constitutional" Party.





Articles | Beyond the Butterfly

Figure 4
Instructions for Straight-Ticket and Split-Ticket Voting in Iowa



known. This name could be a common nickname (such as Jimmy, Bill, Dick, or Al, without quotation marks) if the candidate and party so chose.

Candidates' places of residence

Some states require a candidate's hometown to be listed on the ballot. These include Massachusetts, Maine, and South Dakota.¹⁰ Maryland lists the county of residence. While this information might occasionally be useful, we recommend not including it, simply in the interest of making the ballot as uncomplicated as possible.

Listing occupations

California lists a candidate's occupation on the ballot. Arkansas lists a candidate's current public office, if any. Both of these practices have the effect of identifying incumbents. Given the considerable advantages of incumbency (and the fact that all other states have, at least implicitly, made the judgment that this information should not be provided on the ballot), we recommend against its use.

Length of terms

Nevada lists the length of terms for all offices. Rhode Island does so for all offices but president. We see no use that the voter can make of this information in the voting booth and recommend that it not be included.

Potentially Confusing Instructions

Straight-ticket voting

Straight-ticket voting is often complicated by the fact that there are

usually nonpartisan contests or propositions on the ballot along with partisan contests. This requires an instruction reminding people to vote separately for the nonpartisan contests and propositions even if they use the straight-ticket device. In Indiana this combination leads to contradictory directions. Voters are instructed that to cast a straight ticket they should mark the appropriate circle and "not make any other marks on this ballot." Yet the very next sentence reminds them that if they wish to vote for a candidate for a nonpartisan office or on a

public question, they "must make another voting mark on the appropriate place on this ballot." In Iowa voters who read only

Figure 5
Multiple Straight-Ticket Votes in Oklahoma

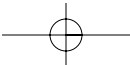
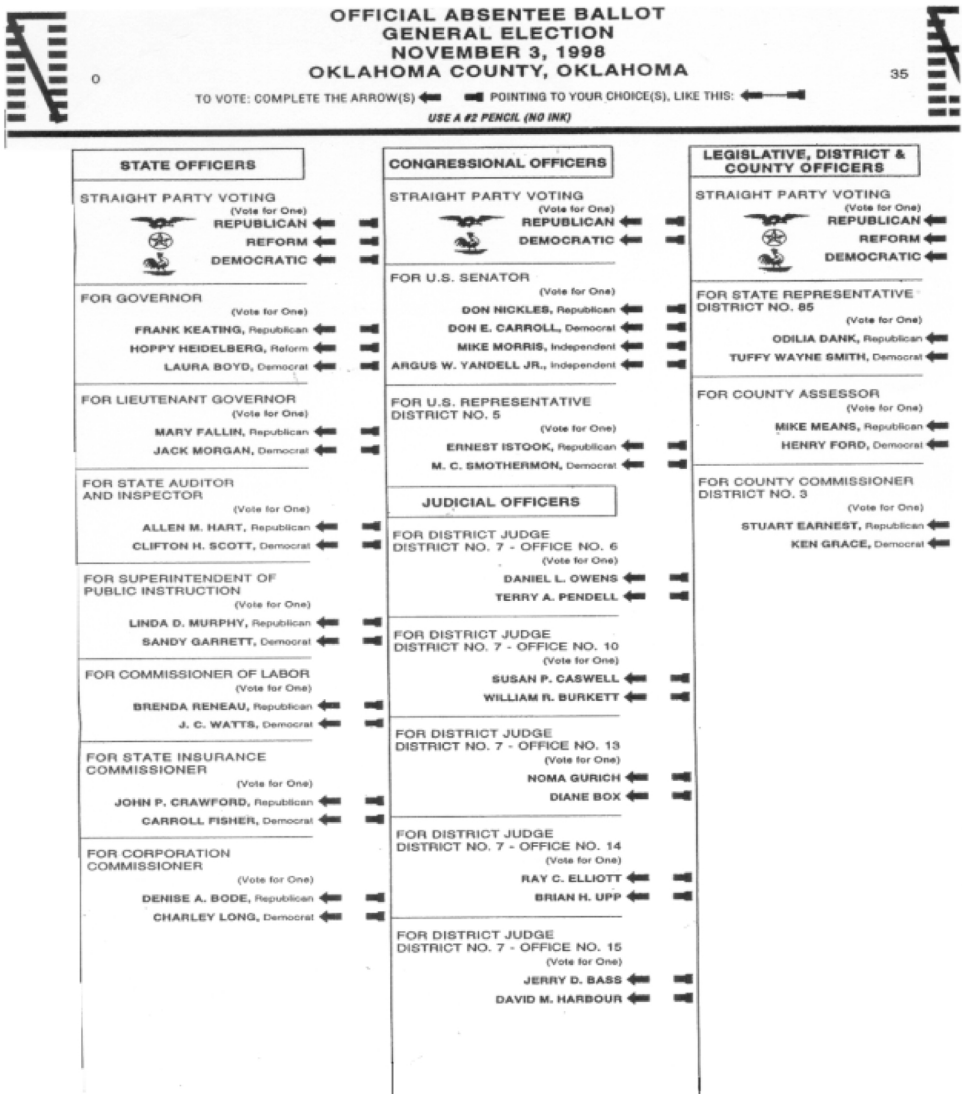


