

**Colombian Voters and Ballot Structure:
Error, Confusion, and/or “None of the Above”**

Abstract

An important, yet understudied, element of democracy is the actual mechanism of voting, and specifically the way in which ballot format can influence voter behavior. The Colombia presents a case for examining this issue due to changes in ballot format starting in the 1990s alongside other electoral reforms. Specifically the changes in Colombia allow for a look at the degree to which ballot format changed can reveal previously unrecorded voter preferences (in this case, an increase in “none of the above” voting) as well as examine how complexity leads to errors (both in terms of voters and vote counters).

(Working Draft—Comments Welcome)

Steven L. Taylor*
Professor of Political Science
Troy University
Department of Political Science
331 MSCX
Troy, AL 36082
sltaylor@troy.edu
<http://spectrum.troy.edu/sltaylor>

Prepared for the 2012 Meeting of SECOLAS.

*I would like to thank the staffs at the Library of Congress and the Biblioteca Luis Ángel Arango in Bogotá, Colombia (with a special thanks to Tracey North of the LOC’s Hispanic Reading Room). Additional thanks to the Misión de Observación Electoral for the chance to observe the March 2010 elections and to Jeff Daniel for data organizational help. Funding provided by the Faculty Development Committee of Troy University for research trips to Washington, DC in July of 2009 and Bogotá, Colombia in March 2010.

The point of interaction between the voter and the vote is the ballot. Therefore, it stands to reason that the format of the ballot matters in this interchange. Indeed, studies have demonstrated the significance of the ballot format.¹ And while intuitive and empirical evidence confirm the importance of the piece of paper (or computer screen) upon which candidates and parties appear and voters vote, this is an understudied area, especially in Latin America.

The Colombian case presents an intriguing example of the importance of ballot format as it is an electoral democracy with a long history of voting that has seen significant ballot (and electoral) reform over the last several decades. Specifically, the Colombian electoral system had a system of privately produced paper ballots from the early Twentieth Century until 1990, when it shifted to state-produced ballots with a new format. From 1990-2011 the system saw a shift in electoral rules (2003) as well as ballot format changes in 2003 and 2011. These changes provide a vehicle for studying the way in which ballot format influence electoral outcomes. The specific focus of this study is the degree to which ballot formats have contributed to voter confusion and error in the Colombian case. Further, examination of voting patterns suggests some significant level of voter dissatisfaction in Colombia given the number of votes being cast for *en blanco* (effectively, “none of the above”). Not only is *en blanco* a legitimate choice on Colombian ballots, but it is a potential winner: should *en blanco* win the most votes in a given contest, then a new election will be run. Another possible indicator of voter dissatisfaction or confusion are unmarked ballots.

The fundamental argument herein is two-fold: first that the shifts in the Colombia ballot and the electoral rules has created substantial confusion within the Colombian electoral, which warrants ballot reform (something that was attempted in 2011, but appears to have failed to achieve its goals) and that the shift in ballot production from private to public production helped

reveal a fairly high level of motivated, yet dissatisfied or confused voters (i.e., voters will go to the polls and vote *en blanco* or deposit an unmarked ballot). The role of ballot design has practical saliency as the Colombian government is moving towards the adoption of electronic voting machines and so the lessons of recent ballot format changes would be useful as new choices are made.

To accomplish the above the paper will provide basic background on the Colombia electoral and party systems, a review of the evolution of the Colombian ballot and then move to an analysis of error rates and “none of the above” voting. The main analytical focus of the paper, time-wise, is 1974-2011.²

Basic Background

Some very basic information is needed about the Colombian electoral and party systems for the purpose of discussing the ballot. First, in terms of party system, from the mid-nineteenth century to the late twentieth century, Colombia had one of the most stable two-party systems in the world. The domination of the Conservative and Liberal Parties started to wane after the aforementioned constitutional reform, although both parties remain important political actors in the system. Table 1 details the effective number of parliamentary parties in the Colombian congress from 1974-2010. At a minimum, we can see from the table that the party system has gone through a substantial amount of change in the last twenty years (corresponding to the constitutional reforms of 1991 and electoral reforms in 2003). We can also see that changes to ballot format correlate with this shift as ballot reform was one of several changes instituted at the time³

Second, the basic system for filling seats in legislative bodies has followed two sets of proportional representation rules over the last near-century. From the 1930s until 2003, the

	<u>Chamber</u>	<u>Senate</u>
1974	2.28	2.17
1978	2.06	2.01
1982	1.98	2.04
1986	2.46	2.47
1990	2.20	2.24
1991	3.03	3.10
1994	2.82	2.90
1998	3.27	3.56
2002	7.39	9.19
2006	7.60	7.10
2010	5.15	5.57

system was one of closed list PR with largest remainders system. Seats were allocated using the Hare quota in which the votes cast in a given multi-member district were divided by the number of seats in the districts (quota=votes/magnitude). All lists were awarded seats based on the number of whole quotas with additional seats being allocated via largest remainders. An important element of the Colombian system (until 2003) was that there was no limitation on the number of electoral lists that could be offered per party. This led to a large number of lists (well in excess of the number of seats being contested) and to a situation in which seats were awarded more and more by remainder rather than by quota. Indeed, the ability of parties to offer personal lists made the system function more like an SNTV (single non-transferable vote) system than a typical list-PR system.⁴ Since ballot production was left solely in the hands of private individuals, list production and distribution was also left unregulated. This allowed candidates to have the advantage both of a major party label as well as a personalized political fiefdom in the form of factional lists of candidates controlled by the up ticket candidates (e.g., for chamber and senate, typically).

