

Partisanship and Provisional Voting: The Effects of Local Election Officials' Attitudes on Provisional Voting¹

By

David Kimball

University of Missouri-St. Louis

kimballd@umsl.edu

Martha Kropf

University of North Carolina-Charlotte

mekropf@uncc.edu

Timothy Vercellotti

Rutgers University

tim.vercellotti@rutgers.edu

Abstract

There are many proposals to disqualify partisan politicians from managing elections, but there is little evidence to evaluate such calls for change. The few published studies available suggest that the partisanship of election officials may influence some election outcomes such as the number of provisional votes cast and counted in a jurisdiction. In this paper, we explore the question of how the partisanship (or lack of partisanship) of the local election official and the administrative structure under which they operate affect attitudes toward provisional voting laws and the perceived success of those laws. Examining local election jurisdictions nationwide, Kimball et al. (2006) provide evidence indicating that partisanship may matter to provisional votes. What the study lacks is a measurement of the attitudes toward the provisional voting law and individual demographics of local election officials. In contrast, using survey data collected from election officials in summer 2005, Vercellotti (2007) measures the attitudes of local election officials toward provisional voting, as well as individual-level demographics of local election officials, but does not measure their partisanship (or whether the official is non-partisan or situated in a bipartisan administrative structure). Merging the two datasets allows us to understand whether there are partisanship differences in attitudes toward provisional balloting laws, and allows us a greater understanding of how local election officials' attitudes affect the implementation of federal/state provisional voting policy. Furthermore, such an exploration helps us understand whether scholars should employ survey research studies to understand how the attitudes of local election officials affect local election outcomes. Moreover, this study explores an important question within the bureaucratic implementation literature: how do those who implement policy on a local level affect the outcome of that policy?

¹ Prepared for presentation at the 2008 annual meeting of the Midwest Political Science Association, April 3 – 6, 2008, Chicago, IL.

“... in a competitive political situation, partisanship determines the enactment, implementation, and reform of the nation’s election laws.” (Argersinger 2004)

Introduction

Over the past decade, there have been a number of proposals to disqualify partisan politicians from managing elections and instead place election administration in the hands of nonpartisan officials or bipartisan boards (Shornstein 2001; Pastor 2004; Hasen 2005; Committee on Federal Election Reform 2005). Others suggest codes of conduct that limit the partisan activities of election officials (Common Cause 2006). Serving as the foundation for such proposals is the idea that perhaps partisan officials are not able to serve the “public interest” or administer elections in a neutral fashion because of partisan conflicts.

A similar concern—that is, about bureaucrats serving the public interest—has been at the heart of a variety of works in public administration noting a “democratic dilemma”—on the one hand, legislators cannot anticipate the nuts and bolts of day to day administration of the statutes they vote into law. On the other hand, bureaucrats are un-elected and civil service requirements further protect them from political pressure. They have little accountability. However, a level of expertise is needed to implement many policies, not to mention “judgment and intuition to make administrative decisions” (Selden, Brudney and Kellough 1998: 718). Just one answer to the democratic dilemma is the idea of representative bureaucracy. The central interest of those who study representative bureaucracy is that in essence, the public administrators will hold attitudes generally representative of the public’s, thus not offending our idea of how democratic government should operate. In particular, representative bureaucracy scholars study attitudes bureaucrats hold and how those attitudes affect policy implementation. For example, Selden,

Brudney and Kellough study whether African American Farmer's Home Administration (FmHA) administrators believed they should serve as representatives of their race, and whether that feeling has translated into policy outcomes. They found that race indeed affected role perception and that the perception increased the likelihood that "these officials will make loan decisions favoring minority applicants" (Selden, et al. 1998: 717).

While some may argue it is normatively "good" for programs to provide program assistance to those traditionally underserved (for example, girls in the area of math education² or minority public school teachers and positive outcomes for minority students³), almost no one would say that voting and elections should be implemented in such a way to benefit or "represent" one particular group or another. Of course, this is particularly true where it concerns partisan attitudes and behaviors, which is the reason for the calls for change in election administration. Such calls for change in election administration seem to find some support in empirical research examining provisional voting. Such studies have found that the party affiliation of local election authorities has an impact on provisional votes cast and counted (Kimball, Kropf and Battles 2006). Kimball, Kropf and Battles (2006) found a conditional effect of partisanship in elections: in heavily Republican jurisdictions with a Democratic local election official, there are fewer provisional votes cast and counted. The same is true for heavily Democratic jurisdictions with a Republican official.

However, the Kimball et al. work represents a black box in the sense that we do not know why partisanship may affect the number of provisional votes cast and counted. From where does the conditional effect come? Is it some sort of outside interest—perhaps party officials influencing an election official to implement provisional voting in one way or another (or

² See Keiser, et al. 2002.

³ See Meier and Stewart 1992.

pressuring the official because they have provided some campaign assistance)? Is it some sort of attitude held by election officials and then communicated to all those under her leadership through hiring, training or even chats around the water cooler? Is it some sort of behavior of the election official in specifying what sort of information to provide at the polls to enable provisional voting? In order to explore these questions, we combine the partisanship data with survey data assessing attitudes toward provisional voting, the years of service of the official, and behavior of the officials in terms of what they provided to a jurisdiction to enable provisional voting to understand whether partisanship has an effect on attitudes and behavior in the process of implementing provisional voting. We also connect these data to actual outcomes: the number of provisional votes cast and counted in a jurisdiction to see if the partisanship, attitudes or behavior had an effect on provisional voting implementation.

The Democratic Dilemma: Control Over Local Election Officials

Local election officials, with varying degrees of discretion (GAO, 2001) implement elections in local jurisdictions including counties, cities and townships all over the country. Thus there are literally thousands of ways of implementing elections in this country, because of the decentralized nature of our elections (Alvarez and Hall 2005; Kimball and Kropf 2006). These individuals are somewhat constrained and directed by state and federal laws (such as the recently-passed Help America Vote Act of 2002), but local officials may interpret and implement those laws in different ways—in other words, they use discretion to implement election policy. It is this discretion that has several election reform advocates advocating nonpartisan election administration worried.

