

**Course 2:
Ballot Access, Design and Preparation**

The course reviews the subjects of how candidates and parties get on the ballot. Going through initiative and referendum, petitions, forms and forms processing it covers what are the requirements for ballot access. Ballot Design and Preparation covers both state and federal requirements for all voters and then emphasis on voters with special needs. The course also covers issues of evolving information about the importance of good design.

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Thank you!

Questions? Feedback?

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Instructor
Pam Anderson, CERA, MPA
Introductions



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Ballot Access - Registration

A CITIZEN'S GUIDE
TO PARTICIPATION

Qualifications to Register to Vote
To register to vote in Idaho, you must be:

- A United States citizen and a resident of Idaho for 30 days prior to an election.
- 18 years old or older on Election Day.
- Under criminal conviction for a felony or is confined in prison under such conviction.

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Ballot Access by Voting Methods

- Plurality
- Borda – Instant Runoff
- Hare Rule – Remove candidates fewest 1st place votes
- Coombs Rule- Ranked last by most voters
- Disapproval Voting
- Approval Voting
- Cumulative Voting

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Plurality Vote

- A **plurality vote** is a circumstance when a candidate or proposition polls more votes than any other but does not receive a majority.
- For example, if 100 votes were cast
- *Candidate A - 45*
- *Candidate B - 35*
- *Candidate C - 25*
- The winning candidate or proposition may have only a plurality, depending on the rules of the organization holding the vote.

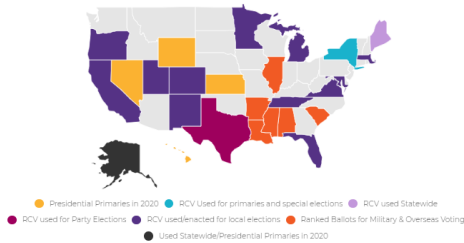
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Borda – Instant Runoff Voting

- **Instant-runoff voting (IRV)** is a voting method used in single-seat elections with more than two candidates.
- Voters in IRV elections can rank the candidates in order of preference.
- Ballots are initially counted for each elector's top choice, losing candidates are eliminated, and ballots for losing candidates are redistributed until one candidate is the top remaining choice of a majority of the voters.
- When the field is reduced to two, it has become an "instant runoff" that allows a comparison of the top two candidates head-to-head

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Where Ranked Choice Voting is Used



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Borda – Instant Runoff Voting

Candidate	Round 1					Round 2						
	a	b	c	d	e	Votes	a	b	c	d	e	Votes
Bob	1	2	3	1	2	2	1	2	2	1	2	2
Sue	3	1	2	3	1	2	2	1	1	2	1	3
Bill	2	3	1	2	3	1						

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Electoral College

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The Electoral College

- The Electoral College is a process, not a place. The founding fathers established it in the Constitution as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens.

Historical Basis

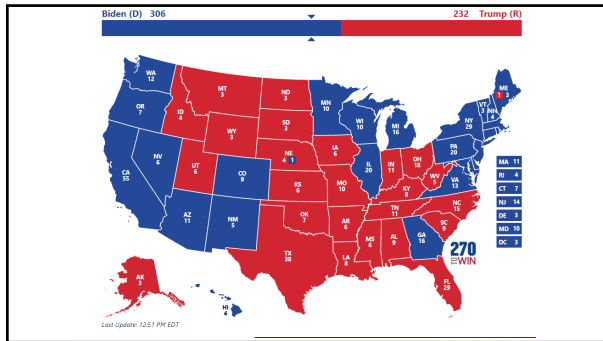
- Article I Clause 3:
 - ...representatives shall be apportioned among the several States which may be included in this union...the actual enumeration shall be made within 3 years after the first meeting of the Congress, and within every subsequent term of **ten years**...the number of representatives shall not exceed 1:30,000

