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After the long lines that were experienced at some of the voting locations in the 2012 General Election—where more than 5 million voters waited longer than an hour to vote, in some cases 6 or 7 hours--President Obama stated in both his acceptance speech, as well as in the 2013 State of the Union Address, that we need to “fix that”. By executive order the President established the Presidential Commission on Election Administration chaired by Bob Bauer, President Obama’s General Counsel for his first term and re-election campaign attorney and Ben Ginsburg, Governor Romney’s campaign attorney as well as the national counsel for the two Bush-Chaney campaigns. The rest of the ten person commission was comprised of five election administrators: a former Secretary of State, two State Election Directors, a County Clerk and myself, and three individuals from the private sector including the Vice President of Operations for Disney.

The Executive Order focused the Commission’s work on several areas of concern:

- i. the number, location, management, operation, and design of polling places;
- ii. the training, recruitment, and number of poll workers;
- iii. voting accessibility for uniformed and overseas voters;
- iv. the efficient management of voter rolls and poll books;
- v. voting machine capacity and technology;
- vi. ballot simplicity and voter education;
- vii. voting accessibility for individuals with disabilities, limited English proficiency, and other special needs;
- viii. management of issuing and processing provisional ballots in the polling place on Election Day;
- ix. the issues presented by the administration of absentee ballot programs;
- x. the adequacy of contingency plans for natural disasters and other emergencies that may disrupt elections; and
- xi. other issues related to the efficient administration of elections that the Co-Chairs agree are necessary and appropriate to the Commission's work.

After six months of hearings conducted around the country the Commission presented our report on The American Voting Experience to the President and Vice President in January of last year. Today I would like to share with you the portion entitled “Professionalism” and some of the history behind the inclusion of this, something *not* outlined in the President’s Executive Order, in our report.

From the Report on the American Voting Experience by the Presidential Commission on Election Administration:

“PROFESSIONALISM:

One of the distinguishing features of the American electoral system is the choosing of election officials and administrators through a partisan process. Some are appointed and others elected, but almost all are selected on a partisan basis. Critics have argued that under this arrangement public confidence suffers, as may the quality of administration. Those who run our elections are subjected to competing pressures from partisans and political constituencies, on the one hand, and their obligation to the voting public as a whole, on the other. Defenders of this practice note that the role of elected officeholders, such as Secretaries of State, is embedded in the legal structure and long-standing practice of American election administration. They also note that these officeholders generally perform capably and with accountability under close public scrutiny.

Whatever the view taken of the role of elected officials, the Commission found general agreement that election administration is public administration. That means that in every respect possible, the responsible department or agency in every state should have on staff individuals who are chosen and serve solely on the basis of their experience and expertise. The Commission notes that this is often the case in departments across the country, and it is a model to which all jurisdictions should aspire.

Elected officials are well-served having professional support, and it would also bolster the voting public's confidence in the voting process. Professionalism in administration assumes particular importance in a field characterized by scarcity of resources and increased public demand for a high quality of administration with keen political sensitivities. It is evident to the Commission that the core competencies required of today's election administrator are different from those in the past. The last decade's heightened demand for more professional administration of elections and modernization of the process demonstrates that there is an increasing need for technology acumen, public relations skills, and data savvy.¹

Indeed, the Commission would go further and urge the integration of election administration in university curriculums of public administration. For the most part, election officials now migrate into their positions from other areas of government or political party service. Once there, certification and training programs run by Secretaries of State, state associations of clerks, or national organizations, such as the Election Center and IACREOT, become the forums for professional development. It is time that election administration is also counted among those fields for which graduate training in a professional school can constitute preparation for a career.”

¹ See Matt Masterson, Deputy Elections Administrator, Office of the Ohio Secretary of State, PCEA Hearing Testimony, Cincinnati, OH, at 10 (Sept. 19, 2013) (“[E]lection officials must be challenged to think of themselves as IT managers.”); Merle King, Executive Director, Center for Election Systems at Kennesaw State University, PCEA Hearing Submission, Cincinnati, OH, at 2 (Sept. 19, 2013), available at <https://www.supportthevoter.gov/files/2013/09/Merle-King-PCEA-Cincinnati-2013.pdf> (“The required core competencies [of election officials] must embrace the reality that every election official is an Information Technology (IT) manager. In addition to competencies related to IT management, additional core competencies in the following disciplines should be defined: Testing and validation of systems, project management, auditing, training, ethics, information security, communication, election law and practice, accessibility and disability mitigation, human resource manage[ment], and an end-to-end knowledge of all the election systems that support elections in that jurisdiction.”).

