Comments on Simplified Language for Ballot Questions (SB615)

Ways and Means Committee Hearing on March 25, 2025

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Thank you for the opportunity to offer this testimony on the importance of simplified language for ballot questions.

I lead the Center for Civic Design, a Maryland-based nonprofit organization. We work with elections offices in Maryland and other states to improve the voter experience and design forms, instructions, ballots, and voter guides and other voter education.

Ballot questions are one of the most visible forms of direct democracy. We ask voters to help decide on issues that affect the governance of our state and towns, social issues, and what programs we fund.

When we ask voters to weigh in on important issues, we must write the question clearly so they understand their options and can make their voices heard with confidence.

In our research with voters, they say that they find ballot questions confusing and difficult to read. They have opinions on these questions, but they struggle to understand what they say and how to vote. And, they worry that the questions are deliberately written to be hard to understand, and report that they make it hard to decide how to mark their ballot. They say

> "They are never in layman's terms"

> "It's never clear what yes or no means—Just look at Prop 8!"

> "They're not straightforward. Almost like it's on purpose."

What they want is enough information to confidently vote without worrying that they are making the "wrong" choice for the intent.

In other words, the experience of direct democracy can erode trust if people feel that the text is intended to trick them, not invite their participation.

We hear this concern from people who may not know a lot about how government works. But we also hear it from engaged voters, like a social studies teacher. Every election year, he uses ballot questions as a lesson, asking his students to explore and debate the issue. These civics education classes inspired us, so we were surprised when he ended by saying that

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skipped voting on some of the questions because he wasn't sure exactly what they were asking.

SB615/HB816 Simplified Ballot Language offers a solution that also supports Governor Moore's Executive Order on plain language by requiring ballot questions to use "communication methods that are easy to use and understand."

According to the federal resource, plainlanguage.gov, text is in plain language (or simplified language) when people can:

- **find** the information they need,
- **understand** what they find, and
- **use** it to meet their goals.

In other words, it is writing that helps voters both learn and take action. It is not just grammar rules, but an approach to communication that is easier for everyone to read (and usually makes the text easier to translate).

For a ballot question, this means that voters can **understand the practical outcomes** of voting yes or no on a ballot question and **confidently vote** to match their opinion or intent.

Ballot questions can include complex issues. That does not mean the question itself has to be complex or full of jargon. S615/HB816 addresses this by creating a structure of 4 elements, which work together to make ballot questions clear. Presenting questions consistently makes them easier to read.

1. A brief title that describes the topic, goal, or outcome of the ballot question

- The title tells voters - in a few words – an idea of the decision they are being asked to make.
- The title focuses on the ***change that would take place*** not the legal mechanism through which it would be made law. This approach avoids double negatives, such as voting to repeal a law to make a change.

2. A statement (the question) that describes the change in policy without focusing on the legal mechanism.

- It must use plain, straightforward language that voters can easily understand, avoiding legal jargon, double negatives, and passive voice.
- The bill does not restrict the length or style in which it is written. There are no grade-level tests.

3. A brief statement of what a "yes" or "no" vote would mean

- These statements identify the practical outcome of each choice. They help voters identify how to mark their ballot to support or oppose the question.

4. It requires posting the questions publicly, before the deadline for printing ballots

- This provides an opportunity for voters and advocacy groups to see the questions and raise any issues that might confuse voters. The timeline allows for modifications and can reduce litigation through a public comment process.

Plain language for government information is not new. It is effective. A study of ballot instructions found that voters both recognize and prefer simpler instructions. It helped them vote more quickly and accurately. And they were more likely to complete the entire ballot. Common sense and experience show that simplified text is a better way to ask ballot questions.

We support simplified ballot questions for Maryland voters.

Resources and research

Center for Civic Design
https://civicdesign.org/

> Our website has information about all of our election design projects and the Field Guides to Ensuring Voter Intent, design guidelines for designing ballots and other election information.

Federal Plain Language Guidelines on plainlanguage.gov
https://plainlanguage.gov/guidelines/

> These are the official guidelines for the Plain Writing Act of 2010 developed and maintained by federal and national experts. Other information on the site includes extensive resources (including evidence of the benefits of plain language) and examples.

Report of Findings: Use of Language in Ballot Instructions by Janice 'Ginny" Redish, Dana Chisnell, Ethan Newby, Sharon Laskowski, Svetlana Lowry. NIST IR7556, May 2009
https://www.eac.gov/sites/default/files/eac_assets/1/28/NIST-use-of-Language-in-Ballots.pdf

> This is a report on a study of the language of ballot instructions. They learned that people voted more accurately with plain language and that those who voted the plain language ballot first did significantly better on the traditional language ballot than those who used the traditional ballot first.