By way of example, Table 2 details list proliferation in Senate elections from 1974-2002 (starting in 2006 parties were limited to one list). Due to the shift to a national electoral district in 1991, the Senate became the an egregious example of party fragmentation. The table also notes the degree to which the major parties were historically fragmented, as we can see that many more lists being were offered than there were seats available. As such, the pre-2002 system was one not only of inter-party competition, but one of *intra*-party competition as well. The shading indicates two different ballot formats. The right hand column is based on the number of electoral districts in play and the sums assume the number of party lists one would find in a typical close list system and multiples that number by two (for the two traditional parties). The substantial proliferation of lists, especially as it impacted senate elections, was a motivating factor in the 2003 electoral reform process.

	<u>PL</u>	<u>PC</u>	<u>Total PL+PC Lists</u>	<u>Number of PL + PC Lists Under a One List Per Party System</u>
1974	67	54	121	44
1978	92	61	153	44
1982	102	72	174	46
1986	73	67	140	46
1990	107	57	164	46
1991	90	25	115	2
1994	134	39	173	2
1998	147	25	172	2
2002	148	30	178	2

The 2003 reform was changed the electoral system to one that allocated seats via the D'Hondt method and that legally limited the number of lists per contest to one per party. In terms of election to executive offices, Colombia uses a plurality system to elect mayors and governors and likewise the presidency through the 1990 contest. With the new constitution of 1991 the presidency shifted to an absolute majority requirement with a run-off provision.

Ballot Format Over Time

As Table 1 above illustrates, the Colombian party system has undergone some significant evolution over the past several decades. While there are a number of variables in play, one of these is the format of the ballot and the way in which it structured both the presentation of parties, party factions, and candidates to voters. Further, issues such as the degree to which the ballot structure encouraged straight-ticket (and straight-faction) voting along with issues of spoiled ballots and “none of the above” voting also come into play (which will be discussed in detail below).

Prior to the 1990 presidential elections, all Colombian elections had been conducted via the usage of the *papeleta* or ballot paper. These ballots were produced privately: printed by the parties, published in newspapers, or handwritten by voters. These ballots were segmented by office and voters could either vote on long list of offices by party or they could cut the *papeletas* into segments. Whole ballots, or collections of segments, would be placed in an envelope and then into the ballot box. Traditionally, ballots were deposited whole (hence, straight-ticket voting was very much the norm). Figure 1 is a mockup of a ballot and Figure 2 a partial scan of an actual *papeleta* from 1978 showing senate lists and part of the chamber lists. Not only that, but the factional nature of the Conservative and Liberal parties were such that a given each ballot reflected a specific faction. In the early goings of Colombian factionalism there were typically “official” lists and “dissident lists, with the delineation often linked to the candidates towards the top of the ballot, such as the candidate for president, senate, or chamber of representatives. A given department⁵ of Colombia might have had multiple lists for Senate which in turn would have differing chamber, departmental assembly, and municipal council lists. In short, a given ballot represented a particular clientele network or partisan movement within the party. Due to

the factionalism, most lists would only win enough votes to seat the head of a given list and a handful of down-list candidates. As list proliferation increased over time (especially in the Senate as per Table 2 and Figure 4 below) often only the first name on a given list would win a seat.⁶

Figure 1: Mock-up of a Pre-1990 *Papeleta*

Listas oficiales	
PARTIDO LIBERAL COLOMBIANO VOTO PARA PRESIDENTE DE LA REPUBLICA POR EL DR. NOMBRE APELLIDO APELLIDO PERIODO CONSTITUCIONAL 1.974 – 1.978	

LISTA OFICIAL DE CANDIDATOS DEL PARTIDO LIBERAL AL SENADO DE LA REPUBLICA , EN LA CIRCUNSCRIPCION ELECTORAL DE CUNDINAMARCA, PARA EL PERIODO CONSTITUIONAL 1.974 – 1.978	
Principales	Suplentes
CANDIDATO	CANDIDATO
Candidato	Candidato
Candidato	Candidato

LISTA OFICIAL DE CANDIDATOS DEL PARTIDO LIBERAL A LA CAMARA DE REPRESENTANTES , EN LA CIRCUNSCRIPCION ELECTORAL DE CUNDINAMARCA, PARA EL PERIODO CONSTITUIONAL 1.974 – 1.978	
Principales	Suplentes
CANDIDATO	CANDIDATO
Candidato	Candidato
Candidato	Candidato

LISTA OFICIAL DE CANDIDATOS DEL PARTIDO LIBERAL A LA ASAMBLEA DEPARTAMENTAL , EN LA CIRCUNSCRIPCION ELECTORAL DE CUNDINAMARCA, PARA EL PERIODO CONSTITUIONAL 1.974 – 1.978	
Principales	Suplentes
CANDIDATO	CANDIDATO
Candidato	Candidato
Candidato	Candidato

LISTA OFICIAL DE CANDIDATOS DEL PARTIDO LIBERAL AL CONCEJO DE BOGOTA , PARA EL PERIODO CONSTITUIONAL 1.974 – 1.978	
Principales	Suplentes
CANDIDATO	CANDIDATO
Candidato	Candidato
Candidato	Candidato

Figure 2: Partial Scan of 1974 Papeleta

ESTE ES EL VOTO DE LA VICTORIA

LISTA DE CANDIDATOS DEL PARTIDO LIBERAL AL SENADO DE LA REPUBLICA, EN LA CIRCUNSCRIPCION ELECTORAL DE CUNDINAMARCA, PARA EL PERIODO CONSTITUCIONAL 1978 - 1982 QUE RESPALDA LA CANDIDATURA PRESIDENCIAL DEL DOCTOR
JULIO CESAR TURBAY AYALA