Figure 5 (continued)

0 36

OFFICIAL ABSENTEE BALLOT
GENERAL ELECTION
NOVEMBER 7, 2000
TULSA COUNTY, OKLAHOMA

TO VOTE: COMPLETE THE ARROW(S) ← → POINTING TO YOUR CHOICE(S), LIKE THIS: ← →
USE A #2 PENCIL (NO INK)

PRESIDENTIAL	STATE OFFICERS	LEGISLATIVE AND COUNTY OFFICERS
STRAIGHT PARTY VOTING (Vote for One) REPUBLICAN REFORM DEMOCRATIC LIBERTARIAN	STRAIGHT PARTY VOTING (Vote for One) REPUBLICAN DEMOCRATIC LIBERTARIAN	STRAIGHT PARTY VOTING (Vote for One) REPUBLICAN DEMOCRATIC LIBERTARIAN
ELECTORS FOR PRESIDENT AND VICE PRESIDENT (Vote for One) REPUBLICAN FOR PRESIDENT AND VICE PRESIDENT GEORGE W. BUSH DICK CHENEY	FOR CORPORATION COMMISSIONER (Vote for One) BOB ANTHONY, Republican GILBERT S. BIGBY, Democrat ROGER BLOXHAM, Libertarian	FOR STATE SENATOR DISTRICT NO. 51 (Vote for One) CHARLES R. FORD, Republican REGGIE SULLIVAN, Democrat
FOR ELECTORS DONALD O'NEARY BOB McDOWELL JAMES CRUSON STEVE EVAS TOM PRINCE KRISTAL MARGOWITZ PAUL HOLLRAH GEORGE WILAND	CONGRESSIONAL OFFICERS STRAIGHT PARTY VOTING (Vote for One) REPUBLICAN REFORM DEMOCRATIC LIBERTARIAN	FOR CLERK (Vote for One) STANLEY GLANZ, Republican DALE EBERLE, Democrat
REFORM FOR PRESIDENT AND VICE PRESIDENT PAT BUCHANAN EZOLA FOSTER	FOR U.S. REPRESENTATIVE DISTRICT NO. 1 (Vote for One) STEVE LARGENT, Republican DAN LOUWE, Democrat MICHAEL A. CLEM, Libertarian	FOR COUNTY CLERK (Vote for One) EARLENE WILSON, Republican KENNETH R. PAUL, Democrat
DEMOCRATIC FOR PRESIDENT AND VICE PRESIDENT AL GORE JOE LIEBERMAN		
FOR ELECTORS GERALD CARMA LEBESON EDMUND BULLAH VESTER DUNCAN PAUL WIS SPYRO ED RAIN DEBRA SPAGNOLI		
LIBERTARIAN FOR PRESIDENT AND VICE PRESIDENT HARRY BROWNE ART OLIVIER		
FOR ELECTORS CHARLES BURRIS AGNES REBERT CHRISTINE M. KANE MARY LAURENT ANNE FRUITS JACK LITTLERLAND DAVID LEWIS LYN ATHERTON		

Vote Both Sides

the instruction for straight-ticket voting would not even realize that there were nonpartisan offices and propositions on the ballot. Indeed, the only mention of nonpartisan offices—other than for retention of judges—comes under the heading “split ticket voting” (see Figure 4).

The provision of a straight-ticket mechanism is a highly political issue, and we do not recommend either its inclusion or its elimination, even though uniformity would ease voter understanding. We do, however, recommend that nonpartisan elections and ballot propositions be clearly marked with a heading that makes them stand out from the partisan elections to which the straight-ticket mechanism applies. In addition, there are certain variations on

straight-ticket voting that we would like to see eliminated (see following paragraphs).

Multiple straight-ticket votes. In two states, it appears as if voting a straight ticket requires more than one mark. In North Carolina, there are separate ballots for federal and state offices. To vote a straight ticket for the president, U.S. Senate, and U.S. House, one marks the appropriate circle. To vote a straight ticket for state offices, one marks a separate circle applicable to those offices.

