

Researching Electoral Administration in America: Insights from the ‘Post-Florida’ era

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This article reviews four new additions to the growing literature on electoral administration. It argues that each book adds usefully to the literature, but that there remains an absence of cross-national reflection. The books make important contributions by highlighting the importance of electoral administration, which is often overlooked in democracies; by making important normative contributions to the case for particular procedures; and by developing a number of methodologies that may be of use to researchers and practitioners. They remain, however, based almost exclusively on American elections, reflecting the bias of the broader literature. There is a need for a more comparative approach to the study of electoral administration so that: (a) lessons from ‘overseas’ can be taken to the US; (b) countries other than the US spend more time scrutinising the way in which they run elections; and (c) we can test the existing research findings in new contexts to deepen our understanding of frequently overlooked mechanics of electoral administration.

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Alvarez, M., Hall, T. and Hyde, S. (eds) (2008) *Election Fraud: Detecting and Detering Electoral Manipulation*. Washington DC: Brookings Institution Press.

Overton, S. (2006) *Stealing Democracy: The New Politics of Voter Suppression*. London: W. W. Norton and Company.

Piven, F. E., Minnite, L. and Groarke, M. (2009) *Keeping Down the Black Vote*. London: The New Press.

On the morning of Wednesday 8 November 2000, the world’s attention was on electoral administration. The previous day, Al Gore had conceded the US presidential election based on media network predictions, but subsequently withdrew his concession after networks put Florida back into the ‘too close to call’ category. The initial count in Florida was won by George W. Bush but Gore requested a manual recount in the four Democrat-dominated counties of Broward, Miami-Dade, Volusia and Palm Beach, as permitted by Florida state law. There then began a series of legal contests in both state and federal courts which led to the final judgement in the Supreme Court that effectively gave the election to Bush. During this time global media networks, politicians, citizens and academics quickly became aware of a range of new concepts and terminology from the field of electoral administration such as ‘hanging chads’, ‘butterfly ballots’ and ‘the clear intent of voters’ (Ceaser and Busch, 2001; Pomper, 2001). The seemingly mundane processes by which an individual could register and cast their vote, and the processes by which this vote was counted, had suddenly been elevated into an enormous international issue. Speaking in Nigeria in 2009, Secretary of State Hillary Clinton attempted to identify with her audience by referring to America’s struggles with democracy. She pointed out that the brother of President George W. Bush was governor of Florida at the time of the election dispute, and implied that Bush’s 2000 ‘victory’ was illegitimate

(Neuman, 2009).¹ The election in 2000 certainly left a long-lasting bad taste in the mouth of American democracy. It also demonstrated that electoral administration deserves systematic scrutiny by policy makers and academics.

Almost a decade on, electoral administration no longer holds the same popular attention outside the US. However, while the 2000 US election was by no means the first time that academics had written on the topic,² it helped to spawn a plethora of literature on the subject and it remained a contested political issue at both the state and federal levels as politicians, political activists and civil servants prescribed changes to prevent 'another Florida'. Interest in American electoral administration therefore ripples on. This article reviews four recent books on this particular aspect of elections from the US. The article concludes that these make important contributions to the developing literature by highlighting the importance of electoral administration in democracies, by making important normative contributions to the case for particular procedures and by developing a number of methodologies that may be of immediate use for researchers and practitioners in improving the practice of elections. They remain, however, based almost exclusively on American elections, reflecting the bias of the literature. There is a need for more cross-national and comparative approaches to the study of electoral administration so that: (a) lessons from 'overseas' can be taken to the US; (b) countries other than the US spend more time scrutinising the way in which they run elections; and (c) we can test the existing research findings in new contexts to deepen our understanding of frequently overlooked mechanics of electoral administration.

Why Does Electoral Administration Matter?