Principales:

ALVARO URIBE RUEDA
Diego Uribe Vargas
Jaime Posada
Héctor Echeverri Correa
Humberto Valencia García
César Ordóñez Quintero
Jorge Enrique Franco
Dario Samper
Alfonso Bonilla Naar
Gustavo Téllez
Julio Gómez Gómez
Jorge Ladrón de Guevara
Alvaro Pinzón
Fernán Torres León
Fernando Gaviria Cadavid

Suplentes:

CARLOS LEMOS SIMMONDS
Alfonso Angarita Baracaldo
Migdonia Barón Restrepo
Alberto Orjuela
Alicia Cuervo de Barrero
Jorge Luna Martínez
José María Castillo
Luis Carlos Sánchez
Guillermo Salcedo S.
Alvaro Arciniegas
Haydee Argüelles de Monroy
Jaime Umaña
José Dirio Vásquez
Graciela Ruiz de Rojas
Enrique Romero

LISTA DE CANDIDATOS DEL PARTIDO LIBERAL A LA CAMARA DE REPRESENTANTES, EN LA CIRCUNSCRIPCION ELECTORAL DE CUNDINAMARCA, PARA EL PERIODO CONSTITUCIONAL 1978 - 1982 QUE RESPALDA LA CANDIDATURA PRESIDENCIAL DEL DOCTOR
JULIO CESAR TURBAY AYALA

Principales:

ABELARDO FORERO BENAVIDES
Jorge Mario Eastman
Efraín Páez Espitia
Consuelo Lleras

Suplentes:

SANTIAGO MUÑOZ PIEDRAHITA
Juan Sánchez Rodríguez
Mercedes de Rivera
José Vicente Cardoso

The ability of individual candidates to offer their own lists allowed given party leaders to maintain their own electoral fiefdoms within a larger party network. This would have been difficult to accomplish without control of the ballot. Not only were ballots used for localized divisions, but were also sometimes used to settle intra-party disputes at the national levels. For example, a division within the Liberal Party in 1978 over who should be the party's presidential nominee was settled via a quasi-primary wherein the candidates whose allies won the most congressional seats would be the nominee for the presidency. This was possible because starting in 1978 the electoral calendar was split, with congressional elections in March and presidential elections in May. This mechanism was used again in 1986 and had been used back in 1937 as well.⁷ The 1978 ballot in Figure 2 illustrates this process, as the portion scanned shows both a senate and a house list that declare their support for a specific presidential candidate.

Table 3: Ballot Eras in Colombia	
1.	<i>Papeleta</i> Era (until March 1990)
A.	Until 1953 (until military coup of Rojas)
B.	1957-1970 (National Front)
C.	1974-1990
2.	<i>Tarjetón</i> Era (May 1990-present)
A.	Hare LR (May 1990-2002)
B.	D'Hondt (2003-present)
1.	Shared Open List Section (2003-2010)
2.	Per Party Open List Section (2011-)

Starting with the presidential election of May 1990, the state began producing the ballot (called the *tarjetón*, or ballot card). Figure 3 shows the first such ballot as used in the 1990 presidential contest. Both *papeletas* and *tarjetones* were hand counted (current plans are to move to electronic voting, and therefore the 2011 local elections should be the last hand-counted contest). During the initial *tarjetón* era, personal lists were allowed, meaning that nomination

powers remained with local party bosses, rather than with the national party. Table 3 details the era (and sub-eras) of ballot format.

The *tarjetón* era has had two distinct sub-eras. The state produced ballot was used for its first legislative election in December of 1990 when the National Constituent Assembly was elected to write the new constitution. Starting in 1991 all elections were given color-coded ballot with each office being contested on a separate ballot. These ballots were roughly the size a standard piece of paper and contained the name and face of the head of a given list along with the party affiliation and a number. Figure 4 contains an example. Starting with 2003 local elections, ballots were reduced to party symbols and numbers to correspond to candidates for parties using open lists (the 2003 electoral reform gave parties the option to have open or closed lists with the preponderance of the parties choosing the open option). This format can be seen in Figure 5. A slightly reformatted ballot was used for local elections in 2011. This redesign gave each party symbol its own list of numbers for open lists. This ballot can be seen in Figure 6.