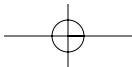
In Oklahoma one has to make as many as four straight-ticket marks (see Figure 5). Moreover, the instructions are nonsensical (one cannot split one’s ticket for president/vice president, nor can one split one’s ticket for a single state office or for Congress when there is only a House member to be voted on) and possibly misleading (as when a straight-ticket instruction is inserted at the top of a column that also includes nonpartisan judicial elections).

We recommend that no more than one straight-ticket mark be required, although this recommendation needs to be reviewed when partisan ballots are spread over more than one computer screen or over more than one printed page.

Straight ticket with exception. Perhaps the most complicated instructions are those pertaining to the “straight ticket with exception” vote in New Hampshire and Pennsylvania. In general, this kind of vote seems peculiar, and it is nowhere described in recent political science literature. Indeed, we have given it a name because, to our knowledge, no common label exists. “Straight ticket with exception” means that one can check the box (or other device) for voting a straight-ticket but then vote for one or more candidates of another party—in other words, it is an alternative means to voting a split ticket. Such a provision occurs in at least seven states (Iowa, Missouri, New

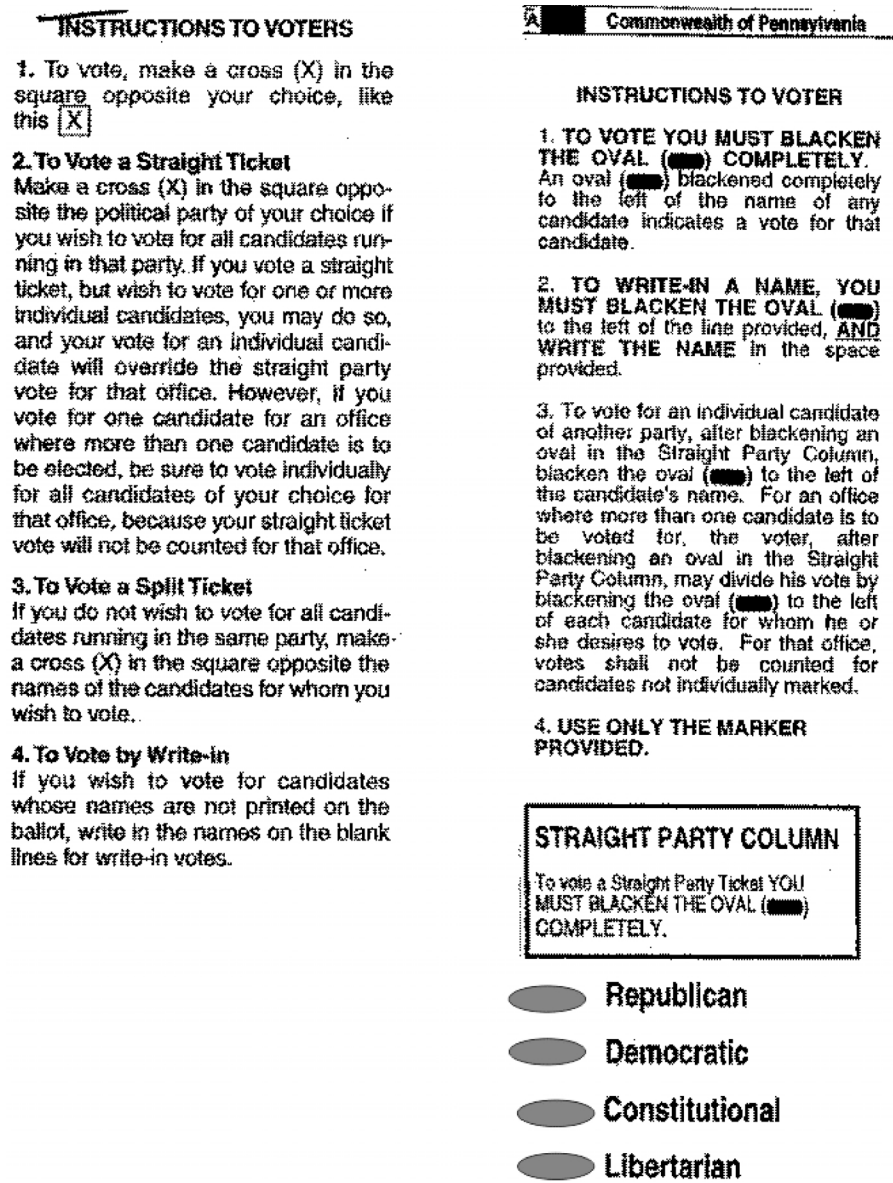
Hampshire, Michigan, North Carolina, Pennsylvania, and Texas).