Bruce E. Cain *et al.* open their book, *Democracy in the States: Experimentation in Election Reform* (Cain *et al.*, 2008), with a discussion of why electoral administration might be important. For them, election reform³ might play a significant role in solving many of the problems facing American democracy. What are these problems? Firstly, there is a high degree of cynicism surrounding politics and elections. The authors note how the proportion of Americans who felt that elections 'make the government pay "a good deal" of attention' to what the people think has seen a historical decline – from 65 per cent in 1965 to 37 per cent in 1988. In addition most respondents to the 1990 American National Election Study said that they did not care much about who won the congressional elections. These figures have improved slightly, the authors suggest, but there are still plenty of signs of a problem remaining. In 2004, the proportion of people 'that did not care much about the outcomes of congressional races was closer to one-third'. The proportion of the electorate who said that elections made the government pay attention in 2000 was roughly one-half (p. 2).

Secondly, America notoriously has one of the lowest turnout rates in the world. Citing statistics from the International Institute for Democracy and Electoral Assistance, the authors suggest that when states are ordered by their average turnout since 1945, the US tables at 139th out of 172. There is also enormous state-by-state variation with 61 per cent of eligible citizens voting in 2006, but only 29 per cent of those in Mississippi (p. 6).

What is the cause of these problems? Cain *et al.* claim that the number of uncompetitive elections and public concerns about the role of money in politics are important factors, but that electoral administration matters too. Why? To begin with they note how evidence from public surveys suggests that the American public have little confidence in the systems used to administer elections around the country. A Pew Research Center survey from 2006 found that 32 per cent of unregistered voters had little or no confidence that their vote would be accurately cast if they were to have voted in the November election of that year. The authors also highlight data from the International Social Survey Program from 2004 in which 22.9 per cent of Americans thought that their elections were 'very dishonest' – the highest out of any of the 37 countries listed and behind Venezuela (17.7 per cent), Taiwan (16.3 per cent), Mexico (12.8 per cent), the Philippines (11.5 per cent) and South Africa (8.1 per cent). Only 39.0 per cent thought that elections were 'Very honest or somewhat honest', the lowest of the listed countries with the exception of Russia (pp. 6–7). There is much scope to improve the confidence of the electorate with more robust administration of elections, they suggest.

Explanations of non-turnout are also often at least partially attributed to electoral administration. Cain *et al.* cite a survey conducted by Pew Research Center in 2006 which found that 40 per cent of voters who had not registered or voted in the 2004 elections mentioned logistical issues (p. 11). Finally, although administrative problems with elections were well cited in the international media in 2000, there continued to be a range of other problems reported since then. In 2004 the presidential election again hung on one state – this time Ohio. Long lines at voting stations in heavily Democratic and urban areas and electronic voting machines caught the media attention again. Diebold, a private company, provided the machines to administer the elections to Ohio. A leaked memo from the chief executive officer before the election heightened concerns about the impartiality of the procedures. In it, he promised to 'help Ohio deliver its electoral votes to the President' (p. 5).

Prescribing 'Best Practice'

Having made the case for the study of electoral administration, Cain *et al.* provide an edited volume of chapters by leading scholars in the field which emerged from a symposium at Kent State University in January 2007. While several of the chapters have previously appeared as journal articles in *PS: Political Science and Politics* there is also some original material in the volume. The editors begin by setting out their goals for election reform in the remainder of the introductory chapter. These are for elections to be characterised by integrity, participation and responsiveness and the remaining chapters are clustered into three sections which seek to establish how each of these goals can be achieved.

Firstly, the *integrity* of the system requires 'fair and impartial rules' for conducting elections. Elections should also be characterised by efficiency, accuracy and transparency. In this section, Lorna Rae Atkinson and Kyle Saunders use survey methods in New Mexico and Colorado to show that the form of electoral administration used can affect voter

confidence. Meanwhile, Thad Hall *et al.* focus on poll workers to study the effects of training on election administration. They collected data on the demographic characteristics, the motivating factors and training of poll workers in Ohio and Utah through survey methods. These were then correlated against patterns of reported problems with the setting up or closing down of the electronic voting machines. The study found that problems were more likely to be reported where respondents stated that they did not feel 'very' prepared for election day. The authors suggested that this highlighted the importance of poll worker training.

