

PUBLIC ATTITUDES ABOUT ELECTION GOVERNANCE

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SUMMARY

In 2000, the issues were punchcards and chad. In 2004, the issues were long lines, the adequacy of polling places, and provisional voting. These issues have, over the past four years, led to clear calls for election reforms. After the 2000 election, most of the debate has been about voting machines (like the debate over electronic voting) and voting procedures in polling places (like the implementation of provisional voting). These issues are clearly important; a recent study by Stewart (2005) found that the greatest improvements in residual vote rates occurred in localities where either the whole state engaged in comprehensive election reform or the county changed its voting machines, especially those that abandoned punch cards.²

However, while the 2004 election had fewer uncounted ballots, there was still controversy about the election. This was especially true in Ohio, where questions about election procedures—especially provisional voting and poll monitoring—preceded the voting. Questions about polling place operations, including whether precincts were staffed appropriately with workers and equipment, arose after the voting. Together, these and related issues brought the question of election governance, especially how the people who run elections at the state and local levels are selected, to the fore.

Media accounts suggest that many people are concerned about how elections are governed in the United States, especially at the state level. The current practice of having a single partisan elected official run elections—as is done in most states—can have the effect of making all decisions made by this individual seem partisan. For example, the recount activities in Florida in 2000 and the pre-election decisions on an array of issues in Ohio in 2004 were both seen as overtly partisan because partisan officials who had ties to one of the presidential candidates carried them out. This governance practice has the potential to undermine public confidence in the electoral process, and also to reduce the accuracy of election outcomes.

We recently undertook a national survey of eligible and registered voters to better understand their opinions about the governance of elections in the United States, and we found strong support for the following three propositions:

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² “Residual Votes in the 2004 Election,” by Charles Stewart III, available at http://www.vote.caltech.edu/media/documents/vtp_wp21v2.3.pdf

- Elections should be run by nonpartisan, not partisan, officials.
- Elections should be run by election boards, not by a single election official.
- These election officials should be elected, not appointed.

In short, the public supports having elections run by nonpartisan boards. *Most importantly, less than one percent of Americans support the current combination of having elections governed by a single partisan elected official.* But, contrary to many of the recommendations that have been made by opinion leaders, a vast majority of the public thinks that the members serving on these boards should be elected, not appointed. The complete findings of our survey study are included in two tables at the end of this report.

WHY ELECTIONS NEED TO BE SEEN AS FAIR

There are many recent examples of elected election officials taking actions that have been perceived as partisan in close and important elections. Consider the following:

- In 2000, Florida Secretary of State Katherine Harris (R) was responsible for a series of decisions regarding the recount of votes in the presidential election, but also served as honorary chair of the Bush campaign in the state.
- In 2004, Ohio Secretary of State Kenneth Blackwell (R) issued rulings covering voter challenges, the counting of provisional ballots, and the validity of voter registration forms, while also serving as co-chair of the Bush campaign in the state.
- In 2004, New Mexico Secretary of State Rebecca Virgil-Giron (D) was criticized by both the Republican and Green parties for her initial failure to allow anyone to monitor the internal auditing and canvassing of election returns by her office.
- In 2005, California Secretary of State Kevin Shelley (D) was accused of using federal “Help America Vote Act” funds for partisan political purposes and committing campaign finance irregularities, and subsequently announced his resignation in February 2005.

Partisanship is so problematic in these cases because free and fair elections are a basic tenant of our democracy and is often the basis for how the United States judges other nations. Elections are designed to create winners and losers. The winners enter government and the losing candidate (and his or her supporters) has to live with the outcome until the next election, at which time they can challenge the opposing candidate. It is essential for the voting public to feel confident with the election outcome and that it was fair and not because the election rules were biased against a particular candidate.

THE CURRENT PRACTICE OF ELECTION ADMINISTRATION IN THE UNITED STATES

Election administration in the United States is more complicated than it is generally recognized. In 12 states and the District of Columbia, elections are governed by appointed boards. Kentucky and South Dakota have an elected Secretary of State who chairs the state elections board. In the remaining states, elections are governed by individual leaders: 32 states have elections run by secretaries of state, and in the remaining states, election commissioners, the Lt. Governor, or the Attorney General are in charge of state election administration.³ In a majority of states, the election administrator is a partisan elected official, and not appointed. This bias toward electing state election officials is made more pronounced once you consider that no state has a publicly elected state elections board. If a state has a single election administrator, that individual is very likely to be elected.

Election administration is even more complex at the local level. Within a given state, for example, there can be variation in how local election officials are chosen and variation in what official is the actual election director. In many states, the local election official is an elected individual. There are also cases where the person is selected either by the county commission or by a state entity. The complexity of state versus local election governance can be seen in Ohio. Although Ohio has a partisan, elected state election official, it has county boards that are designed to be completely bipartisan. In this scenario, the board is comprised of members of both parties and the executive director and assistant director represent different political parties. Several other states also utilize bipartisan election boards, although the structure and selection of the board varies among states.

