

# Plain Ballot Language

To: Senator Cheryl Kagan

From: Elections & Redistricting Program, National Conference of State Legislatures

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Re: Maryland SB 615

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## STATE STATUTES ON BALLOT LANGUAGE

At least 21 states have laws requiring ballot measures be printed or summarized in plain language. The statutory excerpts below come from Alabama, Alaska, Mississippi, New Jersey, New York, Tennessee and Virginia. New York requires ballot measure readability to be at an eighth grade reading level or below and lays out a formula to calculate that score in statute. Tennessee requires plain language summaries of measures that exceed a certain number of words in length. Several of these states specify that ballot measures or summaries must use everyday language or avoid technical jargon.

### ALABAMA CODE § 17-6-81

“[T]he [Fair Ballot Commission] shall post the following information, to be known as a ballot statement, in a conspicuous and publicly accessible location on the website of the Secretary of State: . . . A plain language summary of the statewide ballot measure, which shall include, at a minimum, the legal or constitutional authority for its passage, the effect of the statewide ballot measure if it is passed, including its cost and source of funding, and the effect of the statewide ballot measure if it is defeated.

Ballot statements shall be written in plain, nontechnical language and in a clear and coherent manner using words with common and every day meaning that are understandable to the average reader. Ballot statements shall be true and impartial statements of the effect of a vote for and a vote against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. In

addition, ballot statements shall include language as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax.”

ALASKA STAT. § 15.80.005

“The policy of the state is to prepare a ballot proposition that is clear, concise, and easily readable.”

MISSISSIPPI CODE ANN. § 23-15-369

“The statement shall avoid, whenever possible, the use of legal terminology or jargon and shall use instead, simple, ordinary, everyday language.”

NEW JERSEY STAT. § 19:3-6

“Any public question voted upon at an election shall be presented in simple language that can be easily understood by the voter.”

NEW YORK ELEC. LAW § 4-108

“Whenever any proposal, proposition or referendum as provided by law is to be submitted to a vote of the people . . . such transmittal shall contain an abstract of such proposed amendment, proposition or question, prepared by the state board of elections in plain language. The form in which the proposed amendment, proposition or question is to be submitted shall consist only of the following: a. a descriptive title of up to fifteen words, which describes the topic, goal, or outcome of the ballot question in plain language; b. a summary of the text ballot proposal of up to thirty words, written in plain language, that describes the change in policy to be adopted and not the legal mechanism; and c. a statement of what a YES or NO vote means in up to thirty words written in plain language that identifies the practical outcome of each election result and not the legal mechanism. If more than one such amendment, proposition or question is to be voted upon at such election, each such amendment, proposition or question respectively shall be separately and consecutively numbered. . . . The state board of elections shall also publish on its website the Automated Readability Index score calculated pursuant to subdivision six of this section for each form of question and abstract. The score shall require no higher than an eighth grade reading level (a score of 8 on the Automated Readability Index), unless the state board of elections shall state the basis for its determination that the plain language requirements of this section are met.

For the purposes of this section, plain language shall mean the form of the ballot proposal and abstract: . . . shall be written in easily comprehended, concise language; shall not contain more the one passive sentence; shall not use semicolons, using multiple sentences as necessary; and shall not contain double negatives.

To evaluate compliance with the plain language requirements of this section, the state board of elections shall calculate an Automated Readability Index score, separately, for each statewide form of ballot proposal and abstract. The Automated Readability Index score shall be calculated according to the following formula:

Divide the number of characters (excluding spaces) by the number of words and multiply that number by 4.71; Divide the number of words by the number of sentences and multiply that number by 0.5; Add the results of paragraphs a and b of this subdivision. Subtract 21.43 from the result of paragraph c of this paragraph and round to the nearest whole number.

No specific Automated Readability Index score shall be required; provided, however, the board shall use best efforts to score at an eighth grade reading level or below and meet the definition of plain language in

subdivision five of this section. In addition, the board shall expend their best efforts not to exceed the word limits in subdivision two of this section but may do so when plain language clarity is improved thereby.”

#### TENNESSEE CODE ANN. § 2-5-208

“If the full statement of a question is more than three hundred (300) words in length, the question shall be preceded by a brief summary of the proposal written in a clear and coherent manner using words with common everyday meanings.”

#### VIRGINIA CODE § 24.2-684

“Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § 24.2-687.”

Virginia Code § 24.2-687: “The explanation shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county, city or town or, if there is no county, city or town attorney, the attorney for the Commonwealth shall prepare the explanation. ‘Plain English’ means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.”

## OTHER RESOURCES ON BALLOT LANGUAGE

Ballotpedia regularly publishes a report on ballot measure readability. Ballotpedia is a nonprofit organization that [describes itself](#) as providing “neutral, accurate, and verifiable information on government officials and the offices they hold, political issues and public policy, elections, and candidates.”

Ballotpedia’s report titled “[Ballot measure readability scores, 2024](#)” calculated readability scores for ballot measures in each state. On Ballotpedia’s scale, the lowest readability score is 7 and the highest is 28. A score of 16 “correlates with a bachelor’s degree.” Maryland’s 2024 ballot measure scored a 13. Scores for nearby states (averaging the score of all measures appearing on a state’s ballot) include:

- Virginia: 21
- West Virginia: 14
- New York: 13
- North Carolina: 12
- Kentucky: 15
- Ohio: 18