The second cluster of papers is orientated around the concept of *participation*. In the introduction the editors make the case for full participation on the basis that this would ensure that the voting electorate is more representative of the electorate as a whole. A long history of research which primarily dates from Rosenstone and Wolfinger (1978) charts how this can be achieved by making voting and registration more convenient. In this volume, Eric Gonzales Juenke and Julie Marie Shapard add to this by assessing voting centres in Colorado that enable the electorate to vote anywhere in their county on election day. Chapters by Paul Gronke *et al.* and Caroline Tolbert *et al.* highlight the effects of different forms of early voting.

The editors' third demand of electoral institutions is that they should offer voters meaningful choices at the ballot box by, for example, making it easier for third-party candidates to stand and win office. This would make the system more *responsive* to changing preferences of citizens. The third cluster of chapters addresses this theme by looking at electoral institutions other than electoral administration. Thad Kousser *et al.* consider the role of term limits. Christopher Cooper identifies how third parties are more able to gain office under multi-member districts. Michael McDonald notes how electoral redistricting is important. Barry Burden, who does focus on electoral administration, highlights the importance of ballot access regulations. Taken together, this is an important set of research papers that makes many advances in our understanding of the effects of different procedures, which are usefully brought under one roof.

Election Fraud

While Cain *et al.* focus on issues of integrity, participation and responsiveness, it is improving integrity that is the sole aim of the edited book, *Election Fraud*, by Michael Alvarez *et al.* (2008). This is a very welcome addition to the field. Allegations of electoral fraud or misconduct are no longer reserved for new or developing democracies. In recent years there have been a number of high-profile cases of alleged fraud in established democracies. Such accusations are nothing new; they plagued democracies throughout the nineteenth and twentieth centuries. What is new is that the issue is now beginning to receive more systematic academic attention. Until recently, a review of research on the area would produce surprisingly little information.

The emphasis of the book is to try to establish a set of impartial methodologies which seek to: (a) give some objective meaning to the term electoral fraud; (b) detect and

measure electoral fraud; and (c) provide some prescriptions for policy change that will, as the title suggests, deter future electoral manipulation. To do this the book is divided into three sections. In the first there is a collection of chapters that seek to define fraud. In the second, five chapters offer different perspectives on how we can measure fraud. In the last cluster of five chapters attention turns to the related question of how to detect fraud. The book is rich throughout with insights from leading scholars in the field.

Among the many important contributions are those from D. Roderick Kiewiet *et al.* They sought to use incident reports completed by poll workers during an election to detect fraud. The researchers then coded the problems reported on these forms into categories. These data, they argue, would allow officials then to investigate cases in which, for example, long waiting times are produced. Such 'denial of services' could be classified as fraud since it could deter voters from casting their vote in particular regions that might have a party bias. This might then affect the outcome of an election.

In this particular election (a primary in Ohio in May 2006), the authors detected a large number of incidents, both with the Direct Recording Electronic (DRE) voting technology and other 'low-tech' problems that provided considerable scope for electoral misconduct. Ninety per cent of precincts reported at least one incident. Among these 15 per cent of precincts had at least one incident with the printers, over 25 per cent had incidents with poll workers and over 45 per cent had incidents involving registration. In 25 cases poll workers could not get into the polling place on time to open the precinct. While these may have been down to human error they would be easy to exploit. Twenty-five per cent of precincts were missing at least one poll worker. If poll workers were told by bogus election officials that they did not need to turn up until later then this could have prevented legitimate voters from casting their ballot. In short there were a number of ways in which particular precincts could be targeted by unscrupulous individuals seeking to reduce the number of votes being cast. The authors propose that checking for patterns of incidents could be one useful method of identifying attempts to manipulate the elections.

Michael Alvarez and Jonathan Katz, in their chapter on the 2002 election in the state of Georgia, suggest a different approach. They begin with the claim that the outcome of most elections is predictable in advance of the poll on the basis of a 'handful of variables, including the state of the national economy, incumbency and partisanship' (p. 149). Those seeking to identify possible cases of fraud should therefore identify and investigate outliers to this trend using regression analysis. This could be coded into software packages and made available to election officials. They applied this approach to the 2002 gubernatorial and senatorial elections in the state of Georgia where irregularities were often claimed to have occurred but suggested that there was nothing untoward about them.