Figure 3: The 1990 Presidential Tarjéton

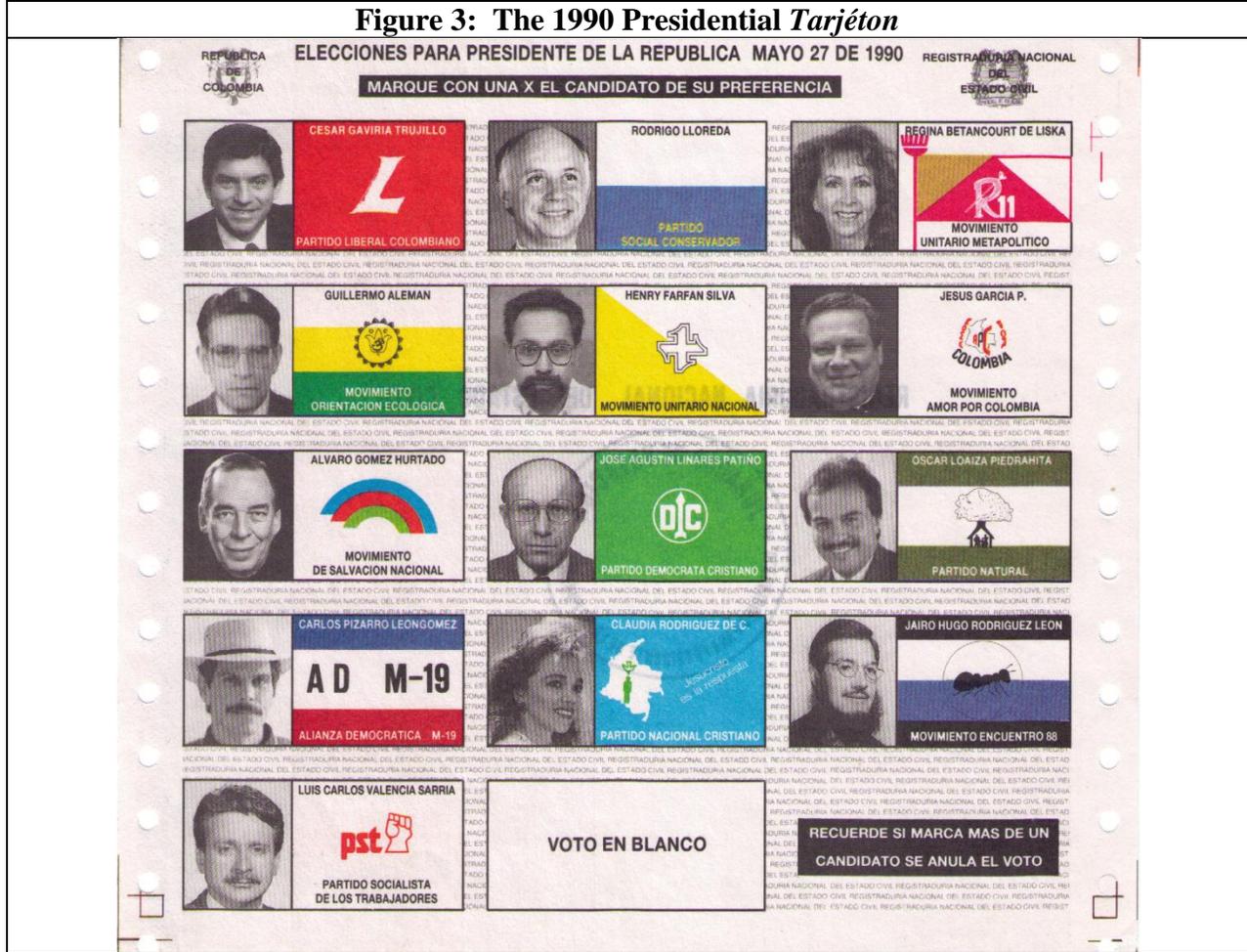


Figure 4: Senate Ballot 2002 (Unfolded)



Figure 5: Senate Ballot, 2006

VOTO PARA SENADO DE LA REPÚBLICA CIRCUNSCRIPCIÓN NACIONAL

1 SI SU VOTO NO ES PREFERENTE: ÚNICAMENTE MARQUE EL LOGO/EMBLEMA DEL PARTIDO, MOVIMIENTO POLÍTICO O GRUPO SIGNIFICATIVO.
 2 SI SU VOTO ES PREFERENTE: MARQUE EL LOGO/EMBLEMA DEL PARTIDO, MOVIMIENTO POLÍTICO O GRUPO SIGNIFICATIVO Y LUEGO EL NÚMERO DEL CANDIDATO DE SU PREFERENCIA (VERIFIQUE EN EL CUADERNILLO ANEXO).

PARTE A

VOTO EXCLUSIVO PARA CIRCUNSCRIPCIÓN ESPECIAL COMUNIDADES INDÍGENAS SENADO DE LA REPÚBLICA

1 SI SU VOTO NO ES PREFERENTE: ÚNICAMENTE MARQUE EL LOGO/EMBLEMA DEL PARTIDO, MOVIMIENTO POLÍTICO O GRUPO SIGNIFICATIVO.
 2 SI SU VOTO ES PREFERENTE: MARQUE EL LOGO/EMBLEMA DEL PARTIDO, MOVIMIENTO POLÍTICO O GRUPO SIGNIFICATIVO Y LUEGO EL NÚMERO DEL CANDIDATO DE SU PREFERENCIA (VERIFIQUE EN EL CUADERNILLO ANEXO).

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201 202

PARTE B

*Respetado Elector:
Para que su voto sea válido, diligencie una sola PARTE A o B de esta tarjeta electoral.*

century. The registry only started counting and publishing the number of unmarked ballots in 1998.

During the *papeleta* era, for a voter to vote *en blanco* required a ballot for a given office that listed that office and was otherwise blank or with “*voto en blanco*” written on the relevant portion of the ballot. This mechanism was intended to allow voters the chance to participate in the process even if said voter did not approve of any of the candidates. This allowed for a protest that was more definitive than simply abstaining (Cepeda 186: 87-88).

Analytically the question becomes how to analyze these different type of votes. Of course, votes for candidates are the most straightforward, as apart from the possibility that a given voter mistakenly mismarked the ballot, these are clear expression of voter preferences. *Votos en blanco* can also reasonably be seen as expressions of clear preferences: in this case, a preference for none of the lists being offered up by the parties, but also an affirmation of the voting process. Blank votes are valid votes in Colombia and count as an official “none of the above” vote. Unlike, for example, the case of the state of Nevada in the U.S., where a voter can vote for “none of these candidates” as a pure protest, in Colombia, *en blanco* can win the election and thus force a new contest with new candidates.⁸ *Votos nullos* and unmarked ballots are more problematic.

