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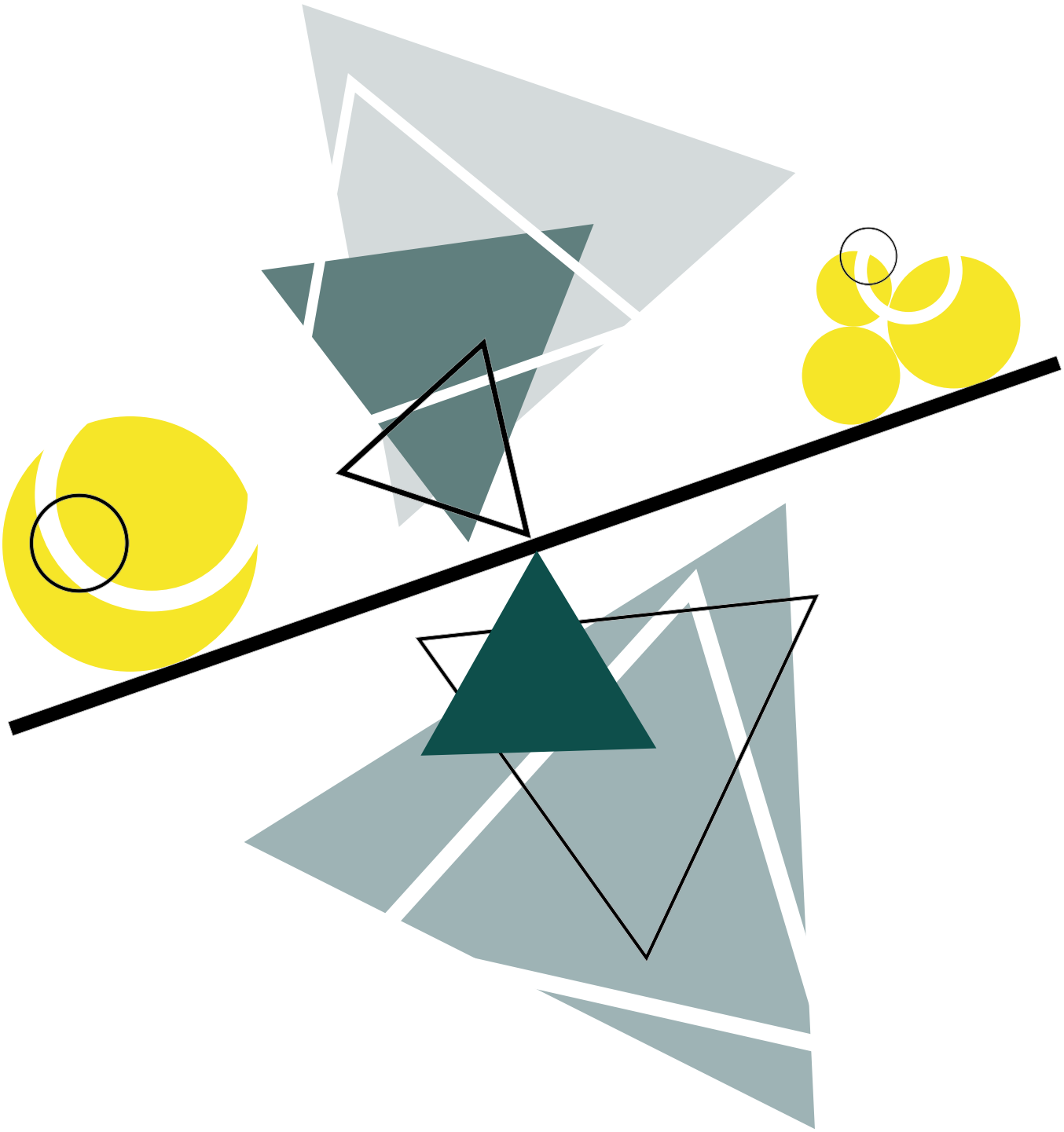

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Explaining ballot questions in plain language

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When it comes to ballot questions, context is important. Voters bring different understandings of the questions—and different levels of civic literacy when they start to mark their ballot.

- How do we even the playing field by making sure that every voter has all the necessary context to vote confidently on ballot questions?
- How do we make sure that the context is relevant and easy to understand to the audience?

