Democracy at Risk:

The Need for a New Approach to Election Administration

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America’s election system is at risk.

Efforts across the nation to prevent voter fraud have touched off a debate about whether such efforts could systematically disenfranchise voters.

Even as this debate plays out in headlines across the country, the indispensable scaffolding of America’s voting system is in disrepair and unsteady in conducting the work of democracy.

Significant challenges include –

- a constant calendar of federal, state, local and special elections;
- ever-changing (and sometimes conflicting) election laws and regulations;
- election methods and technologies that are outmoded and/or too complex to manage; and
- growing funding shortages as state and local election budgets shrink nationwide.

Given the impact of these challenges, it is hardly surprising that news reports constantly feature stories about problems with elections around the country. Such problems are not the kind of “meltdown” associated with the disputed 2000 Presidential election; rather, they are constant failures and frustrations that needlessly consume time and energy and create doubt that the system works as intended.

The solution, therefore, is not another reactive legal change or quick-fix technology but a serious, thoughtful and long-term investment in the women and men who conduct our nation’s elections.

More specifically, we need a bold and aggressive campaign to professionalize election administration that will enable election officials to tap into the experience of their peers as well as learn about cutting-edge, common-sense approaches to managing people, processes and technology in a way that benefits citizens both as voters and as taxpayers.
This commitment to professionalization will allow election administrators nationwide – regardless of prior experience – to have access to the latest and best ideas in the field as well as opportunities to deepen their understanding as their job responsibilities expand.

In addition, we need to open up the profession to new skills and approaches – indeed, to the spirit of innovation itself – with the goal of ensuring that election officials are equipped with the most up-to-date tools they need to solve the field's latest problems.

As professionalization and modernization efforts improve election administration, it will create an avenue for entry into the field for a diverse new generation of election administrators. If our historic opportunity is recognized and seized, election administration will benefit not only from new knowledge and skills but also from including new faces and voices who can make the profession look (and sound) more like the voters they serve.

Let’s take a closer look at the challenges that a commitment to professionalization would help overcome:

**Challenge #1 – a Steady Demand for Elections and Voting**

While the nation’s attention tends to focus on national Presidential and Congressional elections in even-numbered years, the truth is that the constant calendar of federal, state and local elections means that election officials are always preparing for, conducting or wrapping up a not-too-distant Election Day.

More specifically, a review of election returns published on state and local election sites reveals that American voters nationwide cast over 410 million ballots in federal, state and local elections from January 2008 to December 2011 – a turnout of over 100 million votes per year - roughly comparable to that of the 2000 Presidential election - every year for four years.

Every single one of these votes required an election office to, among other things -

- generate a voter list (and in some jurisdictions run Election Day registration);
- build and produce a ballot;
- identify polling sites - including for early voting where applicable;
- recruit and train poll workers;
- deliver ballots to polling place or directly to voters;
- program, test and deliver voting machines to polling places;
- collect voted ballots;
- count ballots and generate returns; and
- certify the official result.

This workload – which can increase as deaths, retirements and resignations (and these days, recalls) add special elections to the calendar – reflects the reality that every day, not just Election Day, is a busy one for the nation’s election officials.
**Challenge #2 – A Tangled Web of Election Laws and Regulations**

Election officials’ workload is even more daunting when you consider the legal backdrop against which election offices must carry out their duties.

Federal law alone imposes crucial mandates and restrictions on state and local election offices.

Even before the disputed 2000 Presidential election, the Voting Rights Act (VRA) of 1965, the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) and the National Voter Registration Act of 1993 (NVRA, or “motor voter”) placed significant responsibilities on election officials.

Since 2000, this body of federal law has increased considerably with enactment of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment (MOVE) Act of 2009 along with a 2007 reauthorization of the VRA.

At the same time, states and localities have begun to make changes to their election laws, both to implement federal laws like HAVA but also to reflect new policy debates in the field of elections. The current voter ID debate, for example, has seen dozens of states debate – and in many cases, enact – new ID requirements at the polls.

This growing legal backdrop – combined with the political disputes that accompany some of these changes – means that not just legislatures but courts are increasingly regulating the work of election offices. Such litigation can -

- extend the debate (as with voter ID or disputes about the VRA’s constitutionality);
- involve application of the law to specific elections (as in court cases seeking to give military voters enough time to vote under the MOVE Act); and/or
- seek to fill in gaps in the law that legislators couldn’t (or wouldn’t) decide (like with provisional voting under HAVA).