Null votes are errors (spoiled ballot or votes for more than one list per office), and questions arise as to why such errors occur and whether or not ballot format contributes to higher error rates. It is worth noting that in addition to voter error, counting errors may also be committed that lead to votes being classified as null. As noted above, the ballots are hand-counted at the polling station. Misinterpreted ballots may be declared null, even if the vote itself should have been classified as valid. International electoral observers working with the Misión

de Observación Electoral (MOE) observed such counting errors during the March 2010 elections.⁹ Just as more complex ballots may affect voters, they can affect counters as well.

Unmarked ballots raise the question of why a voter bothered to come to the polling place to simply not mark a ballot at all. Are those errors or protests? Did the voter think that this was the same as a *voto en blanco*? Did they simply become overwhelmed and decide to forgo the process? The aforementioned MOE team in 2010 often noted confusion by voters who had to balance several ballots (at least three: Senate, Chamber, and Andean Parliament and perhaps, if requested, a primary ballot for either the Conservative Party or Green Party) on a small cardboard table. A striking number of ballots have been deposited in recent years that are not votes for candidates.

Errors and/or “None of the Above”

The rate of null and blank votes markedly shifted in the switch from the *papeleta* to the *tarjetón*. To examine this change over time, Table 4 examines three national offices: the bicameral congress (the senate and chamber of representatives) and the presidency, and a local office: departmental assembly. The general pattern is quite clear: a substantial jump in blank and null votes when the shift from *papeleta* to *tarjetón* takes place, although with some significant variations in patterns by office.

The shift is clearly a result of an increase in the complexity of the voting process itself, which leads to more errors. There is also a substantial increase in the number of blank vote, which can be argued constitutes a revealed preference (i.e., a sign of dissatisfaction) that the previous system did not capture since it became substantially easier to vote *en blanco* starting in May of 1990). For while, as noted above, one is left to wonder as to why a voter would bother to deposit an unmarked ballot into the ballot box, marking the *en blanco* space is an affirmative

action that likely either is a true “none of the above” vote or, perhaps, a sign of confusion (i.e., the voter doesn’t know what else to do when faced with a bewildering set of choices). In examining null and blank votes over time per office and after format shifts, we can ask why there have been increased in null and blank votes.

Table 4: Votos en Blanco and Nulo, 1974-2011

	Senate		Chamber		Asamblea		President	
	<u>Nulo</u>	<u>Blanco</u>	<u>Nulo</u>	<u>Blanco</u>	<u>Nulo</u>	<u>Blanco</u>	<u>Nulo</u>	<u>Blanco</u>
1974	0.07%	0.17%	0.07%	0.15%	0.08%	0.17%	0.11%	0.13%
1976					0.22%	0.17%		
1978	0.13%	0.11%	0.12%	0.09%	0.10%	0.10%	0.16%	0.20%
1980					0.16%	0.25%		
1982	0.13%	0.09%	0.10%	0.09%	0.09%	0.10%	0.14%	0.13%
1984					0.18%	0.22%		
1986	0.17%	0.22%	0.17%	0.19%	0.17%	0.20%	0.11%	0.58%
1988					0.21%	0.35%		
1990	0.22%	0.13%	0.24%	0.15%	0.28%	0.15%	0.75%	1.29%
1991	2.98%	8.41%	2.79%	10.75%				
1992					3.92%	17.15%		
1994	6.22%	2.66%	5.09%	3.50%			0.52%	1.12%
1998	2.67%	3.84%	2.53%	7.58%			0.75%	1.15%
2002	3.25%	4.42%	3.88%	5.06%			1.33%	1.74%
2003					3.61%	9.43%		
2006	11.23%	2.70%	13.39%	2.44%			1.10%	1.88%
2007					5.97%	11.11%		
2010	11.03%	3.73%	15.32%	3.03%			1.16%	1.52%
2011					4.82%	10.56%		

As noted, complexity of voting is a key variable. Voting via *papeleta* was less complex than voting via *tarjetón* and then voting under the post-2003 ballots was arguably more complex than with the previous *tarjetones* and hence the increase in null votes as each change is made. Voting via *papeleta* was, in general, the least complex of the processes: a voter would place the ballot into the voting envelope and deposit it in the ballot box. In this scenario there is only one piece of paper and no marking (or, really, even any reading) required. Probably the most likely

means of acquiring the ballot was being handed it, already in an envelope ready for deposit in the ballot box, by someone working for a given party (or faction within the party). From there the next most likely route was to cut the ballot out of a newspaper, or one could hand-write it if one so chose. While split-ticket voting was possible (by cutting up a ballot into piece by office), this was not a common practice. The only way to nullify a vote in this context would have been for a hand-written ballot to be illegible or for more than one ballot to be present for the same office in a given envelope (Cepeda 1986:94-95). The average rate of null votes during this period was quite low. For example, the average rate of null vote for congressional elections (both chambers) for the 1974-1990 period was 0.14%. For the same period for departmental assemblies, the rate was 0.17% and from 1974-1986 was 0.13% for presidential contests. The easiest process in the entire sample set, at least in theory, would be voting for president during the 1978-1986 timeframe as these were all non-concurrent elections and only one ballot paper with only one office on it was needed to vote for a given candidate (see Figure 7 for examples from the 1986 contest). As such, errors should have been the least common in those elections, although the average null vote for those three contests was 0.14%, the same as for congress during the 1974-1990 period (i.e., with two more elections to sample).