In short, this collection marks a significant advancement in how democracies could seek to identify and measure fraud. While the book does include a chapter on Russian elections and another on how international observers seek to detect fraud the geographical focus is here, once again, almost exclusively on the US.

The Politics of Voter Suppression

In *Stealing Democracy: The New Politics of Voter Suppression* (Overton, 2006), Spencer Overton of George Washington University Law School puts forward the case for a fundamental reform of the systems of electoral laws used in the US. Overton served on the Carter-Baker Commission on Federal Election Reform which heavily influenced the Help America Vote Act 2002, and he is also a campaigner for reform – serving on the boards of Common Cause and the National Voting Rights Institute. His text, *Stealing Democracy*, essentially brings together the arguments that he has been making about election law in the US since 2000 and attempts to ‘provide a comprehensive approach for examining future problems and reform proposals’ (p. 169).

He attempts to do this by aiming the text at a broader audience and sets out by invoking a metaphor to suggest that the collection of electoral laws that exist in the US should be seen as a matrix – analogous to that portrayed in the Hollywood blockbuster film *The Matrix*. For him, this matrix consists of the web of electoral regulations which include the placement of voting precincts, rules for re-districting and voter registration. This matrix channels the will of the people into electoral outcomes in a way that the ordinary citizen will think of as being natural. Citizens are not able to cast votes outside this matrix but it has very real consequences since it determines the relative importance of an individual’s vote and who is elected. There is no grand conspiracy and a matrix of some form is inevitable. However, Overton claims that the matrix should be reshaped so that every citizen is empowered and it does not suit local and national political elites. In fact, according to him, ‘our existing electoral system encourages politicians to maintain power by massaging election rules, district boundaries, and other practices. The Voting Rights Act of 1965, which limits politicians’ ability to manipulate democracy unfairly, is under siege’ (p. 166).

The range of electoral laws that are covered therefore includes those from outside the bounds of electoral administration such as electoral re-districting. Here, Overton calls for a number of reforms including: the use of more independent commissions; for electoral officers to require a ‘supermajority’ of 75 per cent from the legislature to be appointed; and for greater involvement of the public through ‘citizen assemblies’ in the process of deciding the electoral rules to be used.

Overton charts his arguments for greater federal control over elections. He notes how there have been a number of pieces of national legislation that have sought to impose some national standards. The disadvantage of imposing greater control is that local administrators are less able to provide more flexible arrangements. However, the advantage is that it provides a safeguard against the inequality in electoral procedures produced across the states. He illustrates this with an example of how two counties within Ohio have had significant differences in the length of the queue to cast a vote and the organisation of the poll. This is effectively disenfranchising voters by deterring them from voting.

In subsequent chapters Overton also makes the case for bilingual ballots as a method for reducing racial tensions and trust in the voting system. For him, ‘Bilingual ballots send the

message that the government is operating in good faith and is not gaming the system to favor the old guard by suppressing votes among citizens whose English is not as strong' (p. 134).

The book makes some useful arguments and a number of key themes and problematic issues facing American elections are successfully identified. Supporting evidence for many of the claims is often anecdotal and made through personal examples. This is perhaps inevitable and reflects the difficulty of finding systematic evidence. But it also perhaps indicates the audience of the book as Overton seeks to reach out to the public and policy makers with his claims. In short, this text usefully illustrates the fierce ongoing debate about electoral laws in the US.

