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Ballot Design Issues Raised During the
New York State Voting Machine Pilot Project

Frequent reports from around the state indicate that much needs to be improved about New York State's ballot design. Difficulty reading the small print needed to fulfill New York's full face ballot requirement was a common complaint. Other required symbols on the New York ballot caused confusion among voters. But not all problems related to ballot design. An important, yet still unresolved issue is how voter marks are interpreted when ballots are being reviewed, audited, or recounted.

Small Type, Small Icons

Many voters reported that the printed letters on the ballot was too small to read easily. Moreover, New York's requirement that each candidate on the ballot have a party icon next to their name, and the small size of these icons, caused some voters to mistake the party icon for the marking circle. As a result they filled in the gap in the icon which the scanner will not register as a vote.

New York's Full Face Ballot

All these ballot design issues could be easily fixed but for one thing - New York State's requirement that the paper ballot display all races in a row and column format, the so-called 'full face ballot'. It is the full face ballot which forces a layout that guarantees a small typeface and symbols so small they are mistaken for marking circles.

Add this to ballot user interface research, which soundly condemns the full face ballot on usability grounds, and it is clear that one of the questions raised by the pilot is whether the time has come for New York's ballot requirements to change, and the full face ballot eliminated.

Definition of a Valid Vote

In Putnam County a Court granted a motion for a 100% hand recount of the paper ballots in the Republican County Sheriff's race. Independent observers report that the recount was well managed, with two teams each consisting of 2 Democrats and 2 Republicans inspecting each ballot and agreeing on the voter intent. Only 5 or 6 votes out of a total of 4,517 cast on the scanners were changed as a result of the hand recount, leaving the outcome unchanged. All of these were the result of ballots marked in a way that the scanner did not recognize, but which clearly indicated the voter's intent to the recount teams. In this case there was no dispute about voter intent, but is vitally important that the State Board of Elections establish what a valid vote is, particularly for write-in votes which can be difficult to interpret.

The State Board of Elections has made a start at this with regulation 6210.13, "Standards for Determining Valid Votes", but it does not go far enough. Critically needed in the regulations are illustrations, but at the present time the official version only has a blank section 6210.16, "Ballot Examples for Counting Paper Ballots". The Board needs to get that illustration section completed and make sure the standards for interpreting ballots are disseminated and understood around the state.

New York's scanners are required to accept a reasonably large range of marks – check marks, crosses, partially or overly filled in bubbles should all correctly register. If the mark is partially recognized by the scanner, it will return the ballot to the voter noting that it is ambiguous and giving them a chance to correct it, but there will always be some voters who mark ballots in ways the scanner can't register. Presumably, as voters become more accustomed to using paper ballots they will mark them more consistently, but there clearly is a need for a specific definition of what constitutes a valid vote.