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The Electoral College

- The Electoral College consists of 538 electors. Your state's entitled allotment of electors equals the number of members in its Congressional delegation: one for each member in the House of Representatives plus two for your Senators.
- Idaho's allotment of electors is 4.
- 435 Congressional Seats
- 3 Seats for D.C.
- 100 Senators
- = 538 Total Votes

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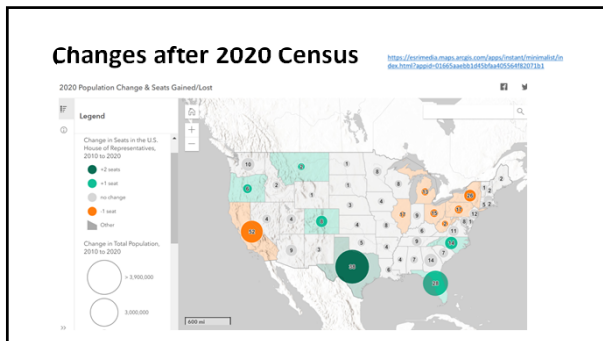


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Estimated Population per House Seat

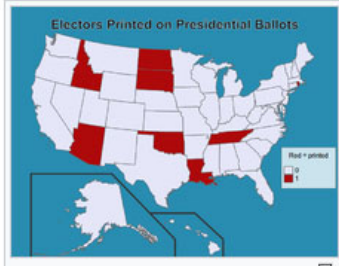
- **Idaho - 1 : 920,689**
- **California - 1 : 738,581**
- North Carolina - 1 : 722,523
- New York - 1 : 733,177
- South Carolina - 1 : 699,449
- Rhode Island - 1 : 529,820
- Texas - 1 : 763,031
- Virginia - 1 : 762,090
- Wyoming - 1 : 586,107

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Electors named on Presidential Ballot



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States With Laws That Attempt to Bind the Votes of Presidential Electors

Alabama (Ala. Code §17-14-31)	Mississippi (Miss. Code Ann. §208.46)
Alaska (Alaska Stat. §15.30.090)	Montana (Mont. Code Ann. §13-25-307)
Arizona (Ariz. Rev. Stat. §16-212)	Nebraska (Neb. Rev. Stat. §32-714)
California (Cal. Elec. Code §6906)	Nevada (Nev. Rev. Stat. §296.075)
Colorado (Colo. Rev. Stat. §1-4-304)	New Mexico (N.M. Stat. Ann. §1-15-9)
Connecticut (Conn. Gen. Stat. §9-176)	North Carolina (N.C. Gen. Stat. §163-212)
Delaware (Del. Code Ann. tit. 15, §4303(b))	Oklahoma (Okla. Stat. tit.26 §10-102)
District of Columbia (D.C. Code §1-1001.08)	Ohio (Ohio Rev. Code §3505.40)
Florida (Fla. Stat. §103.021)	Oregon (Or. Rev. Stat. §248.355)
Hawaii (Haw. Rev. Stat. §14-28)	South Carolina (S.C. Code Ann. §7-19-80)
Indiana (Ind. Code §3-10-4-1.7)	Tennessee (Tenn. Code Ann. §2-15-104)
Iowa (Iowa Code §54.8)	Vermont (Vt. Stat. Ann. §2732)
Maine (Me. Stat. tit.21-A, §805)	Virginia (Va. Code Ann. §24.2-203)
Maryland (Md. Code Ann. §8-505)	Washington (Wash. Rev. Code §29A.56.090)
Massachusetts (Mass Gen. Laws ch.53, §8)	Wisconsin (Wis. Stat. §7.75)
Michigan (Mich. Comp. Laws §168.47)	Wyoming (Wyo. Stat. Ann. §22-19-108)
Minnesota (Minn. Stat. §208.46)	

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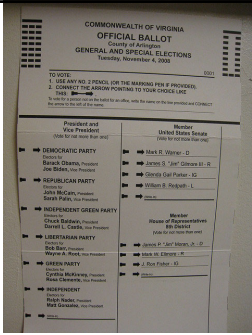
Ballot Access – Candidate

- What is it?
- Nationwide Candidate Ballot Access
- Idaho Ballot Access
- Impact on Elections

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Ballot Access

Ballot access rules, called nomination rules outside the United States, regulate the conditions under which a candidate or political party is entitled either to stand for election or to appear on voters' ballots.