Keeping Down the Black Vote

In their book, *Keeping Down the Black Vote*, Frances Fox Piven *et al.* (2009) make similar arguments to Overton but as part of a more historically based account of electoral laws and a comprehensive text located within the political science literature on political parties. The key claim is that parties aim to win elections as much by demobilising as by mobilising voters. In particular, members of different party elites have sought to discourage black and other minority groups to remove potential electoral threats at the ballot box. This has been done through a variety of mechanisms involving the introduction of barriers to voting such as moving ballot boxes, closing polling precincts early, leaving them understaffed in black areas or new voter ID laws; or, as history teaches us, more openly through threats of violence against those who sought to register to vote. According to the authors, 'Not only does demobilisation produce a smaller and more manageable electorate over time, making campaigns easier and cheaper, but demobilisation strategies can be targeted at those potential opposition voters whose discordant cultural identities and contentious political demands make them easier to isolate' (p. 17).

The book is chronologically ordered and thus it begins with three early waves of efforts to demobilise voters which began in the North in the nineteenth century, then took place in the post-civil war South during the 'Reconstruction' period before a third wave took place in the North again. In the latter stage Northern states focused on the immigrant working people rather than African Americans by, for example, asking foreign-born citizens to provide their naturalisation papers when registering or voting while simultaneously delaying the naturalisation process.

Chapter 2 considers the post-war period up to the late 1960s. Perhaps the key development was the Great Migration of blacks from the rural South to cities and key Electoral College seats in the North and South. This gave these voters greater electoral importance and made the development of a civil rights movement possible. As a consequence both parties had to reconsider their electoral strategies. This culminated in demonstrations and riots spreading to the North and eventually a Democratic president and the passing of the Civil Rights Act by Congress. Lyndon Baines Johnson won the next election with 90 per cent of black voters but lost the South, he suspected, 'for a generation'. By comparison,

the Republicans developed a Southern Strategy and attacked Democrats for caving into black demands with ‘harangues about crime, the invocation of law and order, and incessant talk about welfare’ (p. 42). They therefore sought to use forms of electoral administration to depress the black vote through schemes such as the launch of the Republican ‘ballot security’ programmes in 1954 and the launch of ‘Operation Eagle Eye’ in 1962 which ‘recommended mail verification, poll monitoring, and publicity as strategies to secure the vote’ (p. 42). The Republican activists were, Piven *et al.* claim, also involved in tactics that are not in the training manual such as threats of imprisonment and false information.

Chapter 3 turns to how voter suppression became a key issue in urban politics and claims that the battle for control of the cities played a key role in the black movement, illustrating this with three mayoral campaigns. These battles then spread up to the federal level where there were demands in the 1980s to allow universal registration. For the Republicans, efforts were made to discourage the black vote. In comparison, the Democrats under Jesse Jackson pushed for greater reform of procedures, whereas the Clinton administration took a middle road. Despite introducing the National Voter Registration Act, it was more reluctant to try to support more radical reforms of electoral administration because it wanted to foster a centrist electoral strategy.

While many of these arguments will be familiar to those who have read the seminal studies of electoral administration by Frances Piven and Richard Cloward (1988; 2000), later chapters analyse more contemporary developments. Chapter 6 thus charts the range of methods used by Republican strategists at state and federal level since the election of President George W. Bush. These have included voter misinformation campaigns, voter caging and challenging, register purges and anti-‘fraud’ investigations in heavily Democratic areas to try to gain electoral advantage.

The claims made by Piven *et al.* (and also Overton) can easily be criticised on the basis that the evidence of voter suppression is anecdotal and not proven in a systematic way. They acknowledge this problem. As they note, a suppressed vote is a non-event and a ‘discouraged voter leaves no evidence behind, making it difficult to develop tallies of the numbers of votes lost’ (p. 166). However, the examples they highlight and the apparent use of particular strategies by the political parties are compelling and, at times, astonishing. This book should become a key point of reference on political parties in contemporary democracies.

Conclusion: Time to Go ‘Overseas’?

This article has reviewed four recent additions to the literature on electoral administration. Collectively, they advance the study of electoral administration in a number of ways.

Firstly, they remind us of the importance of electoral administration in democracies. It is an important state institution that has only received sporadic attention from political scientists and is often ignored in many textbooks on either elections or constitutions. Only when there is a close election such as the 2000 or 2004 US presidential elections

do we focus on the mechanics of electoral administration and election laws in states that can make a difference (Florida in 2000 and Ohio in 2004). All elections involve administrative procedures and the texts all rightly point to how this is an important area of study. Electoral administration can directly affect whether votes are cast and counted correctly and the confidence that the public has in the electoral process. The procedures are highly political and warrant close academic scrutiny.