In New Hampshire, the instructions for voting a straight ticket with exception begin simply: “make a cross (X) in the square opposite the political party of your choice if you wish to vote for all candidates running in that party.” But the instructions then describe how to override the straight-ticket vote “[i]f you vote a straight ticket, but wish to vote for one or more individual candidates” (see Figure 6). In fact, the seemingly convoluted instructions make sense when one realizes that New Hampshire has multimember districts in the lower house of its state legislature. If one voted, say, a straight Democratic ticket but then chose one



Articles | Beyond the Butterfly

Figure 6
Instructions for Voting a Straight Ticket with Exception in New Hampshire (on left) and Pennsylvania



Republican in a three-person district for state representative, it would not be clear which two of the three Democratic candidates one wished to vote for (assuming a full Democratic slate). Thus, while logically correct, the instruction is devilishly complicated.¹¹

Pennsylvania's provision for voting a straight ticket with exception is also complicated. The basic instruction is on a par with that in New Hampshire. On the ballots we examined, however, the instruction was moot in that there were no multimember offices (see Figure 6).¹² Moreover, in 1998 (but not 2000), the instruction was further complicated by a misplaced comma. Instruction #3, if read literally, tells voters who wish to split their tickets to first vote in the straight-ticket column. The wording is convoluted, to be sure, in that it begs the question "Another party, compared to which party?" But if they followed the instruction

literally, split-ticket voters would mark the straight-ticket column as well.

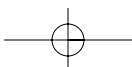
Michigan's instructions, in contrast, are simple. To vote what is referred to on the ballot as a split ticket, "[y]ou may vote a straight ticket AND vote for individual candidates of your choice." Or the voter may cast a "mixed" ticket (which is what everyone else calls a split ticket). While the instructions are simple, we wonder how many voters really understand them.

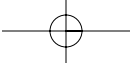
We recommend that states eliminate the "exception" provision for straight-ticket voting, especially states with multimember districts. Admittedly, the exception provision, if clearly understood, provides a simple mechanism for the voter who wishes to cast a straight ticket except for one or two offices. Moreover, the provision probably yields a small partisan gain, as some individuals would split their ticket more if forced to mark each office separately to split their ticket at all. State legislators must consider whether the savings in time and the partisan gain are worth the potential confusion as well as the possibility that voters overlook the rest of the ballot. With respect to the latter point, we note that there was not a single ballot that consisted exclusively of partisan offices; in every instance, a voter could complete the ballot only by looking for nonpartisan offices and propositions.

Write-in candidates

Some states do not permit write-in candidates. Of those that do, most have simple instructions-something like, "Write in the name of the person and blacken the oval to the left of the person's name." Fortunately, however, most serious candidates have managed to get their names on the ballot, leaving it to relatively few to wage a write-in campaign. One can only imagine the difficulties involved if many thousands, let alone millions, of voters wrote in a name for some election. Beyond deciphering the handwriting, difficulties would arise over what spellings would be allowed, whether voters had to include a first and last name, and so on. Additional difficulties would arise in Rhode Island, where voters are asked to "print" the name; in Maine, where voters are instructed to write in the person's name "and municipality of residence"; and in Massachusetts, where they are told to write in the person's name "and residence" (which, for names printed on the ballot, includes a street address).

There is no indication in any state as to what, in the end, would constitute a legal write-in vote. A case in point illustrates the problem. In the 2002 election for mayor of Mount Airy, Maryland, James Holt appeared to have won more votes than Gerald





Johnson, yet Johnson was declared the victor after the town Board of Elections invalidated 259 of Holt's write-in votes, as they did not match the variations of Holt's name that the board and Holt deemed acceptable prior to the election. The decision was overturned by a court on the grounds that in that small town there was unlikely to be confusion between candidate Holt and any other Holt.¹³ In light of this sort of situation, some may question whether write-in candidates should be allowed at all, at least for elections beyond the local level. However, write-in votes have been a tradition in many states since the Australian ballot was introduced, so we are reluctant to recommend their abolition.

Illogical or missing instructions

North Dakota voters are told to "vote for no more than ONE name"—an instruction placed directly above the listing of the presidential candidates, each with three electors to the immediate right of the candidate's name. The same instruction appears just above the names of the two candidates running as a team for governor and lieutenant governor.

The ballot in Hawaii contains the decidedly ungrammatical instruction to "vote for not more than the number of candidates/choices than allowed in a contest." The instruction is also illogical; it is presumably meant to refer to the number of individuals to be *elected*.