The theoretical support behind the idea of nonpartisan election administration is that partisan election officials, most of whom have a great deal of discretion to make decisions implementing elections, may make decisions intended to benefit their political party. In contrast, nonpartisan officials would be more likely to administer elections more independently and more fairly.⁴ Conventional wisdom says that Democrats hope to expand the electorate while Republicans do not, simply because non-voters fit a profile that is much like the Democratic Party constituency.⁵ Thus, the argument goes: liberals and Democrats are usually more concerned about removing barriers to voting and increasing turnout (e.g., Piven and Cloward 1988). On the other hand, Republicans want to reduce fraud (e.g., Fund 2004), which may reduce voter turnout. Such partisan tensions were evident in terms of controversy over poll watchers and voter registration in several battleground states shortly before the 2004 presidential election (Wallsten, Silverstein and Shogren 2004).⁶

However, the bottom line is that both parties want to win elections: if higher turnout means that more Republicans will go to the polls, Republicans may prefer that. If lower turnout means that fewer Republicans will go to the polls, then Democrats may prefer that. In other words, the conventional wisdom is probably wrong. Indeed, Kimball and his colleagues (2006) found more evidence for a party competition model of partisan effect, rather than one illustrating values of integrity of and access to elections (Republican and Democratic values, respectively).

⁴ Hasen (2005) also notes that even if partisanship has little influence on the behavior of election officials, if the United States had nonpartisan administration, there would be less of an appearance of a conflict of interest, thereby maintaining public confidence in the democratic process (Hasen 2005). This is a weaker form of the theory we outline.

⁵ Scholars such as Martinez and Gill (2005) and Nagel and McNulty (1996) note there is scholarly disagreement over the hypothesis that higher turnout helps Democrats.

⁶ Congressional passage of HAVA also illustrated partisan polarization. In general, Democrats wanted to increase access to voting (doing things such as allowing provisional ballots for voters wrongly left off voter lists) while Republicans wanted to increase the integrity of the process (with more rigorous voter identification and registration procedures). HAVA was a compromise that included both sets of preferences (e.g. Committee on Federal Election Reform, 2005: 2). A similar pattern of partisan conflict accompanied passage and implementation of the National Voter Registration Act of 1993, the so-called "Motor voter" law (e.g., Conway 2000: 121).

However, past discussions of the role of partisanship in election policy implementation have been silent on the nature of the causal mechanism of the party's effect on election administration. Thus, we turn briefly to a set of literature where scholars have extensively found that bureaucratic attitudes affect policy implementation: bureaucratic representation (e.g., Meier and Nigro, 1976). In short, Meier and Nigro (1976) argue that attitudes may serve as an "internal" level of control on the bureaucracy, "necessary to keep public bureaucracy responsive to the people" (458). The literature has focused most on whether the attitudes of bureaucrats are shared by the people they serve, or more particularly, whether bureaucrats believe they have a representative role, particularly if they are minority (e.g., Selden et al. 1998) or women (e.g., Kelly and Newman 2001; Dolan, 2002; Keiser et al., 2002). Selden (1997) citing Rourke notes, "a number of scholars have endorsed the view that bureaucratic power to mold public policy can be made more responsive to public interests (and will therefore better serve democratic principals) if the personnel in the bureaucracy reflect the public served in characteristics such as race, ethnicity or gender" (Selden, 1997: 4). This theory purports that race and/or gender foment early socialization experiences and attitude changes that in turn foster "active representation" of such populations—that is, the bureaucrats may use their discretion in order to implement policy in a way that benefits certain target populations.

Indeed, we know that there are differences in how those charged with implementing policy, both in attitudes and the eventual substance of the policy outcomes (Selden, et al. 1998). Others such as Brudney et al. (2000) examines the "values or goals that senior state administrators hold for their agencies" (492) and found differences among non-whites and whites as well as men and women. Meier and Stewart (1992) find that African American street-level bureaucrats—teachers—have more of an effect on test scores of African American students than

administrators (principals). All in all, given that we have observed that implementation of elections is affected by partisanship (Kimball et al., 2006), we wonder how much of the partisan effect on provisional voting derives from internalized attitudes. Certainly, the representative bureaucracy work seems to suggest that attitudes affect policy, though this literature also seems to suggest such an effect is a “good” thing because it controls the bureaucrat. If partisanship affects attitudes and attitudes affect behavior, one wonders how fairly partisan election officials may implement elections. In other words, in this instance, attitudes may not be a good control of bureaucratic behavior. Using data on attitudes toward provisional voting, we are able to test whether or not Republicans, Democrats and non-partisan officials have differing attitudes toward provisional voting. We are also able to show whether the attitudes and partisanship both affect the final outcome of provisional votes cast and counted.

However, the initial reason for the study of representative bureaucracy is the concern that they are unelected, and thus have no accountability. What makes local election officials particularly unique and interesting for study is that some of these individuals who implement our policy are elected and some are appointed officials (Kimball and Kropf 2006). Thus, we have a unique chance to study the attitudes of those who implement policy—both those who are most accountable to the public (elected officials) and those who are—in the words of Selden and her colleagues “lack accountability at the ballot box” (Selden, et al. 1998). Is it possible that being elected might temper the relationship between partisanship and attitudes? We are able to explore this question as well with our data. Furthermore, because we have election “outcome” data, we are able to study why these potentially differing attitudes about policy affect the application of a specific policy—provisional voting.

On the other hand, even partisan election officials may have a strong degree of internalized behavioral control because of professional norms that they are socialized to over time serving as an election official. Such norms may stress loyalty to the organization over personal attitudes, partisan or otherwise (e.g., Romzek, 1990). In particular, election administrators have become quite professionalized, with regular national, state and local meetings of officials to help trade advice and generally make the process better. Such professionalization of election administration promotes norms and values, such as efficiency, fairness, and openness, that could mitigate against partisanship, and effect a change in attitudes (and behavior). One way of operationalizing acceptance of professional norms is the length of time a bureaucrat has served in a position. We are able to test this hypothesis as well.

