

The Street-Level Bureaucrats of Elections: Selection Methods for Local Election Officials

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*Paper prepared for presentation at the DeVoe Moore Center Critical Issues Symposium,
February 10-11, 2006, Florida State University.*

Abstract:

The 2000 presidential election and the recount battle in Florida focused attention on local election administration procedures and problems in the United States. Some of these election administration problems were addressed by the Help America Vote Act passed by the federal government in 2002, and requiring wholesale changes on the part of local governments. While the federal law represented sweeping changes in how elections were implemented in the United States, the law did not address the selection of individuals who actually put the various rules and procedures into place: both state and local election officials play a great role implementation of federal, state and local laws and influence whether and how individuals are able to vote and may influence whether their vote ultimately will count. Election administrators play a key role in the linkage between the government (at all levels) and its citizens.

Recently, several election reform advocates have argued for shifting to nonpartisan election administrators in the United States. In order to analyze this question about the institutions of election administration and how these institutions should be structured in the United States, we summarize data we have collected on the selection methods and party affiliations for all local election officials in the United States (over 5,000 individuals or commissions). We find considerable variation in the methods used to choose state and local election officials in the United States. We also analyze what effects having partisan officials in charge of election administration have using data we have collected to analyze election reform more generally.

The authors would like to extend a special thanks to Lindsay Battles, Laura Wiedlocher and Cecile Denny for their helpful research assistance, as well as to all the election officials who patiently answered our questions.

Introduction

The United States has had several sweeping changes in the years since the 2000. However, changes in election law, both federally and within states did not address the selection of individuals who actually put the various rules and procedures into place: both state and local election officials play a great role implementation of federal, state and local laws. These individuals did not completely escape notice in the 2000 and 2004 elections. In 2000, Florida's elected Secretary of State, Katherine Harris, also served as co-chair of George W. Bush's campaign in Florida. Harris was accused of tipping the election results for President Bush, especially given her "massive purge of eligible voters in Florida," illustrating "how easy it is for registered voters to lose their rights bureaucratic fiat" (*New York Times*, February 15, 2004). In 2004, Ohio Secretary of State Kenneth Blackwell was similarly accused because he co-chaired President Bush's re-election campaign and made some controversial decisions regarding voting procedures for the presidential election.¹ In the aftermath of the last two presidential elections, there are proposals to move toward nonpartisan election administrators at the state and local level (see for example, Hasen 2005).

While state-level officials such as Harris and Blackwell are interesting to talk about, it is the local election officials that implement the nuts and bolts of elections: conducting such tasks as buying and maintaining voting equipment, printing ballots, hiring election workers, and choosing polling places.² While these individuals must follow state and federal laws, local officials may interpret and implement those laws in different ways. Michael Lipsky (1980)

¹ Blackwell promulgated rules that determined that only provisional ballots cast in the correct precinct would be counted. He also stated that only voter registration applications on a certain weight of paper could be accepted (see House Judiciary Committee Democratic Staff, "Preserving Democracy: What Went Wrong in Ohio." Available at http://www.house.gov/judiciary_democrats/ohiostatusrept1505.pdf).

² For more information on the different activities that local election officials must do both before and after an election, see General Accounting Office. 2001. *Elections: Perspectives on Activities and Challenges Across the Nation*.

describes teachers, welfare case workers and police officers as “street-level bureaucrats,” who make critical decisions in implementing various laws. He argues that “the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out” (Lipsky 1980: xii). Similarly, local elections officials might be termed the “street-level bureaucrats” of elections.

Local election officials have very different challenges in implementing elections, depending on where they are located. In its October 2001 report, the General Accounting Office identified at least five different reasons why elections are implemented differently. First, the GAO notes there are tremendous differences in how standardized election rules are. As an example, Oklahoma has standardized rules governing elections, leaving little to administrative discretion at the local level. In Pennsylvania, there is almost no standardization among the 67 counties. Second, the voting technology is a major determinant of how election officials will have to implement elections. Third, the size of the jurisdiction presents different challenges: Los Angeles County California (with over 4 million registered voters) will present different challenges than Petroleum, MT (with 367 registered voters). Along with that is the heterogeneity of some districts, particularly those with a variety of language minorities. Finally, different districts have different norms and cultures where voting is concerned. There are thousands of local election authorities in the United States, but their behavior is not well understood.

In this paper, first, we attempt to provide some basic information on the methods used to select local elections officials. In light of recent proposals to move toward the selection of nonpartisan election officials, it is important to get some basic information about the people running our elections. How many of them are elected? How many are appointed? How many

are nonpartisan? Second, we begin an analysis of what are the public policy effects of the selection methods of local election officials. There are several observable election outputs that result from election policy implementation. Herein, we analyze ballot design and layout, which our research indicates is related to whether individuals can cast votes as intended (Kimball and Kropf 2005), but other outputs will require study as well (provisional ballots, numbers of absentee and early voters, voting equipment and even voter turnout).