In Arkansas candidates (for various offices) who face no opposition are listed together under the heading "unopposed candidates." There is no instruction to vote for them, but there is a single box not connected with any of the individual names that is identical to all of the boxes connected to opposed candidates.

Possibly Confusing Ballot Listings

Presidential (electoral college) voting

Candidates' names/electors. Candidates do not qualify to be on the presidential ballot by a federal process; rather, they must qualify in each state individually. A consequence is that some candidates qualify for only a subset of the states, which means that not all Americans choose from the same set of presidential contenders. In extreme instances, there are candidates who qualify for the ballot in only one state (as did Cathy Gordon Brown in Tennessee in 2000). Moreover, as shown in Figure 3, there were at least two states in 2000 (Kansas and Massachusetts) in which the vice presidential candidate for a given party differed from the candidate of the same party in all other states examined.

The fact that we formally vote for electors rather than directly for presidential and vice presidential candidates also creates numerous opportunities for confusing listings. Nonetheless, the variety of formats involved and some of the individual state choices are surprising.

Some states simply list the presidential and vice presidential candidates, ignoring (insofar as the ballot is concerned) the fact that a voter is actually casting votes for the electors of the party that nominated them. This is the simplest presentation, and it has been in use for some 80 years.¹⁴ Some states, however, add a note reminding voters that they are in fact voting for electors. The

ballot in Rhode Island, for example, contains the heading "Presidential Electors For," with candidates' names listed below. The Mississippi ballot uses the same wording but repeats it in large capital letters before each pair of candidates (eight times in 2000).

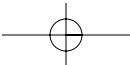
A few states, however, feel it is necessary to list the electors' names. North and South Dakota, each with only three electors, and Arizona with eight electors, list them in small print next to or below the candidates' names. Louisiana, with nine electors, lists them in what can only be described as microscopic type. On the ballot provided to us, from a lever voting machine, electors for some of the parties occupy a column with no levers while electors for other parties occupy a space under three (presumably nonactivated) levers. Georgia lists its 13 electors using larger print than for the presidential and vice presidential candidates.

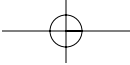
Pennsylvania and Tennessee allow voters to write in names for individual presidential electors. One would suppose (but there is no clarifying direction) that one could write in names of only one or a few of the 23 and 11 electors, respectively; however, it would appear as if one could not vote for some electors of a listed candidate and for some independent electors. At least three states (Kentucky, Georgia, and North Dakota) allow a voter to write in the name of a presidential candidate, though it is unclear what the effect of that would be since no electors for that person have been selected. Georgia's instruction distinguishes itself by being ungrammatical: "If you desire to vote for a Presidential Candidate whose names do not appear under party designation, manually write their name. . . ."

The election for president and vice president is far and away the most visible election in the United States, and it is the only one held throughout the nation with (more or less) the same candidates. If there is a case for uniform ballots, it is in this election. The common practice in most states is to list only the presidential and vice presidential candidates; indeed, it is the only practical option in states with large numbers of electors. These points make a persuasive case for not listing presidential electors, for not permitting write-in votes for electors, and for listing candidates in a uniform way across the country. Listing first and last names seems appropriate, as it does for every other candidate on every ballot we examined.

Political party names. Further potential confusion in presidential voting occurs with the listing of political parties. As with the candidates, this also has to do, in part, with state requirements for getting on the ballot. A given party may appear on the ballot in one state and not in another (as with the Reform, Green, Constitution, and Socialist Workers parties in 2000); and a given candidate may appear on one party line in one state and on another party line in a second state (e.g., Buchanan in 2000 was typically on the Reform Party line but on the Independence line in New Hampshire). Other differences have to do with intraparty conflicts. In 2000, for example, the Arizona Libertarian Party refused to recognize Harry Browne as its nominee and instead gave the ballot line to L. Neil Smith.¹⁵

The differences in party listings that arise from state nominating requirements are owing to political considerations about how





Articles | Beyond the Butterfly

Table 1
Various Ways of Listing the U.S. House of Representatives on Ballots

Office	State
Representative in Congress	Mich. and many others
Representative to Congress	Maine; Ohio
United States Representative/ U.S. Representative	Calif.; Okla.
United States House of Representatives	Tenn.
United States Congress	Ark.
Member of Congress	N.C.*

*U.S. Senate is listed on a separate line, not as a “member of Congress.”

difficult it should be to get on a ballot. As such, there is no simple way around the discrepancies. Intraparty squabbles as well cannot be legislated away. Nonetheless, some other differences may be resolved.

