

I. In Focus This Week

Director's Note: Summer reading for election geeks

Alec Ewald's The Way We Vote

One of my favorite things through the years as an election geek at *electionline.org* and the Pew Center on the States has always been the opportunity to meet visitors and observers from around the world to discuss the American election system. Invariably, I am asked why the United States doesn't have a uniform system of elections like that which exists in many other countries.

My answer is always the same - I tell these visitors that we do, in fact, have a uniform election system with two major characteristics:

1. Every jurisdiction in the United States likes the way it runs elections; and
2. Each jurisdiction cannot believe that anyone else would ever do it differently.

This extraordinarily decentralized system of elections – which I liken to a stained glass window in its infinite variation and thousands of tiny pieces – is often a source of irritation to advocates, academics and editorial boards alike, who look at the same system and see a “crazy quilt” or “Rube Goldberg contraption” that they believe interferes with Americans' right to vote.

Alec Ewald, an assistant professor of political science at the University of Vermont, adds his own, different perspective in a fascinating new book, [The Way We Vote: The Local Dimension of American Suffrage](#) (Vanderbilt University Press, 2009).

Ewald, who is already well-known to the election geek community for his work on [felony disenfranchisement](#), has taken a broader view of the American election system and produced a portrait that acknowledges the variation on our system of voting but finds some value therein.

The Way We Vote's major contribution to the field is the notion that the right to vote is “a practice constituted by local administrative control of elections.” More specifically, Ewald says

In calling the right to vote a *practice*, I mean that it is a social convention, subject to rules, which creates and carries social meaning. While important components of the suffrage live in constitutions and courts, there is an aspect of the right to vote that is ‘visibly present in everyday life.’ And to a degree unique in the democratic world, that visible, practical dimension of American voting rights varies across counties and towns. (p. 9) [emphasis in original; citations omitted]

Ewald reviews the history of suffrage in the colonies and early America and makes the argument that our hyper-localized system of elections is far from accidental. Indeed, he suggests that “[a]cross both time and space, American voting has displayed a remarkably rich texture, a diversity of practices that invites and demands greater understanding”, a texture which “evinces[s] ... an order characterized by considerable local variation.” (p. 151)

The Way We Vote is an important work in the field of elections because it adds scholarly weight to the argument of state and local election officials across the country that decentralization is a desirable component of election administration in the United States.

This argument flies in the face of longstanding efforts to bring greater centralization and uniformity to the election system – such as the [Help America Vote Act of 2002](#) (HAVA). Many observers have been

dismayed at HAVA's apparent failure to reduce or eliminate local variation in elections; Ewald's book suggests that the persistence of decentralization is not only unsurprising but perhaps a good thing.

In the end, *The Way We Vote* suggests that standardization, rather than uniformity, is the best approach to election reform: "Americans should continue to insist on the importance of full participation, equal respect, transparency, and integrity in voting practices, while embracing the virtues of a locally run system – even where it does not provide uniform experiences for voters." (p. 156)

Ralph Waldo Emerson once noted that "a foolish consistency is the hobgoblin of little minds." In that vein, Alec Ewald's important new book provides a fresh and important perspective on elections in America – suggesting, perhaps, that the single-minded pursuit of uniformity in voting procedures may foolishly overlook the value in the considerable variation in "the way we vote."

II. Election Reform News This Week

- It took eight months and came down to 312 votes, but the [race for the second Senate seat in Minnesota finally came to an end this week](#) when the Minnesota Supreme Court ruled in favor of Al Franken (D-FL) and Norm Coleman (R) conceded. The ruling and concession ended a bitter eight-month fight over the 2008 election, its recount and a trial that lasted seven weeks. The two candidates and their allies spent over \$50 million on their campaigns, the recount and the trial. According to the Minneapolis Star-Tribune, Coleman had left open the possibility of appealing a state court decision against him to the U.S. Supreme Court. But Minnesota's highest court gave him little grounds for hope. It rejected point by point Coleman's claims that inconsistent practices by local elections officials and rulings by a lower court during the trial prevented perhaps thousands of valid absentee ballots from being counted. The lower court ruled in April that Franken had won by 312 votes. At the heart of Coleman's appeal was his insistence that the varying treatment of absentee ballots violated voter rights to equal protection under the Constitution. But the justices said voter rights weren't violated because local officials merely applied state election law differently for the convenience of their residents. There has to be evidence of an intent to discriminate, they wrote.
- This week's report out of Tennessee is about two election administrators keeping their jobs. In [Knox County](#), Administrator Greg Mackay will keep his job after the election commission voted 3 to 2 to keep him. Republican Paul Crilly joined the two Democrats on the commission to support Mackay. "It was a bipartisan vote," Mackay told the Knoxville News Sentinel. "I was pleasantly surprised. I didn't know what was going to happen." Next up for Mackay, besides another day at the office is begin the push for convenience voting. And the vote was unanimous in [Sumner County](#) to keep long-time administrator Darlean MacDougal.
- Valdosta State University will become the [first college campus in Georgia to offer an on-site polling location](#) for local, state and national elections. Any voter registered in Lowndes County who is attending class, teaching or working on campus can participate in advanced voting from 8 a.m. until 5 p.m. the full week before every election in the University Center's Executive Dining Room. The new option is the result of collaboration between VSU's College Democrats, College Republicans and Deb Cox, supervisor of elections for Lowndes County. Working together with University officials and the Justice Department, they established the new on-campus precinct in an effort to make voting more convenient for the VSU community.
- Sylvia Levin, a Santa Monica resident who [set records registering Californians to vote](#), died Thursday in Los Angeles of complications from a stroke. She was 91. In the last 36 years Levin registered more than 47,000 California residents, an all-time high in the state of California. She spent six days a week commuting by bus to reach various locations, following her schedule religiously, she would store her belongings at local establishments and set up her card table, topped with signs that read "Register to vote here." "I think more than anything she's an example of what one person can do to make a difference when they choose to channel their efforts toward

one thing," Dean Logan, Los Angeles County registrar-recorder/county clerk told *Santa Monica Daily News*. She was certainly recognized for that effort. In 1996 she was given a plaque from Los Angeles County Supervisor Zev Yaroslavsky for her "outstanding service" and inducted into the Voter Participation Hall of Fame in 2001.

