Who Owns My Ballot?

January 2022

It's All About the Ballot

For voters, there is nothing more important going into an election than their ballot. A well-designed, easy to follow and verify ballot is the key to ensuring a voter has a positive voting experience. Ballot mistakes, on the other hand, can quickly derail an election, leading to costly reprints and mailings, tabulation errors, and time-consuming hand recounts in addition to voter frustration.

As jurisdictions increasingly move to hand-marked paper ballots and systems with auditable paper trails, and additional cities and states move to consider alternative styles of voting such as ranked choice or approval voting, the importance of designing, analyzing, and cutting costs for ballots is top of mind for election officials nationwide.

But once a ballot is cast, whether it's set to be electronically tabulated or hand counted, the election is still far from over. Following the close of polls, votes must be transmitted or driven to central reporting locations and there is a chain of custody to manage. Ballots must be tabulated, analyzed, and potentially adjudicated before counties enter certification and canvassing. After you cast your ballot, do you know where it goes? Do you know who owns your ballot?

Ballot Design

What does a good ballot look like? With no national standard on what a ballot design must look like, states are able to set their own parameters for design, including the choice of portrait or landscape orientation, the use of ovals or connecting lines, and smaller choices like font type. To help guide elections officials in their ballot design, non-partisan groups like the Election Assistance Commission (EAC)[1] and trade organizations like the American Institute of Graphic Arts (AIGA) offer best practices and style guides that offer detailed advice and sample ballots that meet quality standards.

To make a complicated matter a little simpler: for voters, a good ballot should be easy to read, have clearly written instructions, have very clear indicators for where voters need to mark their ballots, and be able to be verified by the human eye before being cast and counted.

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1 *https://www.eac.gov/election-officials/designing-polling-place-materials*

From an elections administrator's perspective, it's vitally important that every ballot can be properly tabulated and analyzed. This makes ballot design crucial – an improperly designed ballot that can't be tabulated correctly can lead to delays in election night reporting or inaccurate results being shared. It can also lead to time-intensive hand recounts for dozens or even thousands of ballots which can lead to human error and greater costs.

Designing for Change

With ranked choice voting and newer methods of candidate selection, such as approval voting, gaining traction in cities and counties nationwide, election officials are having to create functional ballots that may have multiple layouts for local, state, and federal races. In order to cut down on improperly marked or even ineligible ballots, ballot design becomes vitally important. In cases where ranked choice voting is only applicable to one or a few races on the ballot, directions and sectioning of the ballot will be necessary to make these differences clear to voters.

Designing for Cost

It's no secret that election offices face tight budgets and must make do with the resources that are available to them with little room for large, unexpected costs. When designing ballots, municipalities are often working within a number of parameters to try to keep cost low – shorter paper sizes, smaller envelope sizes, and evaluating costs for shipping absentee and mail-in ballots.

Ballot design can play a large part in reducing the cost of printing and mailing ballots when done properly. By making smart use of the space on the ballot to maximize the number of races on one card, jurisdictions can reduce the number of cards needed per ballot, reducing costs. Using both sides of the ballot where applicable is another option to reduce the number of cards, so long as it is clear to voters to make selections on both sides. Choosing standard paper sizes, as opposed to overly large or wide paper, can be beneficial in both design and cost-savings. Some municipalities have chosen to use smaller envelopes, folding ballots rather than mailing them in flat, larger envelopes, but it is important to ensure that ballots are folded properly to prevent potential errors in tabulation due to improper folds.

Designing for Understanding

When it comes to voter petitions and ballot referendums, in order to properly cast their ballots, voters need to understand what they're really voting for. In many cases,

referendum items written by local jurisdictions, state legislators, or another governing body are composed of highly technical legal language and are placed on the ballot without any clarification or summary that's readable for voters. This gets especially confusing when ballots are translated into other languages, putting non-English speaking voters at a particular disadvantage. When considering the design of a ballot that includes local or statewide referendums, it's imperative that jurisdictions consider not just how the ballot looks but also how it reads and whether their state allows for voter-understandable language to be included to make the process clearer. For example, providing a summary of the outcomes and changes suggested in a ballot referendum under or beside the legal text would go a long way in helping voters make informed decisions and properly cast their vote.

You've Cast Your Ballot – Now What?

Maybe you're a voter who is going to the polls in person on election day or maybe you've chosen to take advantage of in-person early voting or maybe you just placed your ballot in the mail. Regardless of how you chose to cast a ballot, do you know where your ballot goes? Do you know who owns your ballot?

A Post-Election Timeline

Every vote that is cast must be counted and tallied by the town or county in charge of running the election in a timely manner to include in the unofficial results. In smaller races, that can happen within a few hours of polls closing. In larger races with higher turnouts or a greater number of ballots cast by mail or provisionally, that process can take days to complete. Then, in order to confirm unofficial results and certify an election, jurisdictions go through what's known as the canvassing process to check their results and ensure that totals are accurate, complete, and ready to be declared as official. This will often take weeks to complete, and during the canvassing process candidates can request recounts or challenge results through court filings depending on the state.

Following certification and canvassing (or in some cases running concurrently to certification) election officials will conduct their mandatory audits or some other form of additional results verification to conduct yet another review of votes cast to ensure the accuracy of their reported results. By this point, it could be a month or more following the election and voters' attention has likely turned elsewhere. But what's happening to your ballot during this time?

A Ballot's Journey

Once a paper ballot is counted, it is securely stored for a set period, often a number of years depending on state guidance, in the event that ballots from a previous election ever need to be reexamined or recounted. These counted ballots are kept in closed and labeled ballot boxes under physical security protocols, where only election officials have access to them. But who actually owns that ballot?

During the act of filling out and casting a ballot, that ballot belongs to the voter. However, once that ballot is cast, it belongs to the jurisdiction that oversees counting and verifying that ballot, typically a town, city, or county. They are in charge of keeping that ballot secure and accounting for it throughout the vote counting and subsequent canvassing and certification process. In some cases, some or all ballots will be sent to the state for auditing or certification. When ballots are sent to the state, they assume custody of the ballots and become responsible for their safe storage and accounting. In all cases, jurisdictions must follow strict chain of custody protocols to assure that ballots are always stored securely and accounted for at every step of the process. Detailed logs are kept of ballots' every movement and anyone who assumes custody of them throughout the process.

It's All About the Ballot (Really!)

While voter education efforts are continuing to expand and cover new, more in-depth subjects, the average voter is likely still far removed from the day-to-day aspects of election administration that make election officials' work so crucial. By continuing to talk about the aspects that directly impact voters' perception of elections, we can demystify the elections industry and build trust in the processes in place. For voters, knowing how they get their ballot, how it's counted, and where it goes after it's tallied is a strong foundation for learning more about elections and feeling confident in the results of their local and federal races.

ABOUT CLEAR BALLOT

As the leader in election innovation, Clear Ballot has introduced a new class of tools and a modern approach to voting, enabling unprecedented speed, accuracy, and transparency that officials and the voting public have sought for decades. Clear Ballot entered the election industry with its first product in 2012, disrupting the industry with the nation's first independent, automated audit, and four years later developed a complete voting system which is now the fastest growing voting system in the industry. Clear Ballot's election technology is currently used in twelve states, serving more than 34 million registered voters.