At both the state and local levels, when an individual is in charge of elections, it is rarely their full-time job. Secretaries of state often are in charge of business filings, corporate names, professional licensure, and related activities. At the local level, the election official may also be in charge of marriage and birth certificates, passports, local business filings, budgeting, setting tax rates, and managing the local government's records. This diversity of duties often requires both state and local election officials to balance an array of activities.

PUBLIC OPINION ABOUT ELECTION GOVERNANCE

In a national survey of American adults, we asked respondents to choose between a set of options about who should govern elections at the state and local level:⁴

³ These data are taken from www.findlaw.com and from "Election Reform Briefing: Working Together? State and Local Election Coordination." September 2002. electionline.org

⁴ The survey was implemented by International Communications Research (ICR), using their twice-weekly EXCEL National Telephone Omnibus Study. Interviewing was conducted March 9-15, 2005. This survey, like an earlier one conducted by the authors in September 2004 ("American Attitudes about Electronic Voting: Results of a National Survey"), asked respondents a series of questions about voting technologies and election governance. The complete sample totaled 2032 respondents, a randomly-selected subset of the complete sample (n=1176) were asked

1. The local or state officials who run your elections should be (a) appointed or (b) elected.
2. The local or state officials who run your elections should be (a) partisan or (b) nonpartisan.
3. Elections in your community should be overseen by (a) a single election official or (b) an election board.

Tables 1 and 2 provide the frequency of responses for each question. For each question, the public has very strong opinions:

- First, over 70 percent of respondents think that their election officials should be elected. This is not surprising, given the public's long-standing desire to elect the people who govern them. Support for electing these officials holds true across all demographics, although men and individuals 59 and older are slightly more likely to support election officials being appointed.
- Second, more than two-thirds of respondents think that their election officials should be nonpartisan. Again, support for nonpartisanship holds true across all demographics, although men, Whites, and individuals over 40 are more likely to see nonpartisanship as being important.
- Finally, more than 90 percent of respondents think that their elections should be overseen by an election board, not a single individual. Again, this holds true across all demographic groups.

By combining the responses for each of the three questions noted above, we can examine public support for different election governance structures. These results are shown at the last three rows of Tables 1 and 2.

- The most commonly touted reform to election governance is the creation of a nonpartisan appointed election board. This alternative comprises 15 percent of the combined responses for eligible voters and 16 percent of registered voters.
- The most popular alternative is the elected nonpartisan election board. This alternative comprises 45.4 percent of the combinations for all respondents and 47 percent of the combinations for registered voters.
- Interestingly, the most common reality of election governance—the single partisan election official—garners the support of just 1.5 percent of all respondents and less than 1 percent of registered voters.

PLACING THE NONPARTISAN COMMISSION IN CONTEXT

the questions about election governance. The sample was weighted to provide nationally representative estimates of the adult population, 18 years of age and older. On a typical survey fraction (50% and a sample size of 1000 respondents), a sample of this size produces a 95% confidence interval of approximately plus or minus 3.1%.

Since the progressive era, there has been a general view that board and commissions are (or should be) a part of a process of removing partisan politics from elections. Boards are typically either composed of individuals who are appointed by several individuals with divergent political interests—for example, by the President and congressional leaders from both parties—or are elected in nonpartisan races. When appointed, board members are often insulated from politics after they are appointed. This insulation comes from having a long term in office—often longer than the person who appointed them—and relatively strict rules governing when the board member can be replaced. When elected, their nonpartisan status is designed to insulate them from political pressures.

Boards also bring together divergent views, which allow board decisions to be the culmination of a broader debate than results from the decision making of a single individual. Boards can be designed explicitly to reflect divergent views and to stress nonpartisan solutions over partisan ones by the nature of its composition. Additionally, boards can also be developed with rules that help ensure that decisions are made through a consensus process. For example, decisions might require a majority or supermajority vote among members in order to be enacted.

Obviously, election boards are not necessarily a quick fix for all that ails the American electoral process. But as a possible reform, they deserve further examination and research. Clearly, the American voting public is interested in the possibilities of election boards for improving elections, and it is possible that with strongly designed, funded, staffed, and administered election boards, an improved electoral process and governance structure could result.