Methods and Data

We test these competing theories of control over the election bureaucracy using unique survey data collected by the Eagleton Institute of Politics at Rutgers University concerning election officials' implementation of federal provisional vote statutes in the 2004 election. The survey did not ask about partisanship, but using the Kimball/Kropf LEO Partisanship data (Kimball and Kropf 2006; Kimball et al. 2006), we are able to identify the partisanship of a majority of officials in the survey. Thus, we are able to examine whether partisanship affects attitudes toward provisional voting, as well as specific behaviors outlined in the survey that local election officials did or didn't do to implement the policy.

Section 302 of HAVA requires states to provide provisional ballots to voters who believe they are registered but whose names do not appear on the voter list at their polling place. If the voter's eligibility is confirmed, then the provisional ballot is counted. If the voter's eligibility is

not verified, then the provisional ballot is not counted. Some states also use provisional balloting in the case where the individual voter does not provide adequate identification and is given a provisional ballot until his or her identification can be positively established. While some states offered provisional ballots before passage of HAVA, the new federal law required most states to change voting procedures to accommodate provisional voting (Montjoy 2005). Seven states are exempt from HAVA's provisional voting requirement: North Dakota (which has no voter registration) and six states with election day registration (Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming).⁷ Election officials from these states are excluded from the analyses of provisional voting that follow.

The Eagleton Institute measured election administrators' attitudes toward provisional voting through a national telephone survey of 400 administrators conducted in July and August 2005. While each state varies in terms of the way in which local elections are administered, we are able to identify a particular person who has authority over provisional voting in each local jurisdiction (Kimball, et al., 2006). The sample was drawn from counties, or equivalent election jurisdictions such as boroughs, municipalities, parishes, towns or cities. The sample of local election officials was then stratified according to when the state had enacted provisional voting systems – before or after the passage of HAVA – as well as the population size of the voting jurisdiction.

The survey sample was compiled based on information acquired from the state Board of Elections in each of the 50 states and the District of Columbia. In all, local election administrators from 43 states and the District of Columbia were eligible to participate in the study; thus 43 states and the District of Columbia had 3,820 local election officials who were

⁷ Wisconsin and Wyoming use provisional ballots, but only when a voter does not have adequate identification. Provisional voting is very rare in both states, which is why they are excluded from this analysis (see Election Reform Information Project 2005).

eligible for the study. Three states – Connecticut, Massachusetts, and Vermont – administer elections at the city or town level, as opposed to counties. To ensure that election officials in those states did not have a disproportionately higher probability of being chosen at random for the study than administrators in the other states, the sample included a proportionately drawn random selection of city and town election officials from each of the three states. In all, 114 cases were selected for the sample universe from Connecticut, 212 for Massachusetts, and 22 for Vermont. The final sample universe consisted of 2,864 election administrators. To enhance compliance rates, pre-notification letters were sent to all 2,864 officials explaining the study's objectives and asking for their participation in the study if contacted (further methodological details concerning the survey can be found in the Appendix). The response rate for the survey was 38 percent and was calculated using response rate formula #1 from the American Association for Public Opinion Research.

The demographics of the sample of election administrators who completed the survey broke down as follows: 70 percent were female and 30 percent male; and 41 percent were elected and 59 percent were hired or appointed. The number of years in the position ranged from less than a year to 38 years, with a mean of 12.3 years and a standard deviation of 8.6 years.

As noted, we combine these survey data with the partisanship database compiled by the other two authors of the present paper, Kimball and Kropf (2006). 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 identified more than 4,700 local election jurisdictions covering the entire country, and drew from that data set to match partisanship information to respondents who completed the Eagleton survey.

We use two pieces of partisan-related information about each election official in the present paper. First, 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). Second, we ascertain to which political party the person in charge of elections are belong.⁸ 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, which matches the time period of the survey.

In combining the datasets, there were some inconsistencies in the officials about which or from which we gathered data. This happened in cases where one data set focused on identifying information for boards of elections in a specific state, for example, and the other data set consisted of responses from an elections director appointed by the board. In those cases, we have gathered additional partisanship data for individual respondents by consulting Appendix A

⁸ 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.

of the Kimball and Kropf article. In other cases, we have made additional phone calls or consulted on-line voter registration lists, as in North Carolina.⁹

Dependent Variables

We developed models to predict attitudes and behaviors of local election officials, as well as specific electoral outcomes taking into account the characteristics of individual election administrators and the political and legal context in which they operated for the November 2004 election.

The first dependent variable that we examine is a scale of attitudes held by local election administrators regarding the value of provisional voting. The index consisted of responses on a five-point scale of strongly agree to strongly disagree in reaction to the following statements:

1. Provisional voting speeds up and improves polling place operation on Election Day by resolving disputes between voters and poll workers.
2. Provisional voting helps election officials maintain more accurate registration databases.
3. Provisional voting creates unnecessary problems for election officials and poll workers.
4. There is a need to offer voters the opportunity to cast provisional ballots.

We re-coded variables when necessary so that positive attitudes toward provisional voting received the highest value. The coefficient alpha for the scale = 0.70.

⁹ We found 317 matches between the two data sets. Those 317 cases are the basis for the analyses in this paper.

The second area of interest consists of behaviors. We consider behavior in terms of the services that the administrators provide through their employees. We examine three dependent variables in the realm of tools that the jurisdiction provided to poll workers to help them confirm that voters were in the correct location to cast a regular ballot, as opposed to a provisional ballot, or to help voters locate where they should go to cast a regular ballot. The three variables are dichotomous, and capture yes or no responses to the following:

Please tell me which of the following, if any, was provided in your jurisdiction for the 2004 Election to help poll workers determine voters' assigned precinct and polling place?