We find that a large majority of state and local election administrators are elected to their positions, and most election officials who are elected are openly affiliated with one of the major political parties. We also find partisanship is correlated with the design and layout of ballots—election jurisdictions with Democratic officials are more likely to have better ballots. Further analysis may indicate that election outputs vary according to selection methods, however, more study is needed. There may also be other ways to improve election administration.

Why Nonpartisan Election Administration?

A growing polarization of politics in the United States and a series of close and competitive national elections in recent years have combined to produce increased controversy and litigation over election procedures (Hasen 2005). In this climate, there may be an increased awareness that candidates and political parties may try to manipulate election rules and procedures for political gain, as seen in mid-decade redistricting disputes in several states. In response to several election controversies, greater effort has been given to reform ideas. These ideas have appeared in the editorial sections of a variety of newspapers and blogs across the country.³

³ See for example, “Election Integrity: Restoring Honor to a Disgraced Political Office.” *The San Diego Union Tribune*, March 17, 2005.

One reform idea is to take election rules and decisions out of the hands of partisan politicians, proposed by advocacy groups, initiative petitions in places such as Ohio and California and scholars alike. The general theory is that partisan election officials will make administrative decisions that will benefit their political party, while nonpartisan officials will administer elections in a more independent fashion. With respect to partisan differences, the accepted wisdom is that Democrats want to expand the electorate and Republicans do not, because the demographic profile of non-voters is more similar to the Democratic party constituency. Thus, Republicans tend to be more concerned about vote fraud (and the need for extra vigilance to prevent fraud) while Democrats tend to be more concerned about barriers to voting (and the need for their removal). One can see this partisan disparity in the congressional passage of the Help America Vote Act of 2002 (HAVA), a compromise between Democrats who wanted to replace outdated voting equipment and Republicans who wanted more rigorous voter identification and registration procedures. Similar partisan disputes have erupted recently in several states over provisional voting procedures and voter identification requirements. Thus, one might expect partisan election officials to reflect these partisan positions. For example, we hypothesize that Democratic election officials will take more effort than Republican election officials to remove barriers to voting. Thus, one may observe that jurisdictions with Democratic election officials may have ballots that are more usable, more provisional votes (and more of the provisional votes counting), and more absentee or early voters, controlling for other factors.

Mitigating against a partisan theory of election administration is the fact that election administration has become a more organized profession, with associations and regular meetings of local officials in most states. This tends to foster common approaches to election administration that cross local boundaries and cross party lines—that is, a series of professional

norms usually develop that govern local policy implementation. The second mitigating factor is that election administration is influenced to some degree by state laws and regulations, which may tend to create uniformity across local jurisdictions. However, even though “principles” at the state (and realistically, even federal) level make policy, ultimately, it is up to people at the street level to implement the policies (see Lipsky 1980: 14-15).

What Do We Know About Nonpartisanship?

While there is a growing debate about nonpartisanship in election administration, it seems as though political science and public administration scholarship has not contributed to the debate. There is a long literature in political science and public administration about non-partisanship of elected officials, but much of it that we know of is case study and not systematic. There is very little research indicating what difference, if any, it makes to have nonpartisan versus partisan or non-elected versus elected officials in government positions. Further, the literature has usually focused on urban politics, where research indicates that 77 percent of cities use ballots without the partisanship of city council candidates listed (MacManus and Bullock 2003: 15). Some work focuses on judicial races and on the Nebraska state legislature, which are also nonpartisan⁴ (Schaffner, Streb and Wright 2001). While a great deal of public administration literature suggests that separating politics from administration is difficult or impossible, there aren't many empirical studies offering conclusive evidence one way or the other. There are two reasons for this: it is very difficult to measure the effect of a citizen's or bureaucrat's partisanship on policy outcomes. Thus, much of the literature with which we are familiar has focused on voting behavior on the part of citizens rather than administrative behavior on the part of those elected or appointed in a partisan versus nonpartisan manner.

⁴ See <http://www.unicam.state.ne.us/learning/history.htm>. Accessed 25 August 2005.

The switch from partisan to nonpartisan elections to choose many local government officials was among the primary reforms suggested by Progressives around the turn of the century (Schaffner, Streb and Wright 2001). The nonpartisan contests were mostly connected to commission and council-manager governments, which reformers adopted in order to implement scientific and efficient management of cities (Adrian 1959: 451). Reformers thought that taking the politics out of administration might result in the best outcomes—the public interest—for citizens. In contrast, political scientists have suggested that strong parties are essential to democracy and help motivate citizens to participate and give people an important information cue in making voting decisions (Schaffner, Streb and Wright 2001).