The United States Constitution outlines that the states are to determine and conduct the elections in the manner that they see fit:

“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.”

Article I, Section 4, Clause 1

From what we saw in our hearings and meetings, the architecture of election administration itself does not necessitate dysfunctional administration. Hyper-partisanship can infiltrate any system, one in which the administrator is elected, appointed, or hired. The Commission did not feel that there was one architecture that was better than another, but we did feel it noteworthy to call for the increased focus on professionalism, not the politicization of administration.

The Co-Chairs of the PCEA have years of experience in states when elections are close and a recount is required. Under this microscope any variation in process is magnified. State officials are held accountable under numerous federal laws, the National Voter Registration Act (NVRA) as well as the Help America Vote Act (HAVA) to name the two most prominent, to ensure that voters across their state receive equal treatment and have prescribed voter registration access with data collection requirements to report these efforts. Yet, in most states the chief election officer has no enforcement powers or ability to require compliance.

We heard repeatedly in testimony to the PCEA that “one size does not fit all” across the nation, but that can be the same at the state level—jurisdictions all face varying challenges that are met with disparate resources. Yet, voters all across the state should be confident that regardless of their party affiliation they are being served to the best of the ability of those charged with that duty.

I say this to you as a former local official coming from a county with an elected County Recorder who has served the voters of Maricopa well as their main election administrator for almost two decades. With a single administrator was our office a partisan stronghold? Absolutely not. In fact, our office had more staff of the opposing party than her own, staff were hired based on their ability to perform well and everyone’s party affiliation was checked at the door. We had statutory requirements to staff the polls with a blend of party affiliations and to ensure that the two parties with the highest registrations were equally distributed as the lead pollworker, or Inspector, across the county. It is my understanding that you too have a sole person tasked with supervisory powers at the polls on Election Day. Political parties in Arizona had the ability to appoint official observers at all points of the election process to ensure transparency and foster accountability, but they never had the ability to impact the administration of that election.

During my time as a Commissioner it saddened me to hear of jurisdictions where political posturing had infected the administration of the election, where individuals had to be retained even when they had demonstrated an inability to do the job or blatant dereliction of duties. From the temporary pollworker to the highest election office our elections must be conducted by those who are committed to the work for all the citizens they serve, and mechanisms need to be in place to rectify the situation when they are not.

A system of checks and balances does not necessitate that two people always be tasked with the same role—if that were the case there would be two of everything, at every level. There isn't a state in the nation that conducts its elections in that manner. States that have more than a single administrator usually have an Electoral Board that is tasked with decision making, but not the conduction of the election itself. That is usually left up to an election administrator or director. In Virginia for instance, there is a board of three appointees comprising the board with the majority aligning with the party affiliation of the Governor. This board sets hours and locations for voting, makes budgetary decisions, and oversees the Elections Director in their duties. It is the Director who actually administers the election.

In Ohio they have an affectionately referred to "détente structure" that is similar to Connecticut, but more like Virginia. Ohio has only two individuals on their Board, not three, but they too are tasked with making decisions and directing an Elections Director. There are many distinctions between the states. In Ohio the Secretary of State has oversight on the county boards and the ability to monitor and sanction them. Indeed we have seen in Ohio where the Secretary's office has had to step in and make uniform voting hours statewide, hours recommended by working groups of local officials, when hours across the state had the potential to have partisan impact based on the Electoral Board decisions (Boards approving expanded hours in some counties, while those same hours were rejected in others, down party lines). Even in this "détente structure" there can be politicizing both by application as well as omission.

We meet here today following a general election cycle that saw many changes across the country in elections offices. It is always a tenuous time for election administrators who watch colleagues across the country, leaders in our profession, some of whom testified and shared their expertise with the PCEA, get replaced by appointments from the newly elected official based solely on party affiliation. Election administration should be considered a profession, a position of public service, and not the spoils of war.

I thank you for the opportunity to speak with you today and would welcome any questions you may have for me.