1. Access to a list of eligible voters in the jurisdiction.
- .2. Maps of adjacent precincts for poll workers to help voters locate their resident and corresponding polling place.
3. Additional staff such as "greeters" at polling places to direct voters to the correct polling location.

We also examine the tools that administrators provided to help voters confirm whether their provisional ballot was counted in the November 2004 election. Based on administrators' responses to the Eagleton survey, this dependent variable consists of a six-point additive scale (0 – 5) of services: notification by mail; notification by e-mail; a toll-free telephone number; a main telephone number for an election office; and a web site.

The third area of interest to us was the link between the partisan characteristics of election officials and actual outcomes. We modeled predictors of two dependent variables:

provisional ballots cast as a percentage of registered voters in the jurisdiction, and provisional ballots counted as a percentage of provisional ballots cast.

Independent Variables

We seek to test hypotheses that attitudes, behavior and electoral outcomes are a function of three categories of predictors: first, the professional context in which election administrators work; second, administrators' level of partisanship; and third, the political and legal context in which the administrators operate.

We measure the professional context by accounting for administrators' level of professionalism as indicated by years of service. Professional context also is shaped from above by the amount of freedom that administrators have to carry out their duties. The representative bureaucracy literature suggests that some sort of internal control on the part of bureaucrats is necessary because external controls are inadequate—that is, elected officials who pass broad statutes do not give enough direction to local officials. In considering whether partisanship of local election officials affects outcomes, we also need to control for the amount of discretion that local officials actually have. We are able to do this with the following set of questions, which analyze how much instruction (or constraint) was the local official under:

Which of the following provisional voting instructions, if any, did you receive from the state government?

1. How to administer the provisional voting system.
2. Who is eligible to vote using a provisional ballot.
3. How individuals vote using a provisional ballot.
4. The jurisdiction where individuals can vote by provisional ballot.

5. Whether the provisional ballot could be used as an application to update the voter's registration.
6. How to train poll workers to process provisional ballots.
7. How to provide voters with the opportunity to verify if their provisional ballot was counted.
8. Guidelines for determining which provisional ballots are to be counted.
9. Strategies to reduce the need for voters to use provisional ballots.
10. How to design the structure of the provisional ballot.

We used the questions to create a scale of state constraint, with values ranging from 0 to 10 (coefficient alpha = 0.94).

We capture the partisanship of election administrators with two indicators: whether the administrators' partisanship was considered in their election or appointment; and the party registration of the election administrator.

We operationalize the political context with a measure of the partisan balance of the jurisdiction, as reflected by Sen. John Kerry's percentage of the two-party vote in the November 2004 presidential election. We code jurisdictions where Kerry received a majority of the vote as 1 and all others 0. Drawing from the work of Kimball et al. (2006), we also interact the political context measure with administrators' partisanship to determine whether administrators' attitudes and behaviors toward provisional voting and electoral outcomes are related to whether an administrator is a member of the majority or the minority party in the district. We also account for political context by factoring in whether the jurisdiction was located in a presidential battleground state, defined here as any state in which the final margin of victory in 2004 was five percent or less.

Election administrators also operate within a legal context that could affect the use of provisional voting. We account for whether a state is conducting provisional voting for the first time in 2004, and the size of the election jurisdiction. Andersen (2006), Kimball et al. (2006) and Vercellotti (2007) found that states that were new to provisional voting in 2004 reported lower numbers of provisional votes cast as a percentage of registered voters in a jurisdiction, and lower percentages of provisional votes cast that were actually counted. The size of the jurisdiction also can influence attitudes toward provisional voting, in that administrators in smaller jurisdictions might see less of a need for provisional ballots because poll workers are more likely to know their neighbors who come to vote.¹⁰ Whether states count provisional ballots cast outside of a precinct, but within a jurisdiction, and whether states have a statewide voter registration database, also can influence the extent of provisional voting (Kimball et al. 2006, Vercellotti 2007).

Findings

Bureaucratic constraints and the political and legal context in which the election occurred influenced election administrators' attitudes toward provisional voting.

[Table 1 about here]

As the level of training from the state increased, so did administrators' positive views about the need for and value of provisional voting. Instead of appearing to set limits on election officials, state instruction may have helped to persuade them about the usefulness of provisional voting.

Administrators in states that conducted provisional balloting for the first time in 2004 also were more likely to hold positive attitudes about provisional voting. The size of the jurisdiction also

¹⁰ A voting jurisdiction with a population of 49,999 or less was considered small, 50,000 to 199,999 was regarded as medium, and large consisted of 200,000 or more.

was a significant factor, but not in the direction that we expected. Administrators from less populous jurisdictions were more likely to express positive views, while we had predicted that officials in smaller jurisdictions might see less of a need for provisional voting because poll workers were more likely to be familiar with voters in their precincts. It may be that bureaucratic autonomy comes into play here, with administrators in larger jurisdictions viewing provisional voting as a requirement imposed from the top down.

The partisanship of election administrators was related to attitudes about provisional voting in one respect. Democratic election officials in jurisdictions where John Kerry won a majority of the vote held more negative views about provisional voting than other election officials in Democratic majority districts and Democrats in Republican majority districts. This effect could reflect the tension between ballot access and the demands of administering elections. While conventional wisdom holds that in the trade-off between ballot access and ballot security, Democrats are more likely to lean toward access and Republicans toward security (see Kimball et al. 2006), those views could vary among Democrats depending on whether or not they are the majority party. In Democratic majority districts, the effort to collect and count provisional votes might outweigh the benefit of extending access to voters because the party already holds an edge in the jurisdiction.

While partisanship was related to election officials' attitudes about provisional voting, there was no relationship between partisanship and the resources that the jurisdictions provided to poll workers in November 2004.