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Ballot Access - Generally

- Essentially Democrats and Republicans are guaranteed ballot access because of past demonstrations of support, but most third parties are not.
- Political parties without guaranteed ballot access must expend considerable amounts of their personnel and financial resources seeking ballot access.

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Ballot Access - Candidates

- Litigation often arises challenging the constitutionality of a state's ballot access regulations.
- Courts have ruled that the state need not remove all hurdles facing third parties, but the state's ballot access requirements should be reasonable and allow ballot access that is "genuinely open to all."

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Ballot Access - Candidates

- A state's legitimate interests in regulating elections mean the regulations will necessarily burden individuals' rights to vote and associate for political purposes.
- Thus, no "litmus-paper test" exists to separate valid from invalid state regulations, nor is strict scrutiny the appropriate level of review for all election regulations.

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Ballot Access – Candidates

- Courts have declared state ballot access regulations unconstitutional when their combined effect made it impossible for new political parties to gain ballot access regardless of the party's widespread public support.

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Ballot Access - Candidates

- For example, the U.S. Supreme Court found an unconstitutional infringement on associational rights by state ballot access regulations that:
 - forbade independent candidacies,
 - required new political parties to obtain supporting signatures from 15% of the voters in the last gubernatorial election (while the Democratic and Republican parties only needed to obtain 10% of the votes cast in the last gubernatorial election),

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Ballot Access - Candidates

- required nominating petitions be signed by individuals who had never voted before, and
- required the new party's nominating convention delegates to have been unaffiliated with any political party for four years.

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Nationwide Ballot Access

Virginia

- Each candidate to submit 10,000 signatures to the state board of elections,
- Including 400 from each of Virginia's 11 congressional districts, and
- Signatures can only be collected by registered or eligible to register Virginian voters

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Nationwide Ballot Access

Arizona

- Arizona has one of the simplest rules for ballot qualification.
- Candidates must turn submit a nomination paper, complete with a notarized, original (photocopied sheets not allowed) signature from the candidate.

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Nationwide Ballot Access

Illinois

- To qualify for the presidential preference ballot, a candidate must submit no fewer than 3,000 and no more than 5,000 signatures. On top of that, to qualify for ballot access in a specific congressional district, a candidate must submit 600 signatures per district, for each of the state's 19 congressional districts

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Nationwide Ballot Access

Louisiana

- Louisiana falls into the category of states with the easiest requirements.
- Candidates can either turn in a total of 1,000 signatures from members of their respective party throughout the state. These signatures must include residents of each of the state's eight congressional districts.
- Or, if a candidate prefers, they can submit a filing fee of \$1,125.

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Nationwide Ballot Access

New Hampshire

- The first in the nation primary ballot is easy to qualify for; candidates must submit a declaration of candidacy along with a \$1,000 filing fee to the New Hampshire Secretary of State. This low qualifying threshold tends to result in a long list of names on the ballot.

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Presidential Candidate Ballot Access

There are three basic methods by which an individual may become a candidate for president of the United States.

1. An individual can seek the **nomination of a political party**. Presidential nominees are selected by delegates at national nominating conventions. Individual states conduct caucuses or primary elections to determine which delegates will be sent to the national convention.
2. An individual can run as **an independent**. Independent presidential candidates typically must petition in each state in order to have their names printed on the general election ballot.
3. An individual can run as **a write-in candidate**.

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Recent legislation in Idaho

- Following the March 30, 2023, passage of [House Bill 138](#), Idaho state law no longer provided for a presidential primary. Instead, state parties conduct caucuses to select a nominee. The caucuses are administered by the parties themselves.
- Filing fees and process is determined by the party. The parties certify the names of the candidates and presidential electors to the Secretary of State.