In Tennessee all but the Democratic and Republican presidential candidates are listed in a single column headed “Independent candidates,” whether or not they were nominees of a party (with their party, if applicable, in small letters under the name of the candidate). A similar arrangement exists in Wisconsin, though some third parties (those that nominated candidates for more than just the presidency) are given a column of their own. In Arizona, Nevada, and Washington, abbreviations are used. One wonders how many voters know what “NL” and “SW” stand for. Abbreviations might even confuse those who are attuned to politics; Ralph Nader was listed as “RPA” in Arizona, and Howard Phillips, the nominee of the Constitution Party, was listed as “IA” in Nevada. In some states, one finds names with and without the word “party”; in Maine, George W. Bush was listed under “Republican,” while Harry Browne was listed under “Libertarian Party.” In Nevada candidates listed under the heading “statewide nonpartisan offices” are labeled (redundantly) “NP.”

To the extent that the differences across states arise for no particular reason, it would seem appropriate to eliminate them.

Order and manner of office listings

Federal offices (“national” offices in Oregon) are often listed before state offices. But not always. In Michigan, for example, the order was statewide offices, U.S. House, state legislature, state boards, and then county offices. In California the U.S. Senate came right after the State Board of Equalization. In New York, the U.S. House race was listed on one ballot just below that for judge of the civil court. Federal offices are often, but not always, listed together.

Nor was there uniformity in naming federal offices. For the Senate, there appeared to be only two basic variants, United States Senator/U.S. Senate/et cetera and Senator in Congress (used in Rhode Island). For the U.S. House, however, there were at least those iterations outlined in Table 1.

Additionally, in Oklahoma the Senate and House are listed under the heading “Congressional Officers.” In California the

size and type of print are such that, at first glance, it appears as if United States Senator and United States Representative fall under the heading “STATE.”

There seems to be no reason other than lack of coordination for the variety in listings. Almost any one would do (except “member of Congress”), with Representative in Congress or U.S. House of Representatives being the most clear and proper.

Absence of political party

In Virginia sample ballots for general elections in both 1998 and 2000 did not show the party of candidates for the U.S. Senate or the U.S. House. Unless they came armed with the knowledge, voters would not have known that George Allen and Charles Robb were Republican and Democrat, respectively, or even whether they belonged to a party.¹⁶

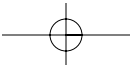
Distinguishing judicial positions

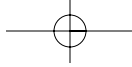
Judicial candidates are sometimes elected in what amounts to a multimember free-for-all district (e.g., New York).¹⁷ In other states, candidates are paired, or each one runs alone and voters are asked whether the candidate should be elected to or retained in office. When candidates are paired, states typically distinguish the pairs by lining up one candidate directly opposite the other (North Carolina) or by numbering them under shared headings (e.g., District 1, number 1; District 1, number 2). In Ohio, however, one pair was listed on the 1998 ballot as competing for a judicial position beginning on January 1, 1999, and another as competing for a judicial position beginning on January 2, 1999. This serves to distinguish the pairs, but one can only wonder how many people understand why there are judgeships that would start a day apart.

In Michigan the election of judges is just plain confusing. First, a distinction is made between “incumbent” positions, “nonincumbent” positions, and positions with neither of these labels. On the ballot we examined, the incumbent positions had only incumbents running—exactly the number to be elected; however, unlike where voters are asked whether a judge should be retained in office, it is not clear what happens if one of these judges wins only a few votes. Moreover, not all current judges run for incumbent positions.

Conclusion

Voting in the United States is a complicated business. The butterfly ballot in Palm Beach County, Florida, in 2000 demonstrated this in extraordinary fashion because of the extreme confusion it caused and because of its impact on a highly visible election. But as our review of an array of state ballots shows, it is hardly the only feature of contemporary ballot structure that might lead voters astray. In state after state, there is ample opportunity for voters to misinterpret what they see, to misunderstand what they are told, and, consequently, to mismark, fail to mark, or spoil their ballots. Of course, well-educated, habitual voters who take their time in the voting booth are unlikely to be tripped up by most of the problems we have cited. They might be unable to decipher some party initials, they may fail to understand why judges’ terms don’t all begin on the same day, and so on; yet for the most part, sophisticated voters will understand, or reason their way through,





poorly written and contradictory instructions and confusing ballot layouts. However, consider those who are voting for the first time. Or those who have moved to a new state or locality. Or those who are less educated. Or those who, for reasons of age or infirmity, have difficulty with unclear instructions. Or those who feel pressured not to take too much time in the voting booth. Or those who, for lack of intense interest in politics, will give up in the face of confusing images and instructions.