Figure 7: Papeletas from the 1986 Presidential Election

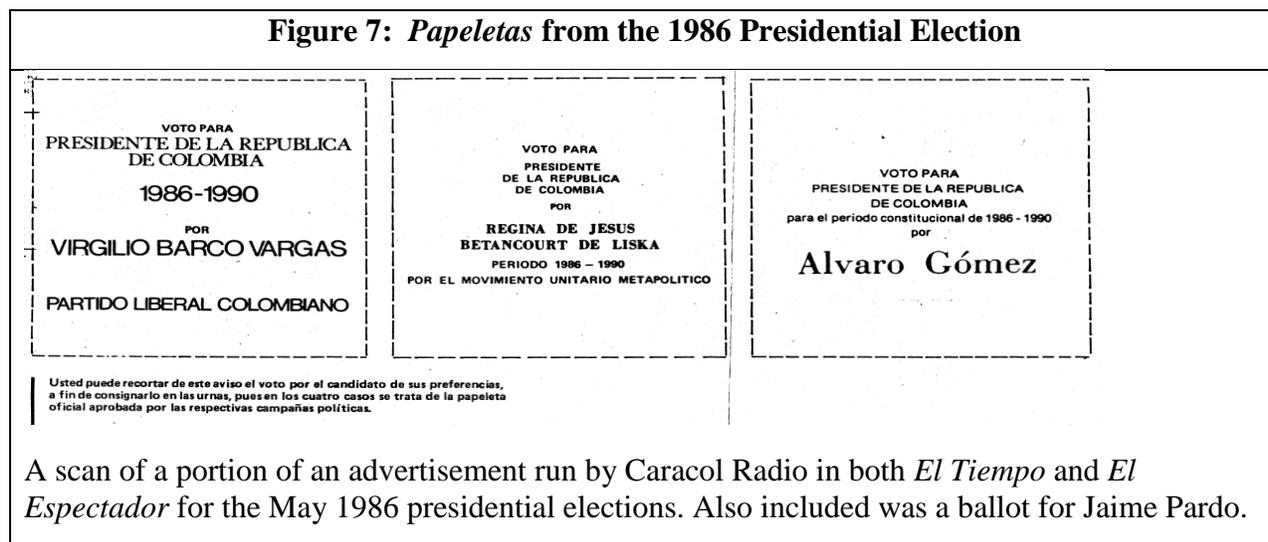


Table 4 also shows that the rate of votes *en blanco* across offices were quite low as well during the 1974-1990 period. This is not surprising since, as noted above, this required purposive action by the voters: either the creation of a *papeleta* for the given office that was labeled with the office's name but was otherwise left blank, or the voter writing "voto *en blanco*" on an existing ballot itself. The average rates of *en blanco* voting during this era was similar to the null vote rate: 0.15% for the senate, 0.13% for the chamber, 0.19% for departmental assemblies, and 0.26% for presidential contests. The fact that the *en blanco* rates for presidential contests were higher makes sense insofar as during the 1978, 1982, and 1986 elections the presidency was the only office being contested, making it less of a hassle to create a single blank *papeleta* and no physical division of the long ballot.

With the advent of the state-produced *tarjetón*, the voting process became more complicated. Instead of one ballot a voter was given as many ballots as there were contested races. So, for example, in congressional elections voters would get two ballots (one for the chamber and one for the senate). During local elections that number would increase: one for governor, one for mayor, one for departmental assemble, one for municipal council, and (in some large cities) for local administrative councils¹⁰ as well. This remained the practice after the 2003 reform, although the ballots became physically shorter once parties could only offer one list per office.

In looking at the numbers in Table 4 we see a clear and dramatic increase in the number of null and blank votes in the move from the *papeleta* era to the *tarjetón* era. There is a substantial increase across all offices, although the increase is far smaller for presidential elections. This is not surprising, as vote for president is the least complex process across all eras. Still, we do see a jump by a factor of roughly seven for null votes and five and a half for blank

votes when comparing average rates from the *papeleta* to the *tarjetón* eras. We should expect an increase in blank votes starting in the 1990/1991 timeframe, as the option to vote *en blanco* became explicit and easy with the introduction of the *tarjetón*. Null votes also increase. This would seem to be a function of increased complexity in voting. We see a further increase going into 2003.

