

The Butterfly Ballot

Case Analysis

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#### **Background**

In the aftermath of the 2000 presidential election, citizens and the media accused Theresa LePore, the supervisor of elections for Palm Beach County, Florida, of taking away the presidency from the candidate Al Gore. As elections supervisor, LePore had the task of fitting the names of ten presidential candidates and their running mates on a ballot that would be easy for voters to read. With Florida's predominantly aged population, this task was necessarily difficult. After conducting her own research on voting equipment and ballot design and considering her time and budget constraints, she chose to use the butterfly ballot design, which involves placing the names of candidates on facing pages with a column of holes down the middle. Each hole corresponds to the candidate that it lines up with on either page. Some voters were confused by the ballot's layout. When they meant to vote for Al Gore, whose name appeared second on the first page but whose corresponding hole was third down the column, they inadvertently voted for Pat Buchanan, whose name was first on the second page but whose corresponding hole was second down the column. LePore did not foresee this confusion or the critical effect it would have on the election. In the past, the butterfly design had not been problematic. Furthermore, after she had distributed sample ballots to voters, political parties and the media, her office received no criticism regarding the design of the ballot. As such, she believed it was suitable to use for the presidential election.

#### **Stakeholders**

In this case study, numerous groups were interested in the outcome of the election. Those immediately affected by the results were the presidential candidates themselves and their running mates. The winner of this election would be the leader of the world's wealthiest and most

powerful country. Next, the voters had a stake in this election because they would be affected by the policies enacted by the winner during his administration. Elections officials also had a stake in the outcome because their jobs and reputations were dependent on the legitimate administration of the elections. Yet another group of stakeholders were the various political parties. If their candidate were to win the election, their particular issues would have a better chance at appearing on the political agenda. Finally, we have the media, whose duty it is to report to the public on the elections and to serve as a political watchdog for happenings in the White House.

### **The Pre-Outcome Environment**

In analyzing this case, Montjoy and Slaton (2002) advise us to explore the environment in which the problem occurred rather than place blame on an individual, as doing the latter clouds us from the complexities of public issues and from finding practical solutions to them (as cited in Stillman II, 2005, p. 523).

*Ballot Design and Equipment:* Florida is known for its large population of retirees and LePore was concerned with a ballot that had large enough print for voters to read and instructions that were easy to follow. New to the 2000 election was the requirement that twenty names appear on the ballot, as opposed to the usual eight to ten names in the past. The design alternatives LePore considered were the aforementioned butterfly ballot and the traditional columnar layout, which listed the names of all candidates on a single page and to the right of the names were corresponding punch holes. LePore feared if the latter alternative were adopted, the long list of candidates would require that more than one page be used, and voters, being accustomed to seeing all names listed on a single page, would think the next page was for a different election and consequently overvote. Given this alternative and the past success with the butterfly design, LePore felt the butterfly ballot was the better of the two choices. LePore was also aware of

advanced voting equipment that could reject ballots with errors like overvotes and undervotes.

She decided against using it, however, because of budget and time constraints and because there was no real need for advanced equipment when the system already in place did not seem problematic.

*The Polling Place:* Here, workers who staff the voting stations set the tone for the voting experience. They are the ones who voters see first and whom voters go to when they have questions or problems. However, because they must be available from morning until nighttime, they tend to be retirees or other non-working individuals. Furthermore, these workers are temporary employees who have little incentive to be effective and helpful with voters after growing tired from the long day. As such, even if voters have questions or problems, they may not want to approach a poll worker. This could have very well happened in the 2000 presidential election and it would have been out of the elections officials' control.

*Voter Response:* According to Montjoy and Slaton (2002), Palm Beach County sent over 655,000 sample ballots to all registered voters, political parties and the news media in preparation for the election (as cited in Stillman II, 2005, p.518). These ballots were among the plethora of elections-related materials that filled up the mailboxes of voters prior to the election. The ballots could have been buried in the heaps or simply disregarded by citizens who had grown tired of the mail. In any case, when LePore attempted to alert interested parties to the ballot, she received no complaints and therefore no indication that the ballot would be problematic.

*Political Isolation:* According to Montjoy and Slaton (2002), most elections officials work in local offices with little guidance from the state and federal legislators who create elections policies. In some counties, local government employees split their time between elections and

other duties (as cited in Stillman, 2005, p.522). As such, professional development and a fostering of professional identity are not encouraged in elections offices. In LePore's case, she found no program sponsored by the state to provide employee training on ballot design or advanced voting equipment. No one from a higher level of government seemed to advocate any particular way of conducting the elections.