Ballot question readability and roll-off: The impact of language complexity. Reilly, S., & Richey, S. (2009). *Political Research Quarterly*, *64*(1), 59–67.
https://doi.org/10.1177/1065912909349629

> Poor readability of ballot questions leads to higher roll-off. The authors of this study subjected 1,211 ballot measures from most of the US states to the Flesch-Kincaid Grade Level readability test. The analysis revealed that even when controlling for word count and ballot position, poor readability is reliably correlated with ballot roll-off.

Readability Formulas: 7 Reasons to Avoid Them and What to Do Instead by Caroline Jarrett and Janice 'Ginny' Redish. UXMatters, July 2019
https://www.uxmatters.com/mt/archives/2019/07/readability-formulas-7-reasons-to-avoid-them-and-what-to-do-instead.php

> This article looks at readability formulas and reviews the literature on their effectiveness. They conclude that grade levels are not meaningful for adults and that they are not an effective way to measure whether a text can be easily understood.

Their recommendations include following a plain language guide and checking the text or document with people who are part of the audience who will read it.

The Public Speaks: An Empirical Study of Legal Communication by Christopher Trudeau. 14 Scribes Journal of Legal Writing 121 (2011-2012).
https://ssrn.com/abstract=1843415

This paper studied communication between lawyers and clients and found that even though almost all thought it was important to understand what an attorney is saying, 70% said they had gotten documents that were difficult to understand and 40% had stopped reading out of frustration. When given a choice between two text, readers chose the plain language version 80% of the time.

Reading and navigational strategies of Web users with lower literacy skills by Kathryn Summers and Michael Summers. Proceedings of the American Society for Information Science and Technology, October 2016
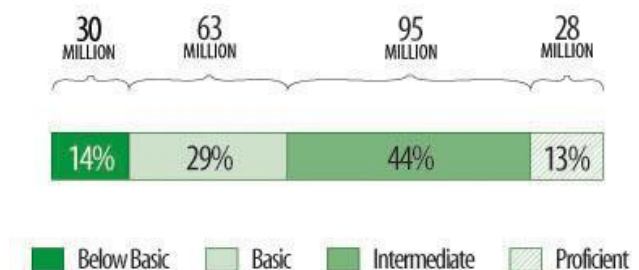https://asistdl.onlinelibrary.wiley.com/doi/full/10.1002/meet.1450420179

This study at the University of Baltimore identified differences between reading strategies of high and lower-literacy readers. When they rewrote medical information in plain language, both groups information faster, answered more questions correctly, and gave higher satisfaction ratings to the revised, plain language version.

National Assessment of Adult Literacy
http://nces.ed.gov/naal/kf_demographics.asp

The NAAL identified 4 levels of prose literacy:

- Below Basic: no more than the most simple and concrete literacy skills
- Basic: can perform simple and everyday literacy activities
- Intermediate: can perform moderately challenging literacy activities
- Proficient: can perform complex and challenging literacy activities

Examples

A constitutional question that failed in New Jersey. A procedural constitutional amendment asked to change the way local governments appointed municipal court judges and whether they could share a court with a neighboring jurisdiction. Election officials said that they believed that voters did not understand the goal of the amendment: to lower the cost of running municipal courts. As a result, a popular reform failed.

> This constitutional amendment would provide that the method of selection and appointment of certain municipal court judges would be set by statute, rather than be provided for in the Constitution. These judges may include judges of joint municipal courts and judges of central municipal courts with jurisdiction extending to the territorial boundaries of a county. This constitutional amendment does not preclude the possibility that a statute would continue to provide for nomination by the Governor with the advice and consent of the Senate, but it does permit a statute to set forth another method of selection and appointment that may not involve the Governor and the Senate.

A question that caused confusion in California. During research on county and municipal ballot questions in voter guides, we used a real ballot question renewing a successful 10-year-old program to remove abandoned cars from city streets. Even though they liked the program once we explained it, few would have been able to make a decision based on the ballot language alone.

> **Measure F Franklin County Vehicle Abatement Program**
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> Should the Franklin County Vehicle Abatement Program and vehicle registration fees (one dollar per vehicle and an additional two dollars for certain commercial vehicles payable upon registration of a vehicle) be renewed for a ten-year term beginning July 1, 2013, for the abatement and removal of abandoned, wrecked, dismantled, or inoperative vehicles?
>
> - A "yes" vote on this measure continues the current program for 10 years and the county will continue to remove vehicles abandoned on a public street.
> - A "no" vote on this measure ends the program.