To answer these questions, we worked with the League of Women Voters of California on the Easy Voter Guide[1] (EVG). Since 1994, the League has worked with experts in adult literacy and plain language to produce EVGs. This resource provides useful, accessible, and nonpartisan voting information before every statewide election in California. The main feature of the EVG is plain language explanations of statewide ballot questions.

For the 2022 General Election, the Center for Civic Design did usability testing with ordinary voters and the plain language revisions that have long been part of the EVG process. The goal was to understand whether these ballot question explainers were clear and contained all the information a voter would need to help them decide how to vote.

Each ballot question explainer in the EVG has a consistent structure with 4 sections:

- A background section that provides context
- An explanation of what would happen if voters approved the question
- Arguments for and against the question
- A fiscal impact statement

Plain but not relevant

One of the ballot question explainers we tested was for Proposition 26, Legalize Sports Betting on American Indian Lands Initiative. This ballot question is about a simple topic that most Californians are familiar with—gambling at tribal casinos. But we still saw our testing participants struggle with understanding the explainer. The version we tested was prepared by a policy analyst and was carefully crafted to be legally accurate. The background section was just 2 sentences:

> "**The way it is now:** California law allows Native American tribes to operate casinos on tribal lands if the tribe, state, and federal government agree. But sports betting, roulette, and dice games are illegal throughout California, including in tribal casinos."

If Proposition 26 passes, it would expand the types of gambling games that could be played in tribal casinos. Is the context above the *right* context to give voters? Most participants understood the substance of these 2 sentences. There's no legalese,

1 https://easyvoterguide.org/

the sentences are pretty short, and all the clauses are simple and active. But as some participants kept reading, we began to see furrowed eyebrows. When we probed, we heard things like:

> "Is this a federal law? I don't think so. Why mention it then?"

So why were some participants confused?

It's because the phrase "if the tribe, state, and federal government agree" in the first sentence describes a legal requirement for operating a tribal casino, which isn't relevant to understanding the proposition. This legal requirement distracted some participants from making an important inference—that casinos run certain gambling games. This unstated inference is the most important part of this sentence, **not** the explicit legal requirement.

"There's no legalese, the sentences are pretty short, and all the clauses are simple and active. But as some participants kept reading, we began to see furrowed eyebrows."

The second sentence describes the types of games that are currently illegal—very relevant information to understanding the proposition. And the second sentence begins with "but", which is supposed to introduce an exception to the sentence before it. When some readers encountered the second sentence, they looked in the previous sentence to see what it referred to. The confusion came from the fact that the readers associated the second sentence with the red herring legal requirement instead of the unstated inference that casinos run certain gambling games.

So we rewrote it to say:

> "**The way it is now:** Tribal casinos in California can run poker, bingo, and other games. But sports betting, roulette, and dice games are illegal in tribal casinos and everywhere else in California."

Our new version immediately introduces the first piece of relevant context—what games are currently legal to play in tribal casinos. Then the second sentence introduces the exception—what games are currently **not** legal. The explainer then goes on to describe what would change if Proposition 26 passes. Our new version contains only relevant information, and each sentence or section sets up the reader to understand the next sentence or section.

Testing is part of the plain language process

At the Center for Civic Design, we've seen countless times how important it is to do usability testing. By putting voting materials in front of a diverse group of people and observing where they struggle, we can learn where the best practices and guidelines fall short. Even though our test version of the explainer followed common plain language best practices, people were still confused—this only became apparent through usability testing. Usability testing is one of the ways we discover the gaps in our assumptions and how we refine our approach to creating useful and usable voting materials.

Testing was a simple process. In 2 days, we visited 8 locations and were able to talk to 36 people. The feedback we heard helped us refine the language of the EVG ballot

question explainers—especially when confusion arose from something besides word choice or phrasing.

And the process continues. Next, the California Legislative Analyst's Office will review our new drafts for legal accuracy. Then finally, the whole EVG will be translated into Spanish, Chinese, Vietnamese, and Korean, so California's diverse voters can access clear and relevant information for the next election.

Before and after

Test version	Revised version
In-person Sports Betting in Tribal Casinos **The way it is now:** California law allows Native American tribes to operate casinos on tribal lands if the tribe, state, and federal government agree. But sports betting, roulette, and dice games are illegal throughout California, including in tribal casinos.	**In-person Sports Betting in Tribal Casinos** **The way it is now:** Tribal casinos in California can run poker, bingo, and other games. But sports betting, roulette, and dice games are illegal in tribal casinos and everywhere else in California.