[Table 2 about here]

Instead, professionalism of administrators and the legal context in which the election occurred were significant factors. As training from the state increased, so did the likelihood that

jurisdictions provided poll workers with lists of eligible voters for the entire jurisdiction. Smaller jurisdictions also were more likely to provide lists, which may reflect the logistical challenges of providing a complete list in larger jurisdictions. Only one variable was related to the use of maps to direct voters to the proper polling place. Jurisdictions in states that had conducted provisional voting prior to 2004 were more likely to provide maps in their polling places, which may reflect a learning curve for jurisdictions in states that offered provisional balloting for the first time. There were no significant predictors at the level of $p < 0.05$ for jurisdictions that provided greeters to assist voters in locating the proper polling place. Two variables approached significance. Larger jurisdictions were more likely to provide greeters ($p = 0.096$) and battleground states were less likely to provide greeters ($p = 0.076$).

Partisanship, professionalism and the legal context were all related to the services that jurisdictions provided to voters to verify the status of provisional ballots.

[Table 3 about here]

The dependent variable was an index of ways voters could learn of the status of provisional ballots: mail, e-mail, a toll-free telephone number, a main telephone number for the election office, and a web site. Jurisdictions in which administrators who were elected or appointed in a partisan manner offered fewer services than jurisdictions in which partisanship was not involved in the official's election or appointment. Republican administrators in Republican majority districts, however (represented by the dummy variable for Republican elected officials), were more likely to say their jurisdictions offered one or more of these services. This finding also may speak to the balancing act of ballot access and ballot security in light of assumptions that Republicans are more likely to lean toward ballot security and Democrats toward ballot access. In districts where Republicans are in the majority, jurisdictions with Republican administrators

are more likely to offer vote verification services for provisional voters. In this context, ballot access may be trumping ballot security for Republican administrators in Republican districts.

Professionalism also was a factor. As the level of training provided by the state increased, so did the number of means of verification that the jurisdiction provided to voters. Newer administrators also were more likely to say their jurisdictions provided one or more of those services. In terms of the legal context, larger jurisdictions were more likely to provide those services, suggesting resources also were related to offering voters ways to confirm the status of their ballots.

Partisanship to this point has exerted a limited effect on administrators' attitudes and behaviors. Perhaps the greatest normative concern surrounds the potential effect of partisanship on outcomes in election administration. We tested for this relationship by modeling the determinants of provisional votes cast as a percentage of registered voters in each jurisdiction, and provisional votes counted as a percentage of provisional votes cast.

[Table 4 about here]

Partisanship has a significant effect on percentage of provisional votes cast as a percentage of registered voters in the jurisdiction, but only for jurisdictions in which there is a Republican majority. Having an elections administrator who was a Democrat or Republican in a majority Republican jurisdiction was negatively related to provisional ballots cast as a percentage of total registered voters in the jurisdiction.¹¹ The potential explanations for this effect vary by party. Republican administrators may err toward ballot integrity in majority Republican jurisdictions, while Democratic administrators may not see an advantage to having large numbers of

¹¹ The interaction of the Kerry/Democratic majority dichotomous variable with the dichotomous partisanship variables translates this way: the interactions represent the effects of partisan administrators in Democratic majority districts. The partisanship measures alone (Democratic or Republican administrator) represent the interaction of partisanship with districts in which there is a Republican majority (Kerry majority = 0 on a 0-1 scale).

provisional ballots in jurisdictions dominated by Republicans. No partisan effect emerged in districts in which Democrats were in the majority.

Other factors also had a significant effect. Instruction from the state reduced the incidence of provisional votes as a percentage of voter registration, possibly reflecting the ability of well-trained election officials to steer voters to the proper precinct in which to cast ballots. The existence of a statewide voter registration database also helped to reduce the incidence of provisional ballots. The incidence was higher, however, in jurisdictions located in states that permitted the counting of provisional ballots cast outside of the proper precinct, but within the appropriate jurisdiction. Consistent with previous research, larger jurisdictions had a higher incidence of provisional ballots, and in jurisdictions in states that were allowing provisional voting for the first time, the incidence was lower.

The effects of partisanship also emerged in the counting of provisional ballots.

[Table 5 about here]

Partisanship was negatively related to the percentage of provisional ballots cast that were counted. As was the case with the incidence of provisional voting, having a Republican or a Democratic election administrator in a Republican majority district was negatively related to the percentage of provisional ballots counted. There was also a positive relationship between having a Democrat for an election administrator in districts with Democratic majorities, supporting the notion that Democratic administrators would see a benefit to counting as many provisional ballots as possible in Democratic majority districts. These results suggest that election administration can be influenced by the partisanship of election administrators.

Professional and contextual variables also had significant relationships with the percent of provisional ballots cast that were counted. As training increased, the percentage of provisional

ballots counted declined, indicating that well-trained administrators may have successfully steered voters to the correct precinct more often. Having a statewide registration database reduced the percentage of provisional ballots counted, possibly for the same reason – that more voters were able to locate their correct polling place as a result of the database – leaving fewer legitimate provisional ballots. In keeping with previous research, larger jurisdictions counted a higher percentage of provisional ballots, and jurisdictions that were conducting provisional voting for the first time counted a lower percentage of ballots. Counting ballots cast outside of the precinct, but within the jurisdiction, had a positive effect on the percentage of provisional ballots counted.

Discussion

The findings presented here provide further evidence that election administrators' partisanship can influence the conduct of elections. Controlling for a number of other factors, including professionalism as measured through years served and training received, and the political and legal context in which the election occurs, the partisanship of local officials in some cases is directly related to their attitudes about provisional voting and election outcomes.

The link between partisanship, attitudes and election outcomes is complicated. The relationship can unfold in one of two ways – a competitive party model or a ballot access versus ballot security model. Under the competitive party model, Democratic administrators would favor greater access in jurisdictions where their party is in the majority, and Republican administrators would favor greater access in jurisdictions where their party is dominant. Partisans would seek to tighten access in districts where their party is in the minority. Under the ballot access versus ballot security model, administrators would either adopt the principle that

the democratic value of expanding access to as many voters as possible outweighs concerns over ballot integrity, or the principle that tightening access is important to reduce the incidence of voter fraud. Layered on top of this model, however, is the premise – whether accurate or not – that voters casting provisional ballots tend to be lower on the socioeconomic scale, and therefore more likely to favor the Democratic Party.