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Candidate Requirements and Ballot Access

Requirements and Qualifications for candidacy

- Declaration of candidacy form filed at the SOS
- Minimum age and Filing fee
 - Governor- 30 years and \$300
 - Lt. Gov.- 30 years and \$200
 - 25 years and \$200
 - Secretary of State
 - State Controller
 - Attorney General
 - State legislators- 21 years and \$30.00

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Idaho Ballot Access

- Petition in lieu of filing fee- require a certain number of signatures from registered voters. The number of signatures required for the nomination paper are as follows:
 - One thousand (1,000) for any statewide office;
 - Five hundred (500) for any congressional district office (all signatures within proper district);
 - Two hundred (200) for the office of district judge (all signatures within proper district);
 - Fifty (50) for any legislative district office (all signatures within proper district);
 - Five (5) for any county office (County Commissioner signatures shall be within commissioner district).
- Signatures on such nominating petitions shall be verified in the manner prescribed in section 34-1807, *Idaho*

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Ballot Access - Candidates

- Is it a good thing or a bad thing?
- Should it be restricted?
- Does it hinder greater participation?
- Does it hinder legislative innovation?
- Does it corrupt the system?
- Is it what the found fathers attempted to create?

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Initiative and Referendum
 Two forms of direct democracy

Resource: NCSL Initiative and Referendum Overview

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Initiatives

The citizen initiative process enables citizens to bypass their state legislature by placing proposed statutes and, in some states, constitutional amendments on the ballot. Twenty-four states have citizen initiative processes.

- 24 states have direct initiative, indirect initiative, or the choice of either.
- Common components: petition, petition review, circulation/signatures, timelines and deadlines, ballot access (what election and title setting), vote thresholds for passage, effective dates.

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Citizen Initiatives in Idaho

- Established in 1912; General elections only.
- Direct initiative to amend or repeal state statutes. Cannot amend the constitution.
- Petition process with 20 voter submitted to attorney general for certificate of review. The AG can recommend revisions in an advisory capacity.
- File petition measure language and format with the secretary of state.
- No legislative or other agency review.
- Pro-Con arguments submitted by voter or group and Secretary of State chooses one argument for or against for print in household voter pamphlet.
- Signature threshold: Six 6% of the qualified electors at the time of the last general election in each of at least 18 legislative districts, out of 35 total districts.

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Referenda

The popular referendum process allows voters to approve or repeal an **act of the legislature**.

- 24 states have popular referenda processes.
- Common components: petition, petition review, circulation/signatures, timelines and deadlines, ballot access (what election and title setting), vote thresholds for passage, effective dates.
- The Idaho State Legislature may place measures on the ballot as legislatively referred statutory and constitutional amendments.

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Statewide Referenda in Idaho

- Established in 1912, but laws specifying the mechanics of the process was not adopted until 1933; General elections.
- Direct initiative for statutes and popular referendum.
- Petition process with 20 voter submitted to attorney general for certificate of review. The AG can recommend revisions in an advisory capacity.
- File petition measure language and format with the secretary of state within 15 days of certificate of review issued.
- No legislative or other agency review.
- Pro-Con arguments submitted by voter or group and Secretary of State chooses one argument for or against for print in household voter pamphlet.
- Signature threshold: Six 6% of the qualified electors at the time of the last general election in each of at least 18 legislative districts, out of 35 total districts.

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County Initiative and Referenda

- State statute provides for county initiative and referenda.
- The county prosecuting attorney assumes the duties of the attorney general
- The county clerk assumes the duties of the secretary of state.
- Signature threshold: twenty percent (20%) of the total number of qualified electors voting in the last general county election in November of an even numbered year.