It is clear that the switch to nonpartisan campaigns in some jurisdictions has weakened the power of political parties in elections, although parties can still play a major role in nonpartisan elections (Adrian 1959). Party labels provide an important cue for voters. Squire and Smith (1988: 178) note that removing partisanship as a cue placed a “rather heavy burden” on voters “because rational behavior dictates that they attempt to minimize information costs....Party identification is the most important savings device; consequently, it is not surprising to learn that, when possible, people employ it, even in nonpartisan elections.” Thus, the removal of party labels from ballots forces voters to rely on other information. One recent study finds that incumbency is more powerful in nonpartisan elections (Schaffner, Streb, and Wright 2001).⁵ In addition, voter turnout is typically lower in nonpartisan contests than in partisan elections (Schaffner, Streb, and Wright 2001).

However, very little research has connected the partisanship of city officials with the behavior of those officials. Some suggest that nonpartisan ballots may favor Republicans, but the

⁵ This is consistent with much earlier literature indicating that cues such as race and ethnicity take on more importance in nonpartisan races.

evidence—mostly case study evidence—on this point has been mixed (but see Welch and Bledsoe 1986). In the one of the few systematic studies, Welch and Bledsoe found that Republicans who are city council members only have a slight partisan advantage. Part of that can be explained by the fact that Republican leaning cities are the ones that are most likely to have nonpartisan systems.

Very little empirical work has been conducted on the impact of election officials. The few published studies available suggest that the partisanship of election officials has noticeable effects on voting and elections. For example, Stuart (2004) examines the use of centralized voter lists to purge felons from the voting rolls in Florida before the 2000 presidential election. Even though the felon lists contained many errors, he finds that counties with Republican election administrators used the lists to purge voter rolls more aggressively than counties with Democratic election administrators (the nonpartisan administrators were even more vigorous than either party). The results are consistent with partisan self-interest in that Democrats are thought to benefit (and Republicans suffer) from expanded voter rolls. Similarly, Hamilton and Ladd (1996) find evidence that Republican county election boards strategically manipulated ballot formats to influence straight-party voting in the 1992 election. Another recent study examines partisan machinations among election officials in determining the ballot title for a voter initiative to legalize assisted suicide in Oregon (Lund 1998). One examination of provisional voting in the 2004 presidential election suggests that states with Republican election officials were more likely to invalidate provisional ballots cast at the wrong precinct. States that disqualified out-of-precinct provisional ballots had a lower provisional ballot acceptance rate than states that allowed provisionals cast at the wrong precinct (Election Reform Information Project 2005).

Hayduk (2005) examines bipartisan election boards in New York. He argues that election procedures passed by the state legislature and implemented by local election boards resulted in Republican dominance in party politics in the state in the early 1900s, whose effects are still felt today. He notes that reforms instituted in the state in the 1970s and 1980s have done little to change the general pattern, because the New York City Board of Elections manages election procedures in ways that cause voter disenfranchisement.

There are also a number of studies showing how the two major political parties in the United States have crafted election procedures to thwart independent and third-party candidates. One example is the signature requirements needed for candidates or parties to qualify for the ballot (Winger 2002). In any case, we do not know a lot about the partisanship of election officials, and more research is needed to compare the partisanship of election officials to measurable outcomes (in the way procedures are implemented such as ballot design, analyzed herein, ballots are counted, etc.). Thus, we begin our analysis of election officials by describing how they are selected and then begin a test of the party theory of election administration by examining ballot design.

How Are Local Election Officials Selected?

Ultimately, national and state election laws are implemented by local authorities. To find the method of selection for local election authorities, we consulted several sources: the state election office, state laws, county and town charters, and the directories of local officials. In many cases, we have called local election officials on the telephone to verify information. Election administration is extremely decentralized in the United States. In most states, local election administration is the responsibility of a county government. However, in some states,

mainly in New England, some or all election administration is handled by municipal (city or town) government. Taken together, we identify more than 4,700 local election jurisdictions covering the entire country.

We find three pieces of information about each election official in the present paper. First, we examine how local election officials are selected (whether elected, appointed as individual election administrators, appointed as multi-person boards or elected as a multi-person board).⁶ Second, we examine whether the person was selected in a manner in which party affiliation was an explicit consideration (for the voters or for the appointing body). Finally, we ascertain what political party the person (or persons) in charge of elections are members.⁷ We were not able to confirm the party affiliation (or lack thereof) of every appointed individual or board self-described as nonpartisan. Thus, we suspect our data may slightly overstate the number of nonpartisan local election officials. We collected these data over a period of time ranging from October 2004 until January 2006. Appendix A gives an overview of how jurisdictions in different states handle the selection of local officials.