We see partisan effects that speak to elements of both models in our findings, and one result that resists easy explanation. In examining the determinants of administrators' attitudes regarding provisional voting, Democratic election officials in Democratic majority districts are less likely to report positive views of provisional balloting than their fellow party adherents in other locations and partisan administrators who are either Republican or non-partisan. One would expect the opposite under each model. Democrats in the party competition model would want to count as many ballots as possible in Democratic majority districts. In the ballot access versus ballot integrity model, Democratic administrators in general would be expected to favor the broadest possible access for voters. One possible explanation is that bureaucratic considerations are driving attitudes. After HAVA mandated provisional balloting in all but a handful of states, some election administrators may have viewed provisional voting as another federal mandate. This would have been particularly true in states where provisional balloting was happening for the first time. But we find the opposite in our results. Administrators in new provisional voting states were more likely to report positive views. Another possible explanation is that bureaucratic concerns trump partisan interests for Democrats in Democratic majority jurisdictions. The effort required to train poll workers to administer and count provisional ballots might outweigh the political advantage of gaining additional votes in Democratic majority districts, or the normative value of expanding access to as many voters as possible.

Our results concerning the relationship between partisanship and actual outcomes are somewhat more straightforward. Having a Democrat or a Republican administrator in a Republican majority jurisdiction was negatively associated with the number of provisional ballots cast as a percentage of total registered voters in the jurisdiction. The motivations of the administrators might vary by party, and could invoke elements of both the party competition and ballot access versus integrity models. In keeping with the party competition model, Democratic administrators might see little advantage in expanding access to voting in Republican majority districts. From a philosophical standpoint, Republican administrators might prefer tightening security as a way of reducing voter fraud as opposed to expanding access, leading to fewer provisional ballots being cast in their jurisdictions. Or Republican administrators might work from the political assumption that those casting provisional ballots are more likely to be lower on the socioeconomic ladder, and possibly more likely to support Democratic candidates, and therefore tightening access offers a strategic benefit.

We found similar effects when examining the link between partisanship and the percentage of provisional ballots cast that were actually counted. Having a Republican or Democratic election administrator in a Republican majority district was negatively associated with the percentage of provisional votes that were actually counted. The potential explanations that we outline above also may be applicable here. But the data regarding ballots cast that were counted also provide further evidence for the party competition model. Having a Democratic administrator in a majority Democratic jurisdiction was positively related to the percentage of provisional ballots cast that were counted.

Conclusion

Taken together, the results provide additional evidence linking partisanship, election administration and election outcomes. This runs counter to the ideal of government services being provided in a consistent manner regardless of the characteristics of the bureaucrat or the legal and political environment in which the bureaucrat operates. But we must be careful not to overstate the applicability of our findings. We are working with a relatively small data set of election officials, and we are looking only at one election. There needs to be further study of the link between partisanship and election administration, not just across elections, but also involving deeper questioning about the link between partisanship and outcomes.

One of the aims of this paper was to peer into the black box surrounding the link between partisanship and election results. Drawing from our merged data sets we have provided additional detail to explain the connection between election administrators' attitudes and their partisanship, and the relationship between partisanship and outcomes. The next step is further specification of hypotheses and models that explicitly link attitudes and partisanship to outcomes. We have several potential explanations for the motivations behind the partisanship – electoral outcome connection, and our task is to further incorporate attitudinal data to more completely illuminate those motivations.

Appendix

Eagleton Survey Methodology

The national telephone survey of 400 local election officials was conducted between July 21 and August 4, 2005. The sample was drawn from counties, or equivalent election jurisdictions such as boroughs, municipalities, parishes, towns or cities. The sample of local election officials was then stratified according to when the state had enacted provisional voting systems – before or after the passage of the Help America Vote Act of 2002 (HAVA) – as well as the population size of the voting jurisdiction.

The sample was compiled based on information acquired from the state Board of Elections in each of the 50 states and the District of Columbia. In all, local election administrators from 43 states and the District of Columbia were eligible to participate in the study, excluding the six Election Day registration states and North Dakota, which does not have voter registration. The 43 states and the District of Columbia had 3,820 local election officials who were eligible for the study. Three states – Connecticut, Massachusetts, and Vermont – administer elections at the city or town level, as opposed to counties. To ensure that election officials in those states did not have a disproportionately higher probability of being chosen at random for the study than in the other states, the sample included a proportionately drawn random selection of city and town election officials from each of the three states. In all, 114 cases were selected for Connecticut, 212 for Massachusetts, and 22 for Vermont. The final sample consisted of 2,864 election administrators. To enhance compliance rates, pre-notification letters were sent to all 2,864 officials explaining the study's objectives and asking for their participation in the study if contacted.

Those states that offered voters the opportunity to cast a ballot pre-HAVA (2002) were considered “old provisional voting states”; and the states that began using provisional ballots in the 2004 general election were labeled “new provisional voting states.” Further adjustments were made to take into account the population size of the voting jurisdiction. The “Old” and “New” states were separated into three categories – small, medium, and large – based on the population size of the voting jurisdiction. A voting jurisdiction with a population of 49,999 or less was considered small, 50,000 to 199,999 was regarded as medium, and large consisted of 200,000 or more.

The sample of election officials was stratified according to when the state had the enacted provisional voting system – before (Old) or after (New) the passage of HAVA – as well as the population size of the election jurisdiction. This sampling frame yielded 400 cases (196 Old; 204 New) consisting of six sample types: New Small (n=83), Old Small (n=71), New Medium (n=83), Old Medium (n=75), New Large (n=38), and Old Large (n=50).