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Petition Best Practices to Consider

- Develop a citizen guide for your direct democracy processes. initiative, referendum, recall. Including:
 - Timelines and deadlines for format approval, circulation, review, amendments, enactment, etc.
 - Petition format guidelines, sample petition format
 - Circulator guidelines
 - Signature thresholds
 - Campaign finance information

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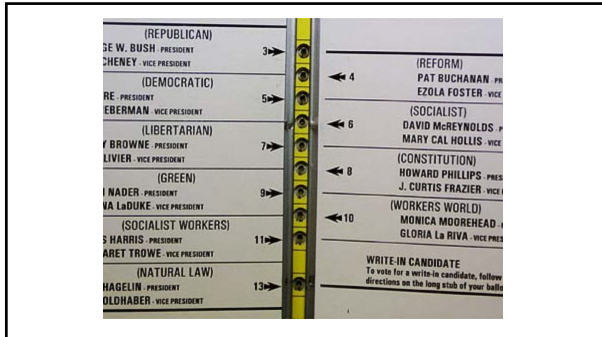
Petition Best Practices to Consider

- Develop a standard operating procedure for petition review:
 - Proponent communication and correspondence templates
 - Receiving petition
 - Initial signature line count
 - Signature review process for
 - Sampling
 - Line by line review
 - Staffing and training
 - Media
- Seek legal review and counsel

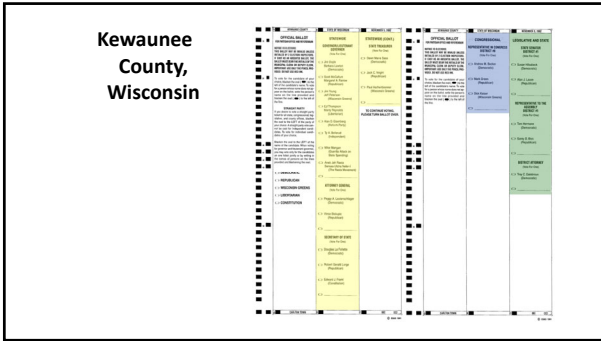
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Ballot Design

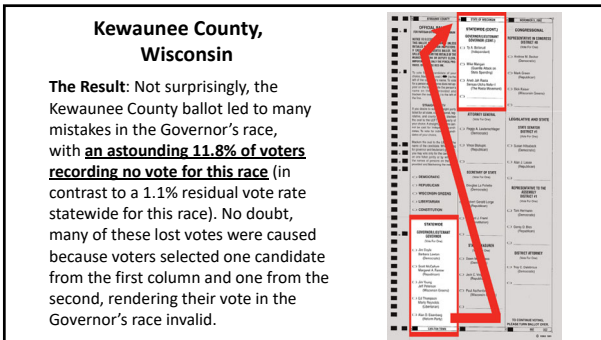
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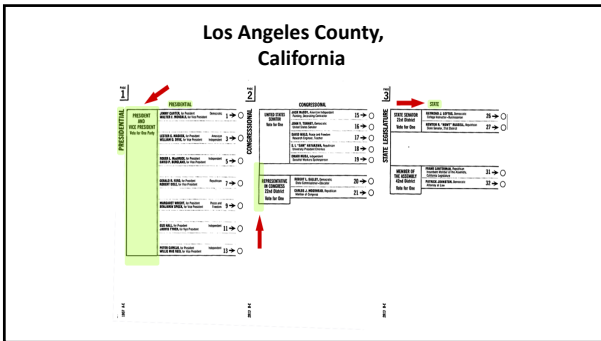
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Los Angeles County, California

The Result: Not surprisingly, while the residual vote rate for president in Los Angeles County was relatively low at 4%, it was an astounding 17.2% for the Senate race, with 436,864 votes not counted. This loss of voters was larger than the statewide margin of victory for Republican Senate candidate S.I Hayakawa, who won by only 246,111 votes. In contrast to Los Angeles County, the residual vote rate for the Senate race in the rest of the state was just 4.1%

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**Most complicated ballot question in 2017 – Maine
Question 1**

- A nationwide study on the complexity of the wording of ballot questions found that it takes a post-graduate education just to comprehend the title of the average referendum in Maine.
- One of this year's ballot questions — for a technology bond in June — was so complicated the study determined it would take someone with 42 years of education to comprehend it well.