III. Research and Report Summaries

electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to sgreene@pewtrusts.org.

[Examining Florida's High Invalid Vote Rate in the 2008 General Election](#) - Mary K. Garber, Florida Fair Elections Center, June 23, 2009: Disputing earlier [news reports](#) and [state information](#) that Florida's invalid vote rate nearly doubled from 2004 to 2008, the Florida Fair Election Center finds the comparison of the data from the two years was flawed. The report states that the 2004 data did not include certain invalid voters – invalid write-in voters – that were included in the 2008 data. When comparing common invalid votes from both years, 2004 had a .41% rate and 2008 a .53% rate, an increase but not double the 2004 rate. In 2008 the under vote decreased from 2004 while the over vote increased dramatically. The report finds that this high over vote was likely due to poorly performing vote technology and makes recommendations to address these and other issues.

IV. Opinion

Voting Rights Act: [I](#), [II](#), [III](#), [IV](#), [V](#), [VI](#), [VII](#)
National: [Paper trails](#); [Universal voter registration](#)
California: [Vote-by-mail](#)
Florida: [Phyllis Busansky](#)
Minnesota: [Electoral process](#); [Senate decision](#), [II](#)
New Jersey: [Elections calendar](#)
Ohio: [Voting system](#)
Oregon: [Online voter registration](#)
Texas: [Voter ID](#), [II](#)
Wisconsin: [Early voting](#)

***some sites require registration*

V. Funding Resources/Training Sessions

Help America Vote College Poll Worker Program (College Program). The United States Election Assistance Commission (EAC) will award a total of \$750,000 in competitive grants under the Help America Vote College Poll Worker Program (College Program) to recruit college students to serve as poll workers. The two-year grant award will be used to recruit, train and support college students to assist state and local governments in the administration of elections by serving as nonpartisan poll workers or assistants. Proposals should include a two-year project plan and a budget supporting activities for election cycles in both 2009 and 2010. If an organization received a College Program grant last year, they are eligible to apply only as a re-competing grantee. These grantees must develop innovative programs to recruit poll workers with disabilities and develop training material to help poll workers create receptive and accommodating polling place environments on Election Day. New applicants are eligible for awards up to \$75,000, and re-competing applicants are eligible for awards up to \$20,000. Applications are due before 5:00 p.m. Eastern Time on Thursday, July 16, 2009, and must be mailed or hand delivered to the EAC. Applications submitted electronically or by fax will not be accepted. The grant application and instructions can be downloaded at www.eac.gov/grants. Questions regarding the program can be directed to Mark Abbott by sending an e-mail to HAVACollegeProgram@eac.gov. He can also be reached by calling (866) 747-1471 toll-free. **Eligibility Requirements** This competition is open to state-controlled institutions of higher education, private institutions of higher education, community colleges and nonprofit organizations.

Grant Restrictions Funds cannot be used to support any partisan, voter registration or get-out-the-vote (GOTV) activities.

Election Management Institute in Best Practices in Election Management and Observation: The program is intended to provide hands-on, practical training to improve and promote best practices in election management and observation. The program includes workshops offered by renowned electoral academics and experts, and visits to relevant electoral institutions in the Washington, D.C., area, New York and Richmond. The program takes place at American University and in the Washington, D.C., area, and includes day trips to New York (City Campaign Finance Board) and Richmond (Virginia State Board of Elections). For the application form and for more information, please visit the [Web site](#). **Dates:** August 24 - September 4, 2009. **Cost:** \$1,980 for applications received by July 15, 2009. **Contact info:** Center for Democracy & Election Management; American University, 3201 New Mexico Avenue, NW Suite 395, Washington, DC 20016-8026, Telephone: (202) 885-1527.

VI. Job Opportunities

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

Superintendent of Elections, King County, Wash.— responsible for over-all executive level management, oversight and planning for the conduct of local, state and federal elections in King County. It reports directly to the elected Elections Director and is responsible for the day-to-day management of elections and the supervision and oversight of program managers for voter registration, mail ballot processing and delivery, and operation sections. The position is an exempt, “appointive position”, which is subject to confirmation by the King County Council. King County Elections serves more 1 million registered voters in the nation’s 14th largest county. We are located in Renton, Washington in a new state-of-the-art facility dedicated to elections. This position requires an individual with strong management skills, independent judgment, project management skills and professional managerial knowledge to formulate policies and direct the strategic and logistical needs of all election processes and operations. We are looking for a strong leader to join King County as the largest all-mail voting jurisdiction in the nation. We support accurate and transparent elections, believe in accountability, respect and teamwork and invite those that share these values to join our team. **Qualifications:** Appointment to this position is subject to confirmation by the King County Council. The most competitive candidates will provide effective, strategic leadership and have demonstrated competency in the administration of a complex, highly scrutinized, public sector organization. A significant record of progressively responsible management experience in mail ballot processing, voter registration and elections operation of a large jurisdiction is highly desirable. The candidate should be skilled in developing and guiding a strong team with a commitment to reliable, transparent and accountable election services and an emphasis on professional practices. **Salary:** \$94,440.11 - \$119,708.37. [More Information and Application](#)