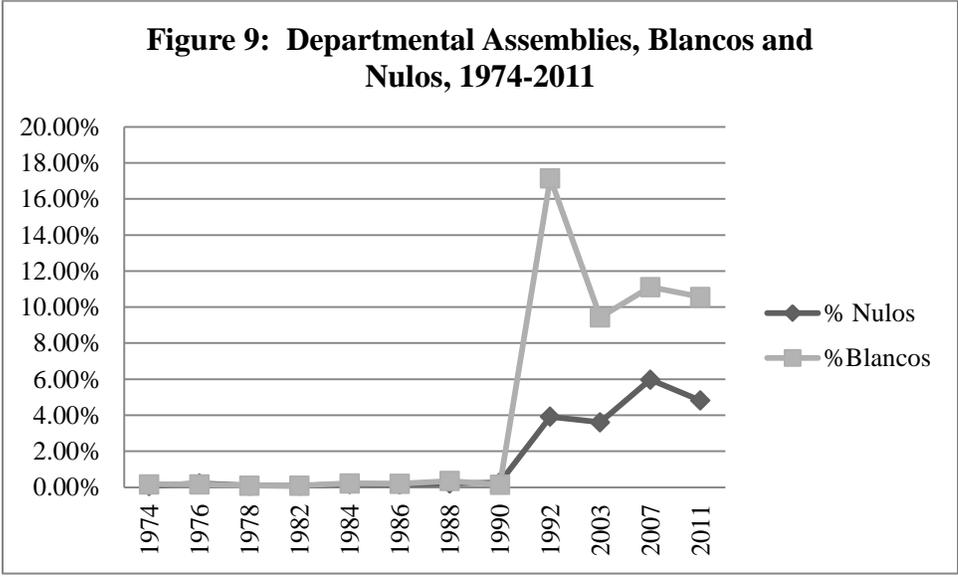
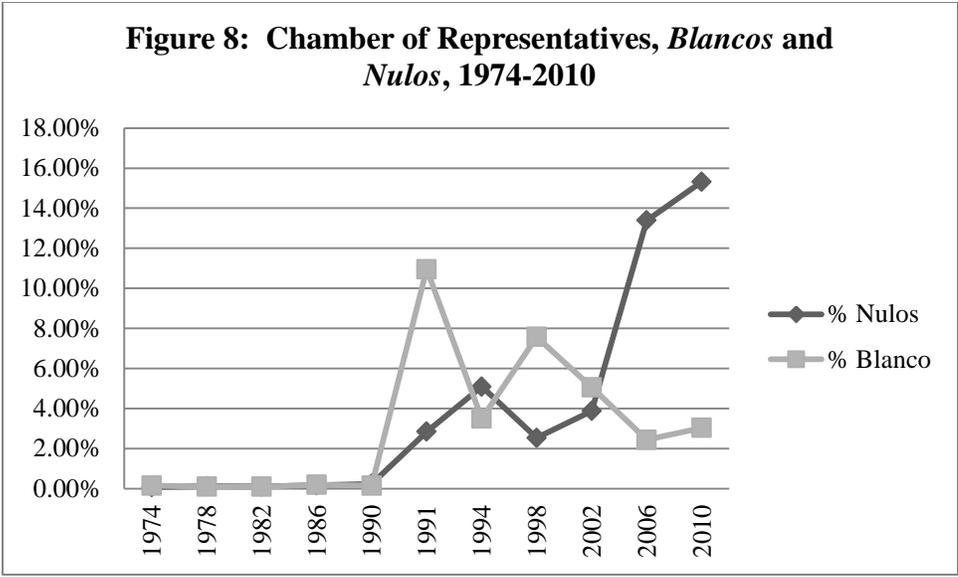
One assumption is that the problems are being caused by the open list options i.e., voters not understanding how many marks they make on the ballot and what those marks mean. One possible example: voting only for their preferred candidate number and forgetting to vote for a party label. This only can cause some counting errors, because interpretation of voter intent becomes an issue. In general, the open list option means that voters have the chance to mark each ballot twice. Each time a mark must be made it is also an additional opportunity for an error.

In comparing departmental assembly voting and congressional voting that there is a divergence in terms of how the 2003 rules affected the ballot and therefore voter experiences. As we see in Table 4, there is a near inversion of blank and null votes between the congressional and local assembly elections. The problem is likely the special set aside seats that exist for congress but that do not exist at the departmental level. The constitution of 1991 instituted a process of special set-aside seats for both the chamber of representatives and the senate. This requires a special section on the ballots for those seats. For example, looking back to Figure 5 we can see that there is a part A and a part B (in reality: two different ballots on one piece of paper). Part A is the main ballot which is used to elect the 100 Senators elects from one national electoral district. Part B is used to elect the two Senators also elected from a national district. The issue for voters and potential confusion, and therefore likely error, is that voters can *only*

vote in Part A or Part B, not both. Voters are therefore presented with a number of ways to vote incorrectly. Chamber ballots can be even more confusing as they can have slots for multiple set-aside seats, that is: a Part A for the departmental seats, then a Part B for national set-aside seats for Afro-Colombians, and a Part C for national set-aside seats for indigenous persons.

The *en blanco* boxes are especially problematic as voters might think that if they mark one *en blanco* box that they must mark them all. Comparing congressional with departmental level results (which have no set-aside seats), it would appear that a large number of voters are voting in both sections. Since the *en blanco* rates are higher for departmental assembly elections, it stands to reason that a main confusion for voters at the congressional level are marking multiple (two or three) *en blanco* boxes. A voter who marks more than one *en blanco* box is effectively voting on multiple ballots, and hence nullifying their vote.

Getting back to comparing congressional and departmental blank and null rates, we see that the congressional null rates are far higher than in the departmental contests. Figures 8 and 9 compare the chamber and with assembly elections and there are far more null votes for the chamber contests. The complexity of the congressional ballots, with their multiple sections for set-aside seats, clearly leads to more voter error. Many voters may think that they can vote on more than one section or, as suggested above, they may be marking multiple *en blanco* boxes.



The format change in 2011, which theoretically makes the ballot clearer and therefore easier to use, appears not to have had any real effect on the null and blank rates (see Table 4). Of course, since that change was for local elections only, we have no means to test if the main driver of null votes is the multiple incidences of the *en blanco* boxed on congressional ballots.

The level of unmarked ballots also appears to have been affected by the new ballot format. The number of observations is small since the Registry only starting publishing those number in 1998 so we only have two before and two after the shift to D'Hondt. However, we can still note that a) there are a fair number of unmarked ballots, b) the number increased with the new ballot format, and c) when we combine blank, null, and unmarked ballots, there are a substantial number of voters not voting for parties in these elections. This can be illustrated by looking at chamber of representatives numbers (Table 5).

	Blancos	Nulos	Unmarked	B+N+U
1998	7.58%	2.53%	3.68%	13.79%
2002	5.06%	3.88%	4.25%	13.19%
2006	2.44%	13.39%	3.32%	19.15%
2010	3.03%	15.32%	5.43%	23.78%

Departmental assembly voting shows a substantially larger rate of unmarked ballots. In 2003 local elections were the first to use the D'Hondt method to allocate seats, to allow open lists, and to require one list per party and so the high level of unmarked ballot in that contest may be a sign of general confusion with the new ballots. That year, unmarked ballots accounted for 19.45% of all ballots deposited in the elections for departmental assemblies. The combination off null, blank, and unmarked ballots accounted for almost one third of all ballots: 32.49%. The numbers came down a bit in the next two cycles. In 2007, 12.58% of ballots deposited were unmarked and the combined null, blank, and unmarked percentage was 29.67%. In 2011 the numbers were 11.94% and 27.32 respectively. The lack of any numbers from another ballot format era makes comparative conclusions impossible. Still, it is striking that so many undervoted ballots have been in play.