The telephone survey was designed to assess the experiences of local elections officials with provisional voting. The draft questionnaire was pre-tested with a random group of local election officials that yielded five completes. Only minor changes were made from the pre-test draft to create the final questionnaire. Interviews with the sample of election officials averaged 18.4 minutes in length. The survey yielded a response rate of 38 percent for the entire sample, 30 percent for the “Old” state sample, and 53 percent for the “New” state sample. The response rates were calculated using response rate formula #1 from the American Association for Public Opinion Research.

Sources Cited

- Alvarez, Michael and Thad Hall. 2006. "Controlling Democracy: Principal-Agent Problems in Election Administration." *Policy Studies Journal* 34(4):491-510.
- 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.
- Andersen, David. 2006. "Keeping the vote: Provisional balloting in the 2004 election." Presented at the 2006 annual meeting of the Midwest Political Science Association, April 20-23, 2006, Chicago, IL.
- Brudney, Jeffrey L., F. Ted Hebert, and Deil S. Wright. 2000. "From Organizational Values to Organizational Roles: Examining Representative Bureaucracy in State Administration." *Journal of Public Administration Research and Theory* 10(3): 491-512.
- Committee on Federal Election Reform. 2005. *Building Confidence in U.S. Elections*. http://www.american.edu/ia/cfer/report/full_report.pdf.
- Common Cause. 2006. "Ethics and Accountability in Election Administration."
- Dolan, Julie. 2002. "Representative Bureaucracy in the Federal Executive: Gender and Spending Priorities." *Journal of Public Administration Research and Theory* 12(3): 353-375.
- Hasen, Richard L. 2005. "Beyond the Margin of Litigation: Reforming Election Administration to Avoid Electoral Meltdown." *Washington & Lee Law Review* 62:937-999.
- Keiser, Lael R., Vicky Wilkins, Kenneth J. Meier and Catherine A. Holland. "Lipstick and Logarithms: Gender, Institutional Context and Representative Bureaucracy." *American Political Science Review* 96(3): 553-564.
- Kelly, Rita Mae and Meredith Newman. 2001. "The Gendered Bureaucracy: Agency Mission, Equality of Opportunity, and Representative Bureaucracies." *Women & Politics* 22(3): 1-33.
- Kimball, David C., Martha Kropf and Lindsay Battles. 2006. "Helping America Vote? Election Administration, Partisanship, and Provisional Voting in the 2004 Election." *Election Law Journal* 5:447-461.
- Kimball, David C., and Martha Kropf. 2006. "The Street-Level Bureaucrats of Elections: Selection Methods for Local Election Officials." *Review of Policy Research* 23:1257-1268.

- Lipsky, Michael. 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.
- Meier, Kenneth John and Lloyd G. Nigro. 1976. "Representative Bureaucracy and Policy Preferences: A Study in the Attitudes of Federal Executives." *Public Administration Review* 36: 458-469.
- Meier, Kenneth J., Joseph Stewart, Jr. and Robert E. England. 1991. "The Politics of Bureaucratic Discretion: Educational Access as an Urban Service." *American Journal of Political Science* 35(1): 155-177.
- Pastor, Robert A. 2004. "Improving the U.S. Electoral System: Lessons from Canada and Mexico." *Election Law Journal* 3:584-593.
- Romzek, Barbara S. 1990. "Employee Investment and Commitment: The Ties that Bind." *Public Administration Review* 50(3): 374-382.
- Selden, Sally Coleman, Jeffrey L. Brudney and J. Edward Kellough. 1998. "Bureaucracy as a Representative Institution: Toward a Reconciliation of Bureaucratic Government and Democratic Theory." *American Journal of Political Science* 42(3): 717-744.
- Shornstein, Ann. 2001. "Politicizing the Election Process: 'The Katherine Harris Effect'." *Florida Coastal Law Journal* 2: 373-380.
- Stuart, Guy. 2004. "Databases, Felons, and Voting: Bias and Partisanship of the Florida Felons List in the 2000 Elections." *Political Science Quarterly* 119:453-475.
- United States Government Accountability Office. 2006. *The Nation's Evolving Election System as Reflected in the November 2004 General Election*, GAO Report 06-450. Washington, DC: United States Government Accountability Office.
- Vercellotti, Timothy. 2007. "Embracing Change at the Polls: Election Administrators and the Provisional Ballot in 2004." Presented at the annual meeting of the Midwest Political Science Association, Chicago, April 15, 2007.

Table 1. Predictors of Administrators' Attitudes Toward Provisional Voting in Nov. 2004			
	Unstandardized Coefficients		Standardized Coefficients
	B	Std. Error	Beta
(Constant)	11.044	1.160	
Administrator's years of experience	-0.029	0.310	-0.005
Instruction from state	0.177**	0.066	0.149
Administrator appointed/elected in partisan manner	-0.029	0.800	-0.003
Dummy variable for Republican official	0.391	0.940	0.038
Dummy variable for Democratic official	0.848	0.956	0.085
Dummy variable for jurisdictions where Kerry got more than 50 percent	1.239	0.810	.0120
Interaction of Republican dummy and percent for Kerry	-1.879	1.815	-0.065
Interaction of Democratic dummy and percent for Kerry	-3.146*	1.317	-0.184
Battleground state	-0.249	0.671	-0.022
Size of election jurisdiction	-1.110**	0.357	-0.181
States conducting provisional voting for the first time	2.156**	0.511	0.234

Notes:

Coefficients are Ordinary Least Squares estimates.

Dependent variable is a scale of administrators' attitudes toward the value of provisional voting, with positive views coded as the higher values: Provisional voting resolves disputes; Provisional voting creates unnecessary problems; There is a need to offer provisional voting; Provisional voting helps maintain more accurate databases. Coefficient alpha = 0.70.