### **Objective vs. Subjective Responsibility**

The butterfly ballot case showed that the decisions of numerous parties, not a single individual, affected the outcome of the electoral process. In making these decisions, each party had the capability to exercise, or not to exercise, responsibility to someone else. Voters, political parties and the media, for example, could have exercised their responsibility as citizens by taking seriously the sample ballot that was distributed to them. Montjoy and Slaton (2002) encourage us to explore two types of responsibility – objective and subjective. Objective responsibility is “responsibility *to* someone else *for* certain tasks” (as cited in Stillman II, 2005, p. 519). Montjoy and Slaton (2002) give the example of a poll worker who is “responsible to her supervisor for checking voters’ names against the registration list” (as cited in Stillman II, 2005, p. 519). This type of responsibility is based on two assumptions – certainty and hierarchical control. In the context of public administration, as long as a worker performs his duties correctly and rationally, a certain, predictable outcome will follow. In a hierarchy, there is a clear chain of command emanating from the top, so one can easily see who will ultimately be held accountable. These two assumptions, however, do not hold true in complex situations like the butterfly ballot case, where voter response can never be predicted and the small elections office does not operate in a large hierarchy.

The inadequacy of objective responsibility compels us, then, to explore subjective responsibility, which involves internalizing our duties and allowing our “personal, moral

compass” to guide us in our decision making process (Montjoy and Slaton, as cited in Stillman II, 2005, p. 520). This requires us to look beyond the objective and technical requirements of our jobs by reconciling those requirements with our personal values and principles. Doing so is a continuous and challenging task. In order to achieve this, the authors recommend a constant dialogue with others in the workplace to establish values, roles and responsibilities and, in turn, emphasize personal responsibility to others and the broader society. The authors give the example of the Election Center, which is a national nonprofit organization of election officials who have “[articulated] the values that they embrace as elections administrators in a representative democracy” and established principles to guide them in their field (Montjoy and Slaton, as cited in Stillman II, 2005, p. 520).

### **Implications**

Although it is important for all parties to exercise subjective responsibility, the authors identify two groups that are well positioned to support the plight of elections officials – the media and the elections officials themselves. As we have learned in class, policy makers tend to respond to demands from large and organized groups. As a political watchdog and public educator, the media has the power to bring forth on the political agenda important issues and to put pressure on policy makers to respond to those issues. Unfortunately, however, press organizations compete with each other for viewers’ attention and they want results quickly at the expense of obtaining a holistic view of the issues that they report on. Furthermore, they have little economic incentive to report on issues that are not interesting to the public. Here, the press needs to take subjective responsibility by going beyond vying for quick and attractive news and instead, reporting on important issues holistically so that the public can be well informed. The second group that can help the elections officials is that of the elections officials themselves. They can do so by breaking out of their traditionally neutral roles. They are the ones who deal

with voters upfront and are thus well suited to advise on electoral policy. Historically, however, they have not been well organized and their professional development has been curtailed in the name of strict neutrality. As R. Denhardt and J. Denhardt (2006) explain:

The legislature, charged with making policy, should be responsive to the people; the administrative agencies, charged with implementing policy, should be responsive to the legislature. The requirements of democracy will be met by a neutral and competent public bureaucracy that follows the mandates of the legislative body. This is called the doctrine of *neutral competence* (p.135).

R. Denhardt and J. Denhardt argue, however, that administrative agencies should not blindly follow legislative decree, as it may not always be in the public's interest (p. 141). As such, state and federal legislators must take on subjective responsibility to define the roles of elections officials and to allow them to develop professionally so they can be included in the policy process. Elections officials, furthermore, must take on subjective responsibility by being proactive about being included in the policy process rather than simply doing what they are told.

### **Conclusion**

Public administration problems are always complex and involve multiple parties. The correct answer to a problem is not always evident and it may not appear correct to everyone involved. Superiors may instruct us, for example, to perform duties that we feel are unethical or counter to public interest. As such, it is necessary to be proactive in engaging in ethical deliberation with others to clarify facts, establish basic principles and analyze conflicting viewpoints. Furthermore, we must foster a work environment that supports such ethical deliberation. By doing so, we can better define our roles, values and responsibilities to each other and to the public. If we are willing to act according to established principles, we will consistently be able to make complex ethical decisions with confidence.

References

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