Secondly, these texts make a number of important arguments about the desirability of certain procedures. For Piven *et al.* and Overton over-onerous voter identification procedures that might inhibit legitimate voters from casting their ballot are among the main concerns. The policies of many Republican state and federal politicians to tighten up procedures by demanding voter identification are therefore to be opposed at any opportunity. According to Overton, there is no evidence of any widespread fraud to warrant the clampdowns seen in states such as South Dakota. Studies such as those undertaken by Lorraine Minnite and David Callahan suggest that individual fraud at elections is negligible (Minnite and Callahan, 2003). Ohio, for example, found four cases out of 9,078,728 between 2002 and 2004. Anti-fraud proposals are often put forward without sufficient cost-benefit analysis. Of voting-age Americans 6 to 10 per cent do not possess a driver's licence or a state-issued non-driver's photographic ID (p. 153). A range of studies have shown that the burden would also fall 'disproportionate[ly] on the poor, the disabled, the elderly, students and people of color'. For example a Wisconsin study in 2005 found that the rate of driver's licence possession among African Americans was half that of whites (p. 153). As Piven *et al.* would argue, this would provide the opportunity for voter suppression.

For those authors in the collections edited by Cain *et al.* and Alvarez *et al.* the policy prescriptions are more varied but include adequate resourcing of electoral administration, sufficient poll worker training and specific measures to prevent fraud and for the management of e-voting. However, one point of consensus across all of the literature reviewed here is the need continually to re-evaluate electoral procedures to ensure that they are fit for purpose.

Thirdly, these texts contribute to the development of methodologies that are useful for practitioners, policy makers and academics studying elections. One example of where this might immediately be useful to practitioners is those methodologies designed to help detect electoral fraud through the use of incident reports and election forecasting. Yet to facilitate further research more information may be needed by researchers about how electoral administration is maintained and the kinds of 'problems' that are on the ground. Incident reports, for example, may be highly useful for identifying patterns of irregularities at elections – but these are kept as the exception rather than the rule. Even less often does the researcher have access to them since they are used for internal purposes only. More documentation and freer access to these would improve the practitioner-research link and could improve the quality of administration of elections.

One substantial problem with these texts, which reflects the study of electoral administration as a whole, is that they remain almost entirely focused on American elections.

There remains a strong need for more cross-national data collection and analysis. The study of electoral administration needs to spread globally beyond the US so that researchers can contextualise the findings made so far from American elections with other countries. For example, while some of the debates over electoral administration in the US have been well documented, how has it changed overseas?⁴ What have been the forces for change? Have the party political interests that Piven *et al.* describe been as prevalent in the UK, France, Australia, India or elsewhere? Does electoral administration affect variables such as turnout and voter confidence in non-American settings? Historical comparative case-study research could be extremely insightful in helping to answer these questions of why particular countries adopt specific procedures. Cross-national comparisons based on a much larger number of cases could also assist such analysis. The use of surveys on citizen satisfaction with the mechanics of electoral administration could help in the recommendation of policy proposals.

The focus on American EA is understandable. The constitutional ability of states to vary their practices prepares the ground for political battles to be fought over the procedures used. It also provides a fertile environment in which researchers have and can make interstate comparisons to evaluate the effects of different procedures. Nonetheless, there appear to be a number of advantages for the US literature to be more proactive about using cross-national experiences. The results could be an improvement of electoral administration in practice and an enriched field of research.

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Notes

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1 I am grateful to an anonymous referee for this insight.

2 See for example Wolfinger and Rosenstone, 1980.

3 'Election reform' in the US context often refers solely to electoral administration whereas the issue of 'electoral reform' is often taken to mean the potential reform of the electoral *system* in the UK and many other parliamentary democracies. It is electoral administration that is the subject of scrutiny here.

4 For a study of recent changes in Britain see James (2010).

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