This ever-evolving legal backdrop for the nation’s election system creates challenges for election officials simply to keep up – or, increasingly, to conduct elections when the law isn’t clear or is still in dispute or flux.

**Challenge #3 – An Over-reliance on Outmoded or Overly Complex Methods**

In some ways, America’s 21st century elections are dependent on 19th century methods. In most states, the bulk of votes are still cast as they were when the United States was still a pre-industrial, agrarian nation – in neighborhood polling places on a Tuesday designated as Election Day.

In other ways, however, methods have changed too fast for election officials to keep up. Many jurisdictions purchased new voting machines during the “gold rush” that followed HAVA’s passage. Some of those purchases – made with an eye on time-limited federal funding and new (yet uncertain) federal mandates – were made with an inadequate understanding of their impacts on the security and transparency of the voting process. Over time, the complexity of these new technologies has meant that state and local election offices must outsource entire parts of their voting operations to private sector companies and consultants, increasing risk and decreasing opportunities for accountability.

Finally, America has changed in ways that make traditional election methods increasingly out of step with voters’ needs. As Americans turn to the Internet and mobile devices for news, information and commerce, they are looking for opportunities to use the same technology to navigate the election
process. As they do, a thorough understanding of technology - when to use it, how to make it work for voters, how to protect it from threats and (most importantly) how to fix it when things go wrong - will have to be a core competency for election officials going forward.

**Challenge #4 – Shrinking Dollars for Election Administration**

The recent recession – and the accompanying fiscal crisis for state and local governments – has resulted in a “new normal” for elections that raises the importance of cost-effectiveness for election offices at every level. Administrators are literally being asked to do more with less, setting up difficult decisions about how to meet all of the above challenges with constant or reduced funding. As a result, we are seeing states and localities wrestle with reduced numbers of polling places, increased reliance on early and absentee ballots and other non-precinct place voting and hard questions about continuing equipment maintenance and storage contracts.

In this environment, finding ways to “work smart” to maintain service levels despite funding cuts is not a luxury but a job-critical necessity.

**The Solution: Invest in Professionalization to Support the Field**

What is necessary to meet and overcome all of these challenges is a sustained and significant commitment to professionalizing the field of election administration.

This commitment to “professionalization” is not an indictment of the efforts or professionalism of the women and men who do the job, which is both considerable and inspiring.

Rather, professionalization is designed to formulate and share common election administration terminology, approaches and standards that will give election officials a community of scholarship and experience to which they can turn rather than relying solely upon personal experience, local knowledge, their own considerable resourcefulness – and quite often, luck - in order to succeed.

Right now, election officials in the field have no single place to turn for this kind of support and education. There are national, state and local organizations and associations that host meetings for election officials, but each of them is limited in some significant way: membership, job title, and geographic reach. In addition, such groups tend to focus exclusively on elections and don’t necessarily give attendees a glimpse of new and promising innovations that could update the field. The result is that individual election practitioners are missing out on the kind of systematic overview that a central entity focused on the entire profession and enjoying a national reach can provide.

*The Humphrey School’s Election Academy is committed to filling this void by developing materials and hosting convenings aimed at helping current election officials hone their skills, learn new ones from inside and out of the field and share their experiences while also identifying, recruiting and training the next generation of election administrators nationwide.*
Such a commitment will yield numerous tangible benefits:

- reduction in preventable errors throughout the entire voting process via better data collection and management tools and identification of potential trouble spots before, during and after Election Day;

- more cost-effective use of public financial and human resources to ensure that every eligible voter who wishes to register and vote can do so at a cost that also works for citizens as taxpayers; and

- creating a knowledge base in the field (including creative and cutting-edge voices from other fields and the tech sector) that will allow election officials everywhere – and at every level of experience – to learn new skills and update existing ones in order to guarantee that they are well-equipped to do their jobs; and

- establishing an education/employment pipeline for the field that will replace the current generation of retiring election officials with a diverse set of new faces – and voices - that not only share their predecessors’ commitment to the nuts and bolts of democracy but whose backgrounds bring new perspectives to the field of elections – and the voters its serves.

Good intentions are no longer enough to guarantee the smooth functioning of our nation’s democracy. We can – and we must – invest the time and resources necessary to create a profession of election administration that honors the values of those who have gone before while bringing in new skills that ensure that the nation’s election system can keep pace with the challenges of the 21st century.