Looking first at the method of selection for local officials, we see that a majority of local election authorities are individuals who are elected (Table 1). However, a significant number of localities have an appointed individual (15%) or an appointed board (20%) running elections. Mississippi stands apart as the only state in which local election boards are selected by voters (roughly half are partisan and half are nonpartisan). Alvarez and Hall's recent public opinion

⁶ See Appendix A for a summary of how each state selects its local election officials.

⁷ Wherever possible, for all of these we attempt to identify one person who has primary responsibility for the elections. For example, in Ohio, we identified the partisanship of the Director of the County Board of Elections. A Board runs the elections in Ohio (selected by the Secretary of State), but the Board selects its director. In Oregon, county clerks will often hire someone to run the elections for them, but ultimately, the county clerk has responsibility for the elections. In the case of Oregon, we coded the selection method of the person identified on the Secretary of State web site as being the one person in charge of elections (see County Election Officers, <http://www.sos.state.or.us/elections/other.info/clerk.htm>, last accessed 17 August 2005). In Rhode Island, a Board of Canvassers is selected by town legislators, but a "canvassing clerk" takes care of day to day implementation of election details.

survey indicates that an elected nonpartisan board of elections is the most preferred local election authority by a national sample of citizens (Alvarez and Hall 2005). As our data indicate, that is the least common election authority in the United States.

[Table 1 here]

Generally, elected individual officials are more common in rural, less populated counties and towns. Table 1 indicates that while more than half of the local jurisdictions elect a person to run elections, less than half of the voters reside in such places. More densely populated urban and suburban jurisdictions tend more toward appointed individuals or boards to manage elections.

Turning to party affiliation (Table 2), we observe a couple of things. First, partisan election authorities represent almost about half of the local jurisdictions and about half of the voters in the United States. The share of localities represented by partisan officials is slightly larger than the share of voters they represent. Bipartisan boards make up roughly 15% of local jurisdictions and voters, and nonpartisan officers and boards represent a little more than one-third of the voters and localities in the United States. Nonpartisan election officials tend to be most common in New England, on the West Coast, and in large urban centers. Nonpartisan and bipartisan election officials are more common at the local level than at the state level.

[Table 2 here]

Among partisans, Democrats slightly outnumber Republicans among the ranks of local election officers, roughly mirroring the equal division of partisans in the mass public (Weisberg and Christenson 2005). In addition, there is considerable variation in the methods of selection and party affiliation of local election officials. This allows for fruitful comparisons of different types of election authorities in the future. We begin a preliminary, bivariate analysis herein.

Local Election Officials and Election Outputs

We next turn to the question of analyzing whether partisanship makes a difference to election outputs. We analyze whether there are differences in outputs among election officials/boards who are Democrat, Republican, both parties (bipartisan board) or non-partisan. Here, we examine ballot design, an election output that a local election administrator has the ability to influence. While state laws may prescribe or proscribe a couple of ballot features, the design and printing of ballots is generally the responsibility of the local election administrator.⁸

In our previous research on paper-based ballots in the 2002 election (Kimball and Kropf 2005), we identified seven ballot features that are associated with higher (and lower) levels of residual ballots in counties. The sample for this pilot study came from six states,⁹ for which we collected paper-based ballots in most counties and coded them for the existence of the ballot features thought to simplify or complicate the voting process. These features are based on survey methodology literature on the design and layout of self-administered surveys¹⁰ and include such things as location of instructions, the readability and grade level of instructions, whether or not there are instructions of what to do if you spoil your ballot, the use of shading and bolding, the

⁸ In the future, we plan to examine other outputs, such as the casting of provisional ballots, absentee and early ballots, and overall turnout.

⁹ The states are Florida, Illinois, Iowa, Kansas, Missouri and Tennessee.

¹⁰ For literature on self-administered survey layout and design see Jenkins and Dillman 1997, Dillman 2000 and Dillman 2002.

placement of the oval or arrow where one marks the ballot, and whether there is clutter around the candidate names. For this study, we create a summary index based on the seven ballot features, which we use as our first output variable. Higher values on the ballot index measure indicate better designed ballots – lower scores indicate poorly designed ballots. The ballot index ranges from -3 to +4 with a mean of 0.7 and a standard deviation 1.6.

For the six states in our ballot study, the vast majority of jurisdictions have partisan elections to select election administrators. Only a handful of large jurisdictions in these states have nonpartisan or appointed election administrators. Thus, we are able to test our partisan theory of election administration. Since the Democratic party tends to be more concerned about barriers to voting, the partisan theory would predict that Democratic administrators tend to produce better designed ballots than Republicans.