Individuals who fall into one or more of the latter categories—that is, nearly everyone—may occasionally cast incorrect votes or fail to vote for some offices simply because of problematic ballots. More important, all voters—those who successfully negotiate their way through the ballot, as well as those who have trouble—may come away feeling they have been subjected to a confusing, frustrating, even unpleasant experience. They may feel doubtful that they cast their votes correctly or as fully as they wished, or that the votes they did cast will be counted properly. Before the presidential election of 2000, these problems were simply ignored; though they were apparent at an individual level, their pervasiveness and potential for disruption were largely unknown. Now that they are in the spotlight (and likely to remain so), they need to be confronted quickly and forcefully. It would be hyperbole, perhaps, to ascribe more than a tiny fraction of the decades-long declines in voter turnout and political trust to frustration with election-day foibles. Even so, ignoring them in light of what can (and did) happen has the potential to further undermine faith and trust in the very foundation of U.S. democracy.

Doing away with the curiosities, conundrums, and complications of U.S. ballots will not be easy, for they have their origin in the very nature of our political system. In stark contrast to smaller, unified systems, we operate under a number of constraints:

- Ours is a large federal system with 50 states, the District of Columbia, and 3,066 counties each having a different set of elected officials.
- The states control ballot access for the only offices voted on by citizens in all 50 states (president and vice president).
- We elect an extraordinary number of officials, including, among others, drain commissioners (Michigan), high bailiffs (Vermont), and nonpolitical rural landowner or occupier conservation district supervisors (South Dakota).
- Most states vote on at least a few constitutional amendments, bond issues, and other ballot propositions, some on a good many. Of necessity, these items are state-specific, and, rather than becoming fewer in number, they have grown more frequent in recent years.
- Election administration is decentralized to the state level and lower; and state election officials, despite their desire for federal assistance in purchasing new voting systems, will resist greater federal control or regulations.¹⁸
- Many of the features we have described are enshrined in state law. Thus, even if state election directors agreed, say, that federal offices should be listed first on the ballot followed by state offices, some could not legally honor that agreement (e.g., Maryland Election Laws, article 33, title 9, subtitle 2 § 9-210; Nevada Revised Statutes, chapter 293, § 268).

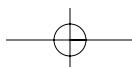
Assuming that major changes in our political system are unlikely even in the moderate to long run, voting in the United States is not going to be greatly simplified in the coming years, no matter how well intentioned current reform efforts are.

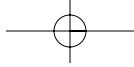
Nonetheless, there are grounds for optimism. Election reform (and low voter turnout) have caught the attention of numerous civic and governmental leaders and organizations, including the National Association of Secretaries of State (NASS). This organization, whose members oversee elections in most states, has made election reform and increased electoral participation a high priority. One of the first activities in its so-called New Millennium Project was to poll young Americans about their knowledge of and attitudes toward voting.¹⁹ A major finding was that young adults are woefully ignorant of even the mechanics of voting. In response NASS has emphasized increased education and communication efforts, resolving recently to “conduct aggressive voter education and broad-based outreach programs.”²⁰

As important as it is to increase civic education and expand communication between youths and government officials, we believe it is equally important to reform the process that causes misunderstanding in the first place. NASS has already recommended that state and local governments and election officials modernize the voting process and has encouraged states to undertake various reforms, including the adoption of uniform standards for recounts and contested elections.²¹ If NASS and other organizations (such as the NASED, the National Association of State Election Directors) were to expand their focus to include the kinds of problems and inconsistencies in ballot design and instructions noted in this article—and if they were to seek to simplify the process and, on a voluntary basis, create more uniformity across the states—it could lead to major improvements. It would also greatly enhance the education work and reform efforts these organizations have already begun.

References

- Albright, Spencer D. 1940. The presidential short ballot. *American Political Science Review* 34:5, 955–9.
- Allen, Philip Loring. 1906. Ballot laws and their workings. *Political Science Quarterly* 21:1, 38–58.
- Aylsworth, Leon E. 1930. The presidential short ballot. *American Political Science Review* 24:4, 966–70.
- Bain, Henry M., and Donald S. Hecock. 1957. *Ballot Position and Voter's Choice*. Detroit: Wayne State University Press.
- Beard, Charles A. 1909. The ballot's burden. *Political Science Quarterly* 24:4, 589–614.
- Bridges, Tyler. 2001. Ballots offer clues on intent: Experts see patterns in the overvotes. *The Miami Herald*, 11 May. Available at www.miami.com/mld/miami/news/2067477.htm. Accessed 12 October 2002.
- Campbell, Angus, Philip E. Converse, Warren E. Miller, and Donald E. Stokes. 1960. *The American Voter*. New York: Wiley.
- Cauchon, Dennis, and Jim Drinkard. 2001. Florida voter errors cost Gore the election. *USA Today*, 11 May. Available





Articles | Beyond the Butterfly

at www.usatoday.com/news/politics/2001-05-10-recount-main.htm. Accessed 12 October 2002.