N = 317 * p < 0.05 ** p < 0.01 (two-tailed tests)

Adj. R-squared = 0.10

Table 2. Resources Provided to Poll Workers						
	List of eligible voters for entire jurisdiction, (county, city or town), not just precinct		Maps of adjacent precincts to help voters locate polling place		Greeters to direct voters to correct polling location	
	B	S.E.	B	S.E.	B	S.E.
Administrator's years of experience	-0.322	0.180	0.042	0.152	-0.087	0.145
Instruction from state	0.142**	0.040	0.009	0.033	-0.007	0.032
Administrator appointed/elected in partisan manner	0.529	0.482	0.265	0.386	-0.357	0.364
Dummy variable for Republican official	0.121	0.628	0.363	0.465	-0.476	0.441
Dummy variable for Democratic official	-0.274	0.586	-0.064	0.456	0.038	0.437
Dummy variable for jurisdictions where Kerry got more than 50 percent	-0.574	0.455	0.089	0.385	0.316	0.375
Interaction of Republican dummy and percent for Kerry	-0.454	1.059	0.978	1.179	-1.652	1.167
Interaction of Democratic dummy and percent for Kerry	0.585	0.777	0.262	0.650	-0.455	0.612
Battleground state	0.971	0.507	-0.101	0.334	-0.581	0.328
Size of election jurisdiction	-0.761**	0.226	0.109	0.176	0.281	0.169
States conducting provisional voting for the first time	-0.086	0.318	-1.058**	0.255	-0.390	0.241
Constant	2.521	0.724	0.583	0.567	0.119	0.542
-2 Log Likelihood	266.070		389.636		409.736	
Notes						
The dependent variable is coded 1 if the jurisdiction provided the resource, and 0 otherwise. Coefficients are maximum likelihood estimates using logistic regression.						
N = 317 * p < 0.05 ** p < 0.01 (two-tailed tests)						

	Unstandardized Coefficients		Standardized Coefficients
	B	Std. Error	Beta
(Constant)	1.735	0.245	
Administrator's years of experience	-0.168*	0.065	-0.141
Instruction from state	0.035*	0.014	0.137
Administrator appointed/elected in partisan manner	-.0464**	0.166	-0.230
Dummy variable for Republican official	0.392*	.0198	0.176
Dummy variable for Democratic official	0.262	0.199	0.123
Dummy variable for jurisdictions where Kerry got more than 50 percent	-0.199	0.170	-0.090
Interaction of Republican dummy and percent for Kerry	0.323	0.386	0.052
Interaction of Democratic dummy and percent for Kerry	0.230	0.279	0.062
Battleground state	0.166	0.142	0.066
Size of election jurisdiction	0.241**	0.075	0.183
States conducting provisional voting for the first time	-0.174	0.107	-0.088

Notes:

Coefficients are Ordinary Least Squares estimates.

Dependent variable is a six-point additive scale of services provided to voters to determine whether their provisional ballot was counted: Notification by mail; notification by e-mail; toll-free telephone number; main telephone number for election office; web site.

N = 316 * p < 0.05 ** p < 0.01 (two-tailed tests)

Adj. R-squared = 0.10

Table 4. Predictors of Provisional Ballots Cast as a Percentage of Registered Voters in Nov. 2004			
	Unstandardized Coefficients		Standardized Coefficients
	B	Std. Error	Beta
(Constant)	0.426	0.186	
Administrator's years of experience	0.005	0.045	0.005
Instruction from state	-0.029**	0.010	-0.131
Administrator appointed/elected in partisan manner	0.613**	0.122	0.359
Dummy variable for Republican official	-0.454**	0.140	-0.240
Dummy variable for Democratic official	-0.606**	0.139	-0.338
Dummy variable for jurisdictions where Kerry got more than 50 percent	-0.090	0.117	-0.048
Interaction of Republican dummy and percent for Kerry	-0.145	0.264	-0.028
Interaction of Democratic dummy and percent for Kerry	0.223	0.192	0.071
Battleground state	0.023	0.102	0.011
Size of election jurisdiction	0.245**	0.052	0.219
States conducting provisional voting for the first time	-0.780**	0.076	-0.467
Whether state counted votes cast out of precinct	0.690**	0.084	0.407
Statewide registration database	-0.221**	0.086	-0.125

Notes:

Coefficients are Ordinary Least Squares estimates.

Dependent variable is the total provisional ballots cast as a percentage of the registered voters in the voting jurisdiction (counties in most states; cities and towns in Connecticut, Massachusetts, Rhode Island and Vermont).

N = 308 * p < 0.05 ** p < 0.01 (two-tailed tests)

Adj. R-squared = 0.42

Table 5. Predictors of Provisional Ballots Counted as a Percentage of Provisional Ballots Cast in Nov. 2004			
	Unstandardized Coefficients		Standardized Coefficients
	B	Std. Error	Beta
(Constant)	0.745	0.461	
Administrator's years of experience	0.053	0.109	0.022
Instruction from state	-0.070**	0.024	-0.137
Administrator appointed/elected in partisan manner	1.423**	0.292	0.356
Dummy variable for Republican official	-1.138**	0.324	-0.246
Dummy variable for Democratic official	-1.091**	0.335	-0.254
Dummy variable for jurisdictions where Kerry got more than 50 percent	-0.124	0.278	-0.028
Interaction of Republican dummy and percent for Kerry	0.108	0.718	0.008
Interaction of Democratic dummy and percent for Kerry	0.986*	0.471	0.132
Battleground state	-0.480	0.259	-0.097
Size of election jurisdiction	0.623**	0.131	0.235
States conducting provisional voting for the first time	-1.874**	0.205	-0.476
Whether state counted votes cast out of precinct	1.836**	0.219	0.445
Statewide registration database	-0.666**	0.232	-0.159

Notes:

Coefficients are Ordinary Least Squares estimates.

Dependent variable is the total provisional ballots counted as a percentage of the total provisional ballots cast in the voting jurisdiction (counties in most states; cities and towns in Connecticut, Massachusetts, Rhode Island and Vermont).

N = 252 * p < 0.05 ** p < 0.01 (two-tailed tests)

Adj. R-squared = 0.49