Conclusions: What does this all mean?

The main findings here are that the shift from the *papeleta* to the *tarjeton* produced a marked increase in blank and null votes. This is attributable largely to the increased complexity associated with the new ballot formats. At a minimum, a move from ballot that needs no real interaction save for placing them in an envelope (which likely was done for the voter by party activists) to a system of having to handle and mark multiple ballots clearly provided for many more opportunities for errors starting in the 1990s. Further, the new ballot made voting “none of the above” easier. The complexity level (and the error rates) increased with the introduction of open lists in 2003. An unanswered question in all of this is how much of what we are seeing is the result of voter confusion and how much of it is the capturing of voter discontent with the system that has been unrevealed by the old ballot format.

For example, when voters mark the *en blanco* box on the ballot how many times is that a sincere wish by the voter to say “none of the above” and how much is it an expression of voter frustration (especially in the case of the ever-growing senate ballots of the early *tarjeton* era)? Likewise, is the large number of unmarked ballots in recent years a function of confusion, exasperation, or a misunderstanding of how to cast a blank vote?

At a minimum, the numbers show that ballot format matters and this examination of Colombian ballots indicates that the more complex the process the more likely it is that voters will either make errors or move to opt-out options.

As Colombia moves to electronic voting, which itself can create new layers of complexity, the issue of design remains relevant. The experiences of the *tarjetón* era, in particular, should help guide the national registry as it looks to create the layout that will be display to voters. It is also the case that's electronic voting should. If properly designed, eliminate such problems as over votes (e.g., double voting on both the main congressional ballot

and on the special seats section as well. On the one hand, if electronic voting machines are properly programmed to eliminate problems like overvotes, what we should expect to see, if the pattern of the last two decades holds, is an increase in "none of the above" voting at all levels. This will be true for at least two reasons. First, the elimination of the confusion multiple options (and multiple *en blanco* boxes) on congressional ballots should substantially reduce the number of null ballots cast in congressional contest to at least bring them in line with the departmental assembly numbers. Second, any voters currently casting unmarked ballots and mistakenly thinking that they are casting officially blank ballots should be directed to voting officially for the "none of the above" option.

Potential expansion of this study includes looking at comparative turnout rates as well as factors such as department-level literacy to see if there is a correlation between how literate given electorate is and the rates of voting via options other than candidates.

Appendix: Notes on Data

Data from the 1974-1994 elections were obtained from the volumes of electoral data published by the National Registry of Colombia. These hard copies were not printed after the 1994 with the Registry initially releasing the 1998 national results on a CD-ROM and later publishing them online. The 2002 election onward have been published with fairly extensive stats online at the Registry's web site: www.registraduria.gov.co. For some reason, the final compilation of results for 2010 was never posted, so numbers used herein were based on the E-26 forms posted online.

The gap between published volumes and online distribution of votes has resulted in a gap in the data in this study for local elections, as information between 1994-2003 has not yet been acquired.

For this paper all numbers are based on nationally aggregated data. That is, instead of averaging departmental results, results were totaled and then calculations made.

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- ¹ See, for example, work on ballot production (Albright 1942; Allen 1906; Rusk 1970), order of candidate names (Brockington, 2003; Darcy 1986 and 1998; Faas and Schoen 2003, Kopell and Steen 2004). A key case study is the butterfly ballot used in the 2000 presidential elections in Florida (see, e.g., Brady, et al. 2001; Herron and Sekhon, 2003; and Wand, et al., 2001).
- ² 1974 marked the return to full electoral competition after first the electoral interregnum that existed from 1953-1958 due to the coup perpetrated by General Gustavo Rojas Pinilla and then the power-sharing agreement between 1958-1974 called the National Front wherein electoral completion was modified to guarantee a 50-50 split of the state between the Liberal and Conservative parties. See Taylor 2009: 44-52 for a detailed treatment.
- ³ See Taylor 2009, Appendix 1 and Taylor 2010 for a more comprehensive treatment of this topic.
- ⁴ See Cox and Shugart 1995 and Shugart, Moreno, and Fajardo 2007 for more on this topic.
- ⁵ Colombia is a unitary state that is divided into administrative units called "departments" which are further divided into municipalities. In terms of geographical size, a department is roughly equivalent to a US state and municipalities are comparable to counties, save in large metropolitan areas.
- ⁶ In the 1991-2002 period (i.e., post-constitutional reform and prior to the requirement that parties offer only one list), only nine lists won multiple seats in 1994, and then three each in 1994, 1998, and 2002.
- ⁷ For a fuller discussion of this process, see Taylor, Botero, and Crisp 2008.
- ⁸ This has happened a handful of times in local elections, with the most recent being a mayoral contest in 2011. A candidate running unopposed in Bello, Antioquia lost to *en blanco* 56.70% to 43.29%. See El Pais 2011 and Radio Santa Fe 2011.
- ⁹ See MOE 2010. The author was part of the observation team and witnessed confusion on the part of voter counters, and even by representatives of the National Registry who were there to aid the process. An example would be: if a voter votes for a party and then marks two numbers in the open list section, the vote should be

counted as valid for the party, but just not be counted for the intra-list purposes. The author observed at least one such ballot being logged as null.

¹⁰ Known as *Juntas de Administraciones Locales* or JALes.