

# What the H\*%# Does That Mean?

**W**hich of the following sentences is easier to understand?

1. "If the location of the land is in a state other than the state in which the agency's jurisdiction is located, the agency's justification of anticipated benefits from the acquisition will be subject to greater scrutiny."
2. "When an agency wants to buy land in a different state, its reasons for the purchase will be studied very thoroughly."

Most people prefer the second one because it's clearer, more concise, and written in plain language, which the Plain Language Action and Information Network defines as any communication that can be understood the first time it is read or heard.

Some think legal and legislative writing has veered too far from plain language. A recent study, "Ballot Readability and Roll-Off," looked at 1,112 ballot measures from states between 1997 and 2007 to see whether their readability affected voters' behavior. Researchers scored each one using the Flesch-Kincaid scale, which assigns the grade level required to understand it. (For example, the first sentence above scores at 19.7 grade level; the rewrite is at 9.4.)

The authors found that, regardless of the topic, the more difficult a measure was to understand, the less likely citizens were to vote on it.

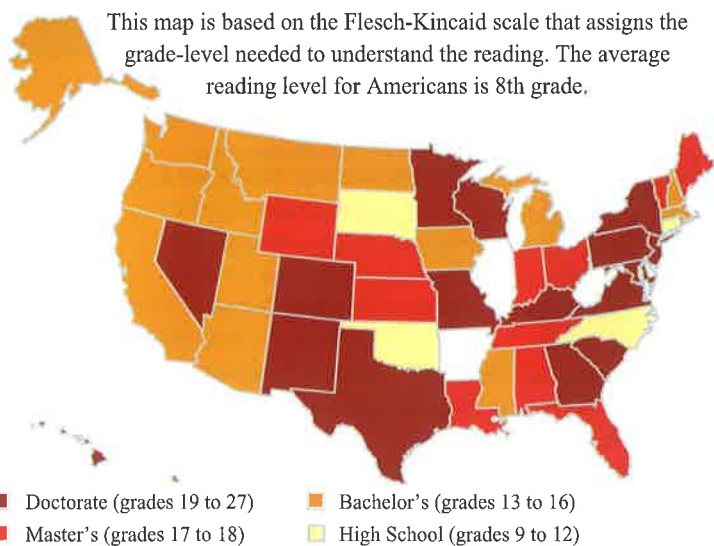
Most popular reading is written at the eighth to 10th grade level, which studies have shown is best for the average American. The authors found, however, that all ballot questions included in their survey contained language that exceeded that level of reading proficiency, and well over half fell into the graduate-school level or higher on the Flesch-Kincaid scale.

Ballot measures, especially, require voters to tackle complex, nuanced issues, yet "complex ballot language can confuse voters," says Shauna Reilly, one of the authors. And confused voters may end up casting a vote for the policy they don't want—or opting not to vote at all—she warns.

Lawmakers in Colorado, Indiana, Missouri, New York and Pennsylvania are considering various requirements for plain language on ballots.

"We want the average voter to be able to plainly understand the issues on the ballot," says House Speaker Pro Tem Shane Schoeller (R), who recently introduced the Missouri Fair Elections Act. The Colorado legislation would require titles of statewide ballot measures to be written in "plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning that are understandable to the average reader."

## Average Reading Level of Ballot Measures, 1997 - 2007



Note: Arkansas, Delaware, Illinois and West Virginia either did not have statewide ballot initiatives in the last decade or not enough information is known.

Source: Pew Center on the States, 2011.

## Check Your Own Writing

Microsoft Word users can apply the Flesch-Kincaid scale to their own documents.

1. Click the Microsoft Office button, and then click "word options" at the bottom right.
2. Click "proofing."
3. Check "check grammar with spelling."
4. Check "show readability statistics" Then click "OK."
5. To check a document, click on the "review" tab, then "spelling & grammar" check the spelling. When done, it displays the reading level of the document.

The Voting and Usability Project offers guidance on plain language for all elections-related materials, and the U.S. Election Assistance Commission provides polling place and ballot design guidelines and templates for use at the state and local levels.

The plain language movement is wider than the ballot box, of course. According to the Center for Plain Language, 32 states have a plain language program in at least one governmental agency. Texas, for example, has a plain language project for contracts, Oregon has a plain language standard under the Department of Administrative Services, and Washington's plain talk initiative is run from the governor's office.

The Plain Writing Act of 2010 requires the federal government to write all new publications, forms and publicly distributed documents in a "clear, concise, well-organized" manner. Iowa Congressman Bruce Braley (D) sponsored the legislation and now wants to apply the rules to federal regulations.

"Whether you like or loathe government regulations, I think everyone can agree that when one exists, it should be written as clearly as possible," Braley said in a press release. "Sadly, gobbledegook dominates the regulations issued by government agencies."

—Shannon McNamara

**Editor's Note:** This article is written at a 13.4 grade level on the Flesch-Kincaid scale.