Preliminary results are presented in Table 3. In our sample, we find that Democratic election administrators tend to produce better designed ballots than Republican administrators, and the difference is statistically significant ($p < .001$ in a two-tailed t-test). We also find that nonpartisan or bipartisan administrators tend to produce the best designed ballots in our sample, although there are so few cases in this category that we cannot rule out that the differences are due to chance. As indicated above, nonpartisan and bipartisan election administration tends to occur in densely populated jurisdictions that tend to have more professionalized local government services. Thus, it may not be a surprise that these jurisdictions tend to design the best ballots.¹¹

Conclusion

¹¹ The difference in ballot design between Democratic and Republican administrators remains statistically significant but is somewhat weaker when controlling for jurisdiction size, education, and poverty.

The impact of partisanship in local election administration is not very well understood, but we hope that as we continue the research on election outputs, we can begin to understand the impact of selection methods. The decentralized nature of elections and the wide variation in selection of local election officials makes it possible to make comparisons and get a better sense of the impact of switching to nonpartisan administration of elections. In addition, we think there are some other issues that will need to be resolved to ensure more efficient election administration. In fact, report after report notes that states and localities consistently underfund elections. Funding may be more important than partisanship for proper administration of elections and is mentioned in many of the scholarly treatments of bureaucrats. For example, many election officials in Missouri have opposed early voting simply because they cannot afford to implement it. "If the legislature wants to do it, then the legislature needs to find the money to do it," noted Wendy Noren, the Legislative Co-Chair Missouri County Clerks Association.¹² She said that there are many things that election officials would like to do such as advance voting, but don't have the funding.¹³ County governments are not likely to give more to election changes either. "I've got county commissioners that don't mind spending one million dollars on a road that will serve 1,000 people. But the thought of needing a million dollars for election equipment that'll serve 60,000 people is just beyond comprehension to them," Noren said.

A second problem that many have identified is the lack of poll workers, who are arguably even more important street-level bureaucrats. The General Accounting Office found that the

¹² Interview with Wendy Noren, Boone County Clerk and Legislative Co-Chair of the Missouri Association of County Clerks and Election Authorities, April 16, 2003, Columbia, MO.

¹³ According to a report prepared about early voting by the Secretary of State's Office, election officials in Missouri estimate it will cost approximately \$2.4 million dollars statewide (about one million would be one-time costs such as equipment purchase), or about \$21,000 per election district. The majority of the counties reported they would hold early voting only at their central office.

majority of elections administrators note that they have problems recruiting sufficient poll workers (GAO, 2001). This provides a difficult challenge for the fair administration of elections.

In addition, we see a couple of hurdles in switching to nonpartisan election administration. The first is political. Switching to nonpartisan election administration would send the large number of partisan officials looking for a new line of work. Associations of state and local officials will defend their partisan rights (i.e., NASS, NCSL, etc).

Some states have home rule provisions that leave decisions about the structure of local government to towns or cities. We have not examined this systematically, but these states tend to be in New England.¹⁴ In such cases, it may be impossible for the state government to tell localities how to select election administrators.

However, any of these proposals are fundamentally about accountability of elections officials. We argue that a very important way to insure accountability is to provide the most information possible, in order to allow social scientists to study elections. Scholars have argued that a variety of data must be available to them for purposes of accountability (data such as number of new registrants processed and such as polling place training practices).¹⁵

Switching to nonpartisan election administration is likely to take some time, but it might be worth focusing on related goals that address the legitimacy of elections. Given the blurred lines of responsibility over elections that we find in many states, one reform idea is to consolidate local election authority in a single officer or board. This would simplify matters for voters, candidates, and groups engaged in voter education efforts. In addition, it would clarify responsibility when election problems occur. In addition, we find that many election officials

¹⁴ For example, in one of the smaller New England states, Rhode Island, 37/39 towns and cities are governed by home rule charters.

¹⁵ Social Science Research Commission. 2004. *Interim Report on Alleged Irregularities in the United States Presidential Election of 2 November 2004*. <http://elections.ssrc.org/research/InterimReport122204.pdf>, last accessed 7 September 2004.

have other responsibilities (such as marriage licenses or keeping official records of local government meetings). If we value elections, then we may want to have election officials whose sole responsibility is running elections, particularly in larger cities and counties.

In addition, Hasen (2005) describes several principles of neutral election administration that voters and interested groups can push for even with partisan election officials. One idea is to adopt codes of conduct for election officials, which might include a ban on overt political activity (such as fundraising, chairing campaigns).¹⁶ Another idea is to require equal representation of parties among staff that carry out election duties at the local level. This might provide something of a check on excessive partisan actions.¹⁷ Similarly, it may help to make election decision-making open to outside observers and staff of political parties (not sure how well I have written that last point). Ultimately, few changes will be made unless voters demand them.

¹⁶ See for example, Shornstein's (2001) law review article concerning election administration in Florida.

¹⁷ Those who oppose this idea note that the bipartisan Federal Election Commission is nothing more than a paper tiger in terms of enforcement.