Darcy, R., and Anne Schneider. 1989. Confusing ballots, roll-off, and the black vote. *Western Political Quarterly* 42:3, 347–64.

Election Reform Information Project. 2002. Ready for 2002, forgetting 2000: Election officials oppose federal standards and see only minor impact of election 2000. Princeton Survey Research Associates. Available at www.electionline.org/site/docs/pdf/elc_officials_report_final.pdf. Accessed 3 March 2003.

Evans, Eldon Cobb. 1917. *A History of the Australian Ballot System in the United States*. Chicago: University of Chicago Press.

Kimball, David C., and Chris T. Owens. 2000. Where's the party? Eliminating one-punch voting. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, 29 April.

Krosnick, Jon A., Joanne M. Miller, and Michael P. Tichy. An unrecognized need for ballot reform: Effects of candidate name order. In *Rethinking the Vote: The Politics and Prospects of American Election Reform*, eds. Ann N. Crigler, Marion R. Just, and Edward J. McCaffrey. New York: Oxford University Press. Forthcoming.

National Association of Secretaries of State. 1999. *New Millennium Project, Part I: American Youth Attitudes on Politics, Citizenship, Government and Voting*. Lexington, Ky.

Nichols, Stephen M. 1998. State referendum voting, ballot roll-off, and the effect of new electoral technology. *State and Local Government Review* 30:2, 106–17.

Rusk, Jerrold G. 1970. The effect of the Australian ballot reform on split ticket voting: 1876–1908. *American Political Science Review* 64:4, 1,220–38.

Snyder, David. 2002. Write-in mayoral bid wins in Md. court. *Washington Post*, 31 July, B1.

Wand, Jonathan N., Kenneth W. Shotts, Jasjeet S. Sekhon, Walter R. Mebane, Jr., Michael C. Herron, and Henry E. Brady. 2001. The butterfly did it: The aberrant vote for Buchanan in Palm Beach County, Florida. *American Political Science Review* 95:4, 793–810.

Notes

1 Wand et al. 2001.

2 Allen 1906; Beard 1909.

3 E.g., Bain and Hecock 1957; Campbell et al. 1960, chapter 11.

4 E.g., Rusk 1970; Darcy and Schneider 1989; Nichols

1998; Krosnick et al. (forthcoming).

5 Kimball and Owens 2000.

6 Cauchon and Drinkard 2001; Bridges 2001.

7 Collecting ballots is itself an interesting exercise. We wrote to state election directors (www.nased.org) in all 50 states asking for a sample ballot from 1998 and/or 2000. Many offices complied willingly; others required various forms of follow-up. In the end, we received 85 ballots, from all 50 states. We made no attempt to examine ballot variations within states; doing so would only reinforce our point about the diversity of ballot styles nationwide.

8 In some states, certain parties are simply not listed on the presidential ballot. Variations in symbols are nothing new. See Evans 1917 and Allen 1906.

9 Use of symbols often accompanies a provision for straight-ticket voting. However, one state (Louisiana) uses emblems but has no straight-ticket provision, and a number of states have a straight-ticket provision but no emblems.

10 For presidential and vice presidential candidates, the home state is sometimes required. Not surprisingly, there is disagreement about where some candidates reside. Maine listed Nader as being from Washington, D.C., while Maryland assigned him to Connecticut.

11 The situation is not made any easier by the fact that some districts do not have full slates or by the size of New Hampshire state house districts, which in 1999 varied from one to 11.

12 An election official in Pennsylvania informed us that primary elections include an office that has multiple members. Evidently the instruction for voting a straight ticket with exception is carried over to the general election even though it is inapplicable.

13 Snyder 2002.

14 For the history of the presidential short ballot, see Aylsworth 1930 and Albright 1940.

15 See www.politics1.com/p2000a.htm.

16 The office of the Virginia State Board of Elections told us that the lack of party labels was common practice until 2002.

17 This in itself leads some voters astray, inasmuch as it is the only office on lever machines for which one can vote for more than one candidate in the same column.

18 Election Reform Information Project 2002.

19 National Association of Secretaries of State 1999, 36–7.

20 See www.nass.org/pubs/pubs_electionres.html.

21 See www.nass.org/pubs/pubs_electionres.html.