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- Do you favor a \$50,000,000 bond issue to provide \$45,000,000 in funds for investment in research, development and commercialization in the State to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share, to increase revenues and to expand employment or preserve jobs for Maine people, to be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ratio and \$5,000,000 in funds to create jobs and economic growth by lending to or investing in small businesses with the potential for significant growth and strong job creation?

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Ballot Design Issues

- Limit of your ballot layout software
- Multi-languages
- 34 candidates for State Senator
- 17 State-wide Propositions
- "Party Preference"
- Order of contests
- Order of candidates
- CA Election Code

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Ballot Design – Design for Democracy

<http://www.aiga.org/election-design-field-guides/>

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Design for Democracy - Designing Usable Ballots

Before THIS LINE IS ALL CAPITAL LETTERS.



After This Line is Upper and Lowercase.



No. 01

Use lowercase letters.

Lowercase letters are more legible than ALL CAPITAL LETTERS because they make shapes that are easier to recognize.

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Design for Democracy - Designing Usable Ballots

Before Insert the completed ballot into the ballot sleeve. Hand in the ballot to be counted.
(center-aligned)

After Insert the completed ballot into the ballot sleeve. Hand in the ballot to be counted.
(left-aligned)

No. 02
Avoid centered type.
Left-aligned type is more legible than centered type, which forces the eye to hunt for the start of the next line.

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Design for Democracy - Designing Usable Ballots

Before Fill in the oval to the left of the name of your choice. You must blacken the oval completely, and do not make any marks outside of the oval. You do not have to vote in every race.
(8-point)

After Fill in the oval to the left of the name of your choice. You must blacken the oval completely, and do not make any marks outside of the oval. You do not have to vote in every race.
(12-point)

No. 03
Use big enough type.
Small print is hard to read for many voters.
Use these minimum type sizes:
• 12-point for print
• 3.0 - 4.0mm for screen
(Larger text may increase the number of pages but it is a worthwhile investment in election accuracy.)

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Design for Democracy - Designing Usable Ballots

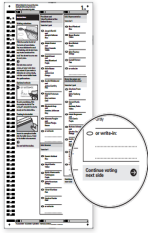
Avoid Times New Roman
Georgia
Cambria

Use Arial
Helvetica
Univers
Verdana

No. 04
Pick one sans-serif font.
Use sans-serif fonts with clean strokes.
For dual-language materials, use bold text for the primary language, regular text for the secondary language.
Using just one font makes the ballot more unified. Different fonts make voters stop reading and adjust.

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Design for Democracy - Designing Usable Ballots



No. 05
Support process and navigation.

- Put instructions where they are needed. Use page (or screen) numbering to show progress.
- For electronic ballots, let voters change language or display options, with instructions available at any time.
- Post easy-to-see instructions for both voting and moving around the polling place.

Continue voting next side
 instruction is placed at the end of the last column on the page.

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Design for Democracy - Designing Usable Ballots

Before If an overvoted ballot is encountered, the voter is entitled to another blank ballot after surrendering the spoiled ballot.

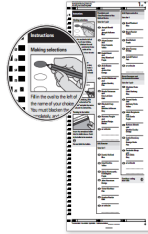
After If you make a mistake, ask a poll worker for another ballot.

No. 06
Use clear, simple language.

- Make instructions and options as simple as possible.
- Do not include more than two languages on any one material.
- If possible, summarize referenda in simple language alongside required formats.
- Simple language is often shorter, taking up less space.

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Design for Democracy - Designing Usable Ballots



No. 07
Use accurate instructional illustrations.

- Visual instructions help low-literacy and all voters.
- Illustrations must be accurate in their details, highlighting the most important instructions.
- Do not use photographs.

Illustrations at the beginning
 of the ballot demonstrate how to use the ballot.