Sources Cited

Adrian, Charles. 1959. "A Typology for Nonpartisan Elections." *The Western Political Quarterly* 12(2): 449-458.

Alvarez, R. Michael and Thad Hall. 2005. Public Attitudes About Election Governance. University of Utah Center for Public Policy and Administration and the Caltech/MIT Voting Technology Project.
http://www.vote.caltech.edu/media/documents/election%20governance%20report_FINAL.pdf.

Dillman, Don A. 2002. "Navigating the Rapids of Change: Some Observations on Survey Methodology in the Early Twenty-First Century." *Public Opinion Quarterly* 66(3): 473-494.

Dillman, Don A. 2000. *Mail and Internet Surveys: The Tailored Design Method*. New York: John Wiley & Sons.

Election Reform Information Project. 2005. "Electionline.org Briefing: Solution or Problem? Provisional Ballots in 2004." April 2005. Retrieved from www.electionline.org.

General Accounting Office. 2001. *Elections: Perspectives on Activities and Challenges Across the Nation*. October 2001, GAO 02-03. <http://www.gao.gov/new.items/d023.pdf>, last accessed 7 September 2005.

Hamilton, James T., and Helen F. Ladd. 1996. "Biased Ballots? The Impact of Ballot Structure on North Carolina Elections in 1992." *Public Choice* 87: 259-280.

Hasen, Richard. 2005. "Beyond the Margin of Litigation: Reforming Election Administration to Avoid Electoral Meltdown." Loyal Law School, Legal Studies Research, Research Paper No. 2005-7, March 2005, available at <http://ssrn.com/abstract=698201>.

Hayduk, Ronald. 2005. *Gatekeepers to the Franchise: Shaping Election Administration in New York*. DeKalb: Northern Illinois University Press.

Hershey, Marjorie Randon. 2005. *Party Politics in America*, 11th ed. New York: Longman.

"How America Doesn't Vote." New York Times, February 15, 2004 available at <http://www.nytimes.com/2004/02/15/opinion>. Accessed 22 December 2004.

Jenkins, Cleo R., and Don A. Dillman. 1997. "Towards a Theory of Self-Administered Questionnaire Design." In *Survey Measurement and Process Quality*, ed. Lars Lyberg, Paul Biemer, Martin Collins, Edith deLeeuw, Cathryn Dippo, Norbert Schwarz, and Dennis Trewin. New York: Wiley-Interscience.

Kimball, David C. and Martha Kropf. 2005. "Ballot Design and Unrecorded Votes on Paper-Based Ballots" forthcoming, December, *Public Opinion Quarterly*.

Lipsky, Michael. 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.

Lund, William A. 1998. "What's in a Name? The Battle Over Ballot Titles in Oregon." 34 *Willamette Law Review* 143.

MacManus, Susan A. and Charles S. Bullock III. 2003. "The Form, Structure and Composition of America's Municipalities in the New Millennium." *The Municipal Yearbook*, International City Managers' Association.

Salisbury, Robert H. and Gordon Black. 1963. "Class and Party in Partisan and Nonpartisan Elections: The Case of Des Moines." *The American Political Science Review* 57(3): 584-592.

Schaffner, Brian F., Matthew Streb, and Gerald Wright. 2001. "Teams without Uniforms: The Nonpartisan Ballot in State and Local Elections." *Political Research Quarterly* 54(1): 7-30.

Shambon, Leonard. "Implementing the Help America Vote Act." *Election Law Journal* 3(3): 424-443.

Shornstein, Ann. 2001. "Politicizing the Election Process: 'The Katherine Harris Effect'." *Florida Coastal Law Journal* 2(): 373-.

Welch, Susan and Timothy Bledsoe. 1986. "The Partisan Consequences of Nonpartisan Elections and the Changing Nature of Urban Politics." *American Journal of Political Science* 30(1): 128-139.

Winger, Richard. 2002. "More Choice Please! Why U.S. Ballot Access Laws Are Discriminatory and How Independent Parties and Candidates Challenge Them." In *Democracy's Moment*, Ronald Hayduk and Kevin Mattson, eds. Lanham, MD: Rowman & Littlefield.

