Dysfunctional Decentralization: Election Management In Theory and Practice

by

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Dysfunctional Election Decentralization

• **Thesis**: Public administration (PA) theory has not been much of a guide to election mgmt (register & process voters, count & report votes). 4 elements:
  • 1. Recent elections have not produced public trust in democratic process (legitimacy).
  • 2. Officials must maximize conflicting values
Dysfunctional Election Decentralization

- **Examples**: volunteer labor vs. professionalism; regulatory consistency vs. local values; management in context of media spotlight and partisanship.

- 3. Operational roles in pre-election, election and post-election have not performed well.
Dysfunctional Election Decentralization

• 4. Overall mismatch of regulatory authority, management responsibility/capacity and financing.

• **Background**: US elections conducted by 13000 local governments—they are jurisdictionally fragmented and ultra-decentralized.
Dysfunctional Election Decentralization

- **IG Responsibilities**: Each state secretary and local election board *supervise* local elections
- EAC *funds* machines and registration improvements (since 2002 HAVA) but lacks rule-making authority;
- LGs *finance/manage* actual elections with volunteer poll-workers.
- Results have been problems in all phases of EM:
Dysfunctional Election Decentralization


• **2004**: more voter registration issues, provisional balloting, questions of partisanship in election administration, malfunctioning machines, long lines
Dysfunctional Election Decentralization

• **2006**: Florida 18,000 undervotes, new voter ID laws, technology problems, lines, lack of poll workers.

• **Primaries 2008**: voter registration/provisional ballots (NM), technology (CA, NH, NJ), early voting (CA); lack of ballots (DC); machines counted 4000 extra write-in votes.
PA Theory Response

• **PA Tools**: Inter-dept committees, training, performance transfers and M&E systems.

• Theory has not matched tools to responsibilities for efficient EM. Basic theory is Gulick’s 1937 POSDCORB. Problem = weakness in one or more function.
PA Theory Response

• 2005 Carter-Baker Commission recommended 87 remedies for election management improvements mostly regulated/managed from federal/state levels.

• 6 Areas Critical to Improvement: Voting Technology/Audits, Voter Registration, Voter Identification, Provisional Balloting, Poll Worker Recruitment/Training, and Poll Operations
PA Theory Response

- **C-B method ad-hoc**—expert opinion led to predictable suggestions--train weak poll workers; strengthen regulatory institutions; broaden background of EAs etc. Sound but atheoretic recommendations.

- **PA Theories:** (1) **Implementation**---focus on constraints to management. But tautological notion that better design results from error-correction during execution.
PA Theory Response

• (2) **Network**—more partner and network information better. Which ones? Good at describing context but not prescriptive.

• (3) **Principal-Agent**—logical to issue orders and provide compliance incentives. Sounds like POSDCORB mgmt functions.
Fiscal Federalist Theory

• **Fiscal Federalist Theory (FFT)**—holds that expenditure functions should be assigned by constitutions and laws to the government tier(s) in federal system that can deliver them effectively and responsively.

• Assignments of authority and responsibility should correspond to benefit districts and lowest effective level of government—**subsidiarity** for democratic accountability.
Fiscal Federalist Theory

• If costs/benefits spill over jurisdiction, scale economies and responsiveness gained from elevating function to higher level of fiscal and regulatory responsibility/or to NGO.

• Elections and voting systems normally not included in list of functional assignments for either fiscal or political decentralization.
Fiscal Federalist Theory

• Voting systems are like collective or toll goods producing legitimacy. Non-rival (no limits on # votes/area), excludable (unregistered can be excluded) and payments necessary to finance O&M of system.

• Insufficient fee payment means system deterioration, destruction of toll good or collective voting commons--resulting in congestion costs, adverse selection or no-votes at all.
Fiscal Federalist Theory

• Advantages of FF Theory (FFT)—
  • 1. Fits problem-- IG role mismatch of mgmt, financing and regulation functions results in weak/variable EM performance.
  • 2. Subsidiarity-- Focuses on need to assign lowest effective role to respond to conflicting values and disincentives for good EM performance—finance; lack of volunteer capacity; regulatory consistency; partisanship.
Fiscal Federalist Theory

• **FFT Application**: Larimer County, Colorado 2003.

• Consolidated 122 local precincts into 25 polling places (Election Day Vote Centers) and linked poll book registration to central (county) voter registration file.

• **EDVCs**: increased access/choice; increased turnout; reduced costs; increased mgmt effectiveness.
Fiscal Federalist Theory

- **PA Theories Weak:**
  - Implementation theory restates problem;
  - P-A suggests need for mgmt control;
  - Network theory describes complex IG and NGO, public, private networks.
- So what?
Fiscal Federalist Theory

• **FFT:**
  - Describes Larimer CO precinct spillovers and legitimacy costs; low OC of EDVC program.
  - Points to lack of effective regulatory consistency/oversight.
Fiscal Federalist Theory

- Identifies incentives to demand IG support for EDVC from SOS, NGOs and parties.
- Predicts better cost and management performance from centralization of registration lists and decentralization of management responsibility.
- Aligns inter-county and county-local jurisdictional needs with funding.
Fiscal Federalist Theory

• **Conclusion from FFT**: consistent with economies of scale and responsiveness, the lowest effective levels of government (i.e. county) should be responsible for:
  • EM master registration lists.
  • Voting technology.
  • Capacity-building
  • Overall financing.
Policy Recommendations

• 3 policy recommendations from FFT:

• 1. Regulatory Centralization—works for urgent state/local problems where federal norms strong, S/L ineffective, local values opposed, CG funds available, and IG enforcement institutions strong, e.g. racial discrimination, air pollution.
Policy Recommendations

• **HAVA 2002 created the EAC** which has provided $3b grants to states to:
  
  • Replace local voting equipment.
  • Develop statewide voter registration lists.
  • Develop provisional ballot standards.
  • But no regulatory enforcement mechanism.
Policy Recommendations

• **EAC is governmental organization** setting advisory norms without permanent regulatory authority.

• Cannot make IG assignments issue in theory or practice.

• **Points**: LGs are EMBs in US; no *government* EMB like Swiss Federal Chancellery/Section on Political Rights, *independent* TSE of CR, or *mixed* MOI of France.
Policy Recommendations

• 2. Advice to Improve Administrative management—non-governmental regulation.

• Need readiness for: staffing, balloting supplies, layouts, voting integrity, databases, crowd management and other voting-day crises.
Policy Recommendations

• *Example*: NACCHO deal with flu threats by: grants to hospitals, subsidies for supplies, encouragement of hospital cost-sharing.

• The member association enforces rules, monitors hospital performance and lobbies for funds, new laws and regulations.
Policy Recommendations

• **3. Incentive-Based Regulation**—fiscal void at county/local level for EM could be filled by intergovernmental regulatory incentive systems.

• Works in other policy areas such as health (UK), local transit (US), air pollution (US).