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Design for Democracy - Designing Usable Ballots

Avoid

- Independent
- Democrat
- Republican

Use

- Attention
- Continue, proceed

No. 08

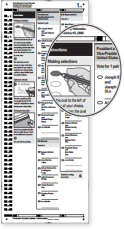
Use informational icons (only).

Use icons that call attention to key information and support navigation with care.

Don't use political party emblems.

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Design for Democracy - Designing Usable Ballots



No. 09

Use contrast and color to support meaning.

Use color and shading consistently:

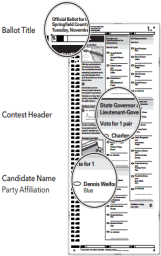
- On paper ballots, to separate instructions from contests and contests from each other.
- On electronic ballots, to support navigation, call special attention, and provide user feedback.

Do not rely on color as the only way to communicate important information.

Shading and color can help voters quickly see the structure of the ballot.

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Design for Democracy - Designing Usable Ballots



No. 10

Show what's most important.

Use layout and text size to help voters know what to pay attention to.

The ballot title should be the most prominent.

A contest header should be more prominent than the candidates' names.

A candidate's name should be bolder than his/her party affiliation. Candidates' names and options should be presented with equal importance.

Ballot Title

Contest Header

Candidate Name
Party Affiliation

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Design for Democracy - Designing Usable Ballots

Tip

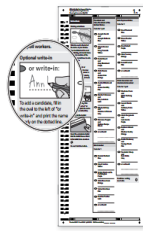
Check that the ballot communicates clearly.

Can voters

- read all of the information on the ballot easily?
- navigate through the ballot to find all contests and ballot questions?
- identify the different sections of the ballot?
- find, read and follow instructions accurately?

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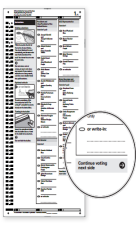
Design for Democracy – Writing Instructions Voters Can Understand



- No. 01
- **At the beginning of the ballot, explain how to change a vote, and that voters may write in a candidate.**

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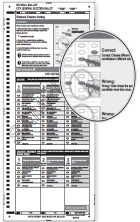
Design for Democracy – Writing Instructions Voters Can Understand



- No. 02
- **Put instructions where voters need them.**
- Break instructions into groups.
- On paper ballots, place instructions to turn the ballot over at the bottom right hand corner.
- On electronic ballots, put instructions for writing in candidates on the write-in screen.

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Design for Democracy – Writing Instructions Voters Can Understand



No. 03
Include information that will prevent voters from making errors.

- Show and tell voters how to mark the ballot.
- Tell voters not to write in candidates whose names already appear on the ballot.

Simple illustrations, along with clear instructions, help voters know what to do.

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Design for Democracy – Writing Instructions Voters Can Understand

Before If you tear, or deface, or wrongly mark this ballot, return it and obtain another. Do not attempt to correct mistakes on the ballot by making erasures or cross outs. Erasures or cross outs may invalidate all or part of your ballot. Prior to submitting your ballot, if you make a mistake in completing the ballot or wish to change your ballot choices, you may obtain and complete a new ballot. You have a right to a replacement ballot upon return of the original ballot.

After If you make a mistake, ask a poll worker for another ballot.

No. 04
Write short sentences.

- Use simple words.
- Remove unnecessary words.
- Separate instructions from results.

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Design for Democracy – Writing Instructions Voters Can Understand

Use	Avoid
find	locate, identify
help	assist
make sure	verify, validate, prompt
message	prompt
put	incorporate
turn on	power on
use	utilize

No. 05
Use short, simple everyday words.

- Select the plain rather than the formal word.
- Avoid jargon, such as "over vote," "under vote," and "partisan."

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Design for Democracy – Writing Instructions Voters Can Understand

Before Moving ahead is accomplished by touching the word Next; moving back by pressing Back.

After To go forward in the ballot, touch Next.
To go back to previous pages in the ballot, touch Back.