Appendix A
Methods of Selection for Local Election Officials

<i>State</i>	<i>Information about Selection Method</i>
Alabama	Elected partisan position (County Probate Judge)
Alaska	Appointed, nonpartisan position (regional election supervisor); appointed by state director of elections, who is appointed by Lt. Governor (a Republican)
Arizona	All the county election administrators are nonpartisan appointees, hired by the Board of Supervisors or the County Recorder (which is a partisan position). (Elections Director, Manager or Coordinator)
Arkansas	Elected partisan position (County Clerk)
California	Some counties have a nonpartisan elected County Clerk, while others have a nonpartisan appointed Registrar of Voters.
Colorado	All are elected positions (almost all partisan) except for Denver, where the Election Director is appointed by an Election Board.
Connecticut	Town Clerks and Registrar of Voters share duties. For town clerks, selection methods vary. For Registrar of Voters, two partisan officials are elected.
Delaware	Bipartisan county election boards administer elections; appointed by Governor from lists provided by parties and include equal numbers from each major party.
District of Columbia	Appointed, nonpartisan position (Election Board)
Florida	Elected position; some are non-partisan. In Gulf County, the current Supervisor of Elections ran without a party and in Miami-Dade, the Supervisor of Elections is appointed.
Georgia	Various; both bipartisan boards and elected partisans depending on county.
Hawaii	Nonpartisan position appointed by city or county councils
Idaho	Elected partisan position (County Clerk)
Illinois	For most counties, it is an elected partisan position (County Clerk). For certain cities (Aurora, Bloomington, Danville, East St. Louis, Galesburg, Peoria, Rockford, Chicago), a three-member election board is in charge, appointed by chief judge of circuit court (some of the city boards are bipartisan, some not). In DuPage County, three election commissioners are chosen by circuit court.
Indiana	Elected partisan position (County Clerk)
Iowa	Elected partisan position (County Auditor)
Kansas	In most counties a partisan and elected County Clerk is the election administrator, but in the four most populous counties an election commissioner is appointed by the Secretary of State.
Kentucky	Elected partisan position (County Clerk)
Louisiana	Elected partisan position (Clerk of Court)
Maine	In most towns or cities, a nonpartisan Municipal Clerk is the

	election administrator. Roughly half the towns elect a Municipal Clerk, the rest appoint one.
Maryland	In each county the governor appoints a Board of Elections, with a majority of the board members from the governor's party.
Massachusetts	Most towns elect a town or city clerk to run elections. Larger cities usually appoint an election commissioner. A handful of cities have bipartisan election boards.
Michigan	Local election authority is shared by an elected partisan County Clerk, a 3-person county election commission (County Clerk, Judge of Probate Court, and County Treasurer), and a township or city election commission. We code the County Clerk.
Minnesota	A nonpartisan elected County Auditor is the election authority in most counties. A handful of counties appoint an Auditor or Election Director to run elections.
Mississippi	Local election authority is shared by a partisan elected Circuit Clerk (voter registration and absentee balloting) and a 5-person Election Commission (all other duties). County election commissions are elected to 4-year terms in the presidential election. In some counties commissioners run under party labels and in some counties they run without party labels. We code the Election Commission.
Missouri	Elected partisan position (County Clerk) except in St. Louis and Kansas City area counties, where bipartisan boards appointed by the governor run elections.
Montana	Elected position; some are non-partisan. (Election Administrator)
Nebraska	For counties with under 20,000 population, an elected partisan County Clerks administers elections. For counties with more than 20,000 residents an Election Commissioner is appointed by the following rule: 20,000-100,000 population: the election commissioner is appointed by county board 100,000 + population: the election commissioner is appointed by the governor
Nevada	Most counties have an elected County Clerk administer elections. In the two largest counties, a nonpartisan Registrar of Voters is appointed by the County Commission.
New Hampshire	Elected nonpartisan positions (Town/City Clerk)
New Jersey	Three separate positions run elections: elected partisan County Clerks, appointed Superintendents, and appointed Boards of Elections. County Clerks are coded in our data.
New Mexico	Elected partisan position (County Clerk)
New York	Bipartisan election boards are appointed by a county legislative body
North Carolina	County Election Directors are nonpartisan appointees. Each county has a 3-member, mixed party County Election Board (no

	more than two members can be of the same party). We code the Election Boards, which appoint the Election Directors.
North Dakota	Elected, nonpartisan position (County Auditor)
Ohio	Ohio county boards are appointed by the SOS, but a county election director is selected by the county board. The Director and Deputy Director are of opposite parties. Counties are not required to have a deputy, but if they don't, then they have a clerk. In general, the duties of the deputy are decided by Board members. The director's duties are determined by statute. The party of the chair of the Board is opposite that of the director.
Oklahoma	County Election Board Secretaries are nonpartisan appointees. County Election Board Secretaries are appointed by the State Elections Board on the recommendation of the Senate (currently Democratic).
Oregon	All election officials are nonpartisan. In most counties an elected County Clerk is the election administrator, but in some more populated counties an appointed Election Director is the election administrator.
Pennsylvania	The election administrators are hired or appointed by the county government, although the specific entity that appoints them may vary from county to county. Some may be selected by County Election Boards, others by some other branch of county government, though usually approved by a county commission. Some of the officials have worked for the counties for long periods of time (30+ years) through several boards.
Rhode Island	A bipartisan Board of Canvassers runs the elections in each county, though day to day operations are handled by either the Town Clerk (who may be appointed by a mayor or town manager and sometimes approved by a county legislature or the clerk may be elected) or a Canvassing Clerk selected by the canvassing board. The Canvassing Board is selected by the town legislature. In our data, the Canvassing/Town Clerk is coded as being in charge.
South Carolina	Nonpartisan county election commissions run the elections, but County Election Commission Chairs (All nonpartisan, all appointed by County Boards of Election) are in charge. A director runs the election when there is no Board Chair, but normally the director just does the administrative duties for the Board Chair. The Director is hired by the Board or other county officials, but all hired by Board. Occasionally there are temporary vacancies of Board Chairs and Directors run the election.
South Dakota	Elected partisan position (County Auditor)
Tennessee	Administrators of Elections (All appointed by the Boards of Elections which are selected by the legislature). <i>Currently, a board comprised of 2 Republicans and 3</i>

