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I am professor at Yale Law School, where I specialize in election law and constitutional law. I authored *The Democracy Index: Why Our Election System is Failing and How to Fix It* (Princeton University Press, 2000), which proposes ranking states and localities based on how well they run elections. The idea was put into separate bills by then-Senators Barack Obama and Hillary Clinton as well as Congressman Steve Israel. Much of my research has focused on the importance of collecting reliable data on how well our election system is performing.

If the General Assembly moves forward with this bill, it will be the first state in the nation to create a Democracy Index. It will thus lead the way in bringing election administration into the 21st century by ensuring that the state will have the information it needs to spot, surface, and solve problems in our election system. Such a bill would cement Connecticut's reputation as a leading reform state and put it well ahead of its counterparts in Massachusetts, New York, and elsewhere.

Election Administration Lags Well Behind the Public and Private Sector in Data Collection

Data collection is the norm in both the public and private sector. Election administration, however, lags far behind. Data-driven analysis is so common in the business sector that Walmart can tell you that when a hurricane approaches, people purchase not just generators and flashlights, but strawberry Poptarts. Businesses collect good data because they know it guarantees good management.

That lesson has not been lost on the public sector, either. Most local, state, and federal agencies rely on data-driven management to ensure they serve the public in the most effective and efficient fashion they can.

Although election administration all but lends itself to measurement, it lags far behind both private companies and other government agencies. Indeed, in some instances, we lack even the most basic information on how well the system is functioning, let alone the type of comparative data that would help us identify the drivers of performance.

The bill under consideration would remedy that problem. It would ensure that state policymakers have the information necessary to make sensible choices about election policy going forward. That information is especially important in times like these, when budgets are tight and cost-effective solutions are essential.

The Importance of Data-Driven Management

There is a reason that data-driven management dominates the public and private sectors. It works. It may be the cheapest, most effective guarantee of good decisionmaking.

Good policymaking requires good data. Good data are essential for good policymaking. The absence of data poses the most basic of dilemmas for those who care about reform: it is hard to figure out whether and where problems exist in a world without information. Reformers spend a great deal of time talking about where we should go with reform. But in the absence of a roadmap telling us where we are, policymakers cannot make sensible decisions about future paths.

Without performance data, state policymakers cannot even figure out whether there is a problem in need of solving, let alone whether a proposed solution makes sense. Data allow policymakers to distinguish between a glitch and a trend, between a statistical blip and a systemic problem. Data also signal to policymakers when action is needed and when the system is working just fine. At present, the push for reform is based on the atmospheric claims of reformers or comes as a reaction to what happened during the last election cycle. Policymakers need a reliable measure of how well the system is performing to know whether to act or not.

Solving problems before a crisis occurs. Good data would allow the state to spot, surface, and solve problems before Connecticut becomes the next Florida 2000, Ohio 2004, Washington 2004, or Minnesota 2008. The problems in those states were the same kinds of problems that exist elsewhere in the country. The difference was that the election was close. These problems had been around a long time, but they were hard to spot because each state lacked the data needed to identify them properly. As a result, state officials found themselves in the middle of a media maelstrom and eventually became the butt of jokes told on late-night television. With good data, Connecticut could identify and solve problems before they gum up an election and the reporters descend.

Learning from success. Data also would allow the state to benchmark. Benchmarking is a routine practice in the business world, as corporations constantly compare their performance with that of their competitors to identify best practices and figure out where they can improve. The same is true of election administration. It would be extremely useful to identify high performing Connecticut towns so we can learn from them. It would be just as useful to identify

the towns that require additional support so the state can ensure that those jurisdictions don't become the next Palm Beach or Cuyahoga County.

Identifying the drivers of performance. Data will help Connecticut policymakers identify the drivers of performance, which is essential for a well-functioning system going forward. Right now, there is no consensus on what drives performance because we don't even know which jurisdictions are performing well.

Cost savings. Good data are the best guarantee of cost-saving the state could seek. They involve a very modest short-term investment that guarantees long-term financial benefits.

Data are quite inexpensive to collect. Election officials already collect a good deal of data, but that information is not systematically gathered or consistent across jurisdictions. Moreover, the Secretary of State has been given adequate discretion to ensure that the data-collection process does not unduly burden local officials. Once a system of reporting is up and running, it will be virtually painless to collect data going forward.

That data will be the source of important cost savings in the future. The state cannot make sensible decisions about change without knowing which policies work and which don't. State policymakers will not be able to figure out which local jurisdictions deliver the most bang for the buck. They will not be able to make sensible decisions about policymaking priorities or budget priorities. After all, how can you figure how to solve a problem if you don't even know where and whether you have one? Good data will also ensure that Connecticut does not spend money on policies destined for failure while helping state officials figure out the most cost-effective strategies for improving our system.

Those cost savings will not be confined to the state. To the contrary, towns will benefit as much, if not more, from the identification of cost-savings strategies and cost-effective reforms.

Giving credit where credit is due. Finally, data will enable state officials to celebrate the unsung heroes of our election system: election administrators. Most election administrators do an incredibly difficult job with incredibly few resources. They approach the job with creativity and energy. Yet their only reward for doing their job well is silence. If the election goes well, nobody notices. If the election doesn't go well, the accusations fly.

Data are also a useful shield for election administrators where a problem occurs. It is all too easy for reporters and citizens to see a problem and assume that the jurisdiction in question is an outlier. They quickly conclude that the election administrator is especially incompetent or, worse, especially partisan. Good data will show what experts know – that the problems that make newspaper headlines are problems that occur routinely.

Conclusion

The State of Connecticut is on the verge of making history. It would be the first state in the nation to collect the data it needs to make good elections policy going forward. Connecticut residents will reap the benefits of this bill for years to come in the form of better policy, cost savings, and a more secure and accessible voting system.