No. 06

Write in the active voice, where the person doing the action comes before the verb.

Think of the voter as "you."
Write instructions where the subject is "you," implied or understood.
You don't have to state "you" directly.

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Design for Democracy – Writing Instructions Voters Can Understand

Before If that oval is not marked, your vote cannot be counted for the candidate.

After You must fill in the oval for your vote to count.

No. 07

Write in the positive.

Tell voters what to do rather than what not to do.

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Design for Democracy – Writing Instructions Voters Can Understand

Non-sequential steps

Vote!

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or an ID number anywhere on the ballot.

Sequential steps

To make changes:

1. Touch the race you want to change.
2. At that race, if you have selected something before, touch the choice you do not want.
3. Then touch choice you want.
4. To return to this screen, touch Return to Review.

No. 08

When giving instructions that are more than one step, make each step an item in a numbered list.

Do not number other instructions. When the instructions are not sequential steps, use separate paragraphs or simple bullets with bold beginnings rather than numbering.

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Design for Democracy – Writing Instructions Voters Can Understand

Good If you need any help while voting, please contact your county elections office.
Seal the envelope to keep your votes private.
Do not write on this envelope.

No. 09
Keep paragraphs short.
A one-sentence paragraph is fine.

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Design for Democracy – Writing Instructions Voters Can Understand

Before Press the box of the candidate for whom you desire to vote; yellow will appear in the box. The voter must retouch the selected item to deselect it first in order to change a vote.

After To vote for a candidate of your choice, touch that person's name. If you make a mistake or want to change a vote, first touch the name you no longer want.

No. 10
Separate paragraphs by a space so each paragraph stands out on the page or screen.

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Design for Democracy – Writing Instructions Voters Can Understand

Tip
Check that the information is written in plain language.

Can voters

- understand what each instruction, prompt, or message means?
- follow the instructions and prompts easily?
- respond appropriately to error messages?
- complete the ballot without making mistakes?

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Design for Democracy – Testing Ballots for Usability

Why should you test?
 When it is easy for voters to use a ballot, they are more likely to vote as they intend. That means fewer lost votes, which means wider margins (generally), which means fewer ballots are contested if there is a recount. All of which adds up to better elections for everyone.

No. 01
Testing helps ensure that voters can vote the way they intend.

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Design for Democracy – Testing Ballots for Usability

What do you need?
 It's really simple. You don't need recording equipment, but you might want to take notes. So, a clipboard can be handy. And you probably want an envelope or a folder to hold the ballots (or other materials) from the test sessions.

No. 02
Put together a ballot, pick an interviewer, find voters, and find a place to watch them use the ballot.

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Design for Democracy – Testing Ballots for Usability

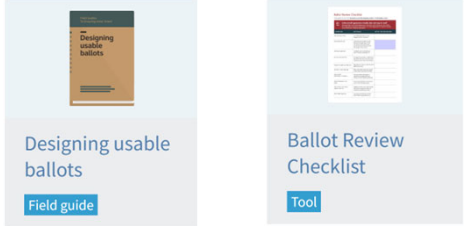
Know why you are conducting a usability test.
 Usability tests can answer questions like these:

- How easily and successfully do voters mark the ballot?
- What mistakes do voters make in marking the ballot?
- How close is the marked ballot to how they said they intended to vote?

No. 04
Usability testing answers questions about how and why voters will use the ballot.

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Center for Civic Design
civicdesign.org/ballot_design



The image shows two resource cards side-by-side. The left card features a book cover titled 'Designing usable ballots' with a 'Field guide' label below it. The right card shows a screenshot of a checklist titled 'Ballot Review Checklist' with a 'Tool' label below it.

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Resources

- [ID SOS Citizens's Guide to Participation](#)
- [Resource: NCSL Initiative and Referendum Overview](#)
- [Center for Civic Design- Designing Usable Ballots Field Guide](#)
- [Center for Civic Design- Ballot Review Checklist](#)

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