	<i>Democrats appoints a Democratic election administrator.</i>
Texas	In most counties a partisan and elected County Clerk is the election administrator, but in more populous counties an election administrator is appointed to run elections.
Utah	An elected position (County Clerk), and almost all are partisan.
Vermont	“The Town clerk is the presiding officer for town meeting conducted by Australian ballot 17 V.S.A. § 2452(a), while the Town moderator is the presiding officer for town meeting where voting takes places from the floor. 17 V.S.A. § 2658. In either event it is the board of civil authority (BCA, which is comprised of the selectpersons, town clerk and justices residing in town) that is the body statutorily charged with the actual conduct of elections. 17 V.S.A. § 2451. Even on the BCA the clerk serves more as an administrative clerk, although he/she does have an equal vote. If the BCA does not have at least three members from each major political party, and there is a request by the party committee or by three or more voters, the selectboard must appoint additional members to bring the underrepresented party's membership on the board to three. In that instance the selectboard must appoint the additional members from a list submitted to it by the underrepresented party.” ¹⁸ (We code the BCA.)
Virginia	Each county has a bipartisan electoral board that appoints a nonpartisan General Registrar. The way in which the duties are divided between the Registrar and various board members varies by county. There is a good deal of case law on the circumstances in which Registrars can be removed from office (never for political reasons).
Washington	Mostly elected positions (County Auditor), nearly all partisan. ¹⁹ In King County, there is an Election Director (officially the Director of Records, Elections and Licensing), who is appointed by the County Executive and confirmed by the King County Council. An Election Supervisor reports to the Director and is hired by the director and reports to the director. He or she is non-partisan. As of July 2005, that position is not filled.
West Virginia	Elected partisan position (County Clerk)
Wisconsin	Local election authority is usually shared by an elected partisan County Clerk and a Municipal (township or city) Clerk. We code the County Clerks. In Milwaukee County, there is an appointed election commission (appointed by the county executive).
Wyoming	Elected partisan position (County Clerk)

¹⁸ Email communication with Garrett Baxter, Vermont League of Cities and Towns, August 24, 2005.

¹⁹ According to the SOS office, when they don't run with a partisan label, that is their choice, but the positions are normally partisan.

Table 1
Selection Methods for Local Election Authority

Selection Method	Share of Jurisdictions	Voter Representation
Individual Elected by Voters	63%	46%
Elected Board of Elections	2%	1%
Appointed Board of Elections	20%	31%
Appointed Individual	15%	22%

Note: The second column indicates the percentage of local jurisdictions using a particular selection method. The third column indicates the percentage of ballots cast in the 2004 presidential election in each type of election authority. [Note: for Massachusetts, we have the partisan affiliation for almost all jurisdictions, but do not yet have voter turnout.]

Sources: state statutes, state election offices, directories of county officers
N = 4,617 local jurisdictions

Table 2
Party Affiliation of Local Election Authority

Party Affiliation	Share of Jurisdictions	Voter Representation
Republican	20%	23%
Democratic	26%	25%
Other party	0.1%	0.03%
Bipartisan	14%	16%
Nonpartisan	39%	36%

Note: The second column indicates the percentage of local jurisdictions in a particular category. The third column indicates the percentage of ballots cast in the 2004 presidential election in each type of jurisdiction. [Note: for Massachusetts, we have the partisan affiliation for almost all jurisdictions, but do not yet have voter turnout.]

Sources: state statutes, state election offices, directories of county officers and calls to local election officials (n=4,568 local election jurisdictions).

Table 3
Ballot Design in 2002 Election by Party of Local Election Authority

Party Affiliation	Mean ballot index (N)
Republican	0.4 (186)
Democratic	1.1 (156)
Bipartisan or Nonpartisan	1.7 (10)

Note: The second column indicates the mean ballot index score for each type of jurisdiction.

Sources: state statutes, state election offices, directories of county officers and calls to local election officials (n=352 local election jurisdictions).