Survey Results: General Population's Views On How Elections Should Be Governed

| Questions | Overall | Male | Female | 18-27 Generation Y | 28-39 Generation X | 40-58 Boomers | 59+ | White | Black | Republican | Democrat | Independent |
|--|---------|------|--------|--------------------------|--------------------------|------------------|------|-------|-------|------------|----------|-------------|
| The local or state officials who run your elections should be: | | | | | | | | | | | | |
| Appointed | 21.2 | 23.7 | 18.9 | 21.2 | 18.1 | 21.6 | 22.3 | 19.4 | 27.4 | 20.9 | 22.9 | 19.6 |
| Elected | 73.9 | 71.9 | 75.9 | 76.8 | 79.0 | 74.2 | 67.7 | 74.8 | 69.2 | 75.7 | 73.2 | 75.7 |
| Don't Know or Refused | 4.9 | 4.4 | 5.2 | 2.0 | 2.9 | 4.2 | 10.0 | 5.8 | 3.4 | 3.4 | 3.9 | 4.7 |
| The local or state officials who run your elections should be: | | | | | | | | | | | | |
| Partisan | 19.6 | 19.2 | 20.1 | 23.8 | 25.8 | 15.8 | 15.2 | 15.7 | 40.1 | 24.0 | 18.5 | 18.3 |
| Nonpartisan | 66.0 | 69.3 | 62.9 | 59.4 | 62.0 | 70.5 | 69.5 | 71.1 | 41.5 | 66.2 | 69.8 | 65.9 |
| Don't Know or Refused | 14.4 | 11.5 | 17.0 | 16.8 | 12.2 | 13.7 | 15.3 | 13.2 | 18.4 | 9.8 | 11.7 | 15.8 |
| Elections in your community should be overseen by: | | | | | | | | | | | | |
| A single election official | 6.6 | 6.4 | 6.8 | 7.9 | 5.2 | 4.6 | 10.0 | 5.5 | 7.5 | 7.2 | 6.2 | 6.5 |
| An election board | 90.9 | 91.1 | 90.7 | 91.2 | 91.9 | 93.6 | 85.9 | 92.3 | 89.7 | 91.9 | 91.5 | 92.4 |
| Don't Know or Refused | 2.5 | 2.5 | 2.5 | 0.9 | 2.9 | 1.8 | 4.1 | 2.2 | 2.8 | 0.9 | 2.3 | 1.1 |
| Nonpartisan Appointed Board | 14.7 | 15.9 | 13.6 | 15.0 | 14.0 | 14.9 | 14.5 | 14.2 | 14.4 | 15.3 | 16.5 | 13.9 |
| Nonpartisan Elected Board | 44.9 | 46.6 | 43.3 | 39.7 | 45.0 | 49.9 | 42.8 | 50.2 | 23.3 | 44.1 | 47.1 | 46.0 |
| Partisan Elected Single Official | 1.5 | 1.8 | 1.4 | 3.8 | 1.5 | 0.7 | 1.1 | 0.7 | 2.0 | 0.3 | 1.8 | 2.4 |

Survey Results: Registered Voters' Views On How Elections Should Be Governed

| Questions | Overall | Male | Female | 18-27 Generation Y | 28-39 Generation X | 40-58 Boomers | 59+ | White | Black | Republican | Democrat | Independent |
|--|---------|------|--------|--------------------------|--------------------------|------------------|------|-------|-------|------------|----------|-------------|
| The local or state officials who run your elections should be: | | | | | | | | | | | | |
| Appointed | 22.9 | 26.1 | 20.0 | 23.3 | 21.2 | 23.0 | 22.7 | 21.3 | 27.9 | 23.5 | 26.0 | 17.2 |
| Elected | 72.6 | 69.7 | 75.1 | 72.9 | 77.8 | 73.6 | 68.2 | 73.3 | 71.2 | 72.7 | 70.8 | 77.5 |
| Don't Know or Refused | 4.5 | 4.1 | 4.8 | 3.8 | 1.0 | 3.4 | 8.7 | 5.4 | 0.9 | 3.8 | 3.2 | 5.4 |
| The local or state officials who run your elections should be: | | | | | | | | | | | | |
| Partisan | 18.4 | 18.5 | 18.1 | 19.1 | 23.6 | 16.5 | 15.3 | 15.3 | 42.7 | 20.7 | 17.6 | 17.1 |
| Nonpartisan | 70.3 | 74.5 | 66.6 | 68.7 | 68.0 | 72.3 | 72.3 | 73.7 | 44.5 | 70.4 | 71.8 | 70.7 |
| Don't Know or Refused | 11.3 | 7.0 | 15.3 | 12.2 | 7.9 | 11.2 | 12.4 | 11.0 | 12.7 | 8.3 | 10.6 | 12.2 |
| Elections in your community should be overseen by: | | | | | | | | | | | | |
| A single election official | 6.2 | 6.5 | 6.0 | 6.0 | 6.4 | 4.2 | 9.1 | 5.6 | 6.3 | 8.2 | 5.3 | 6.1 |
| An election board | 92.6 | 92.2 | 92.9 | 93.2 | 93.6 | 95.0 | 88.1 | 93.1 | 93.7 | 91.1 | 93.9 | 93.1 |
| Don't Know or Refused | 1.1 | 1.3 | 1.2 | 0.8 | 0.0 | 0.8 | 2.9 | 1.3 | 0.0 | 0.6 | 0.9 | 0.8 |
| Nonpartisan Appointed Board | 16.2 | 18.3 | 14.3 | 19.5 | 16.3 | 16.0 | 14.5 | 15.7 | 15.3 | 17.1 | 18.1 | 13.7 |
| Nonpartisan Elected Board | 47.0 | 48.6 | 45.7 | 42.9 | 48.3 | 50.5 | 44.4 | 50.7 | 25.2 | 46.0 | 46.8 | 49.6 |
| Partisan Elected Single Official | 0.9 | 1.1 | 0.8 | 0.0 | 2.0 | 0.8 | 0.4 | 0.5 | 0.0 | 0.3 | 0.9 | 1.9 |