

Are All Jurisdictions Equal? Size Disparity in Election Administration

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ABSTRACT

The Help America Vote Act of 2002 (HAVA) was intended to create more consistency in election administration, but the United States still has a highly decentralized system. Almost 8,000 local jurisdictions have primary responsibility for administering elections, with significant discretion in how they conduct them, and there is a dramatic skew in the size of these jurisdictions. A very small number of heavily populated local jurisdictions serve the vast majority of voters while a large number of lightly populated jurisdictions serve the rest of the electorate. The interaction of local discretion and size disparities leads to very different experiences for election officials and voters in large versus small jurisdictions. Election administrators in large jurisdictions encounter the most difficult problems in conducting elections and in large jurisdictions the need for innovation is acute. At the same time, there is little push for election modernization due to the size disparity, which we discuss in detail. HAVA has not changed this fundamental dynamic, and policy makers and researchers should take size into account when examining the performance of elections and when considering ways to make elections operate more effectively.

MUCH HAS CHANGED in the administration of elections in the United States since the passage of the Help American Vote Act (HAVA) in 2002. Among other things, HAVA led to new voting equipment and statewide voter registration databases for much of the country, and it required new procedures for provisional voting. More consistency in election administration was clearly one of the goals of HAVA, and state and local election officials have had to adapt to the law's mandates, in some cases reluctantly.

However, HAVA did not by any means nationalize election administration. Relatively autonomous

county or municipal officials still manage most election procedures in a highly decentralized fashion, consistent with the American bias towards localism. A less appreciated aspect of this decentralization is that there are tremendous disparities in local election administration. Because of how local government boundaries have been drawn, jurisdictions vary dramatically in terms of the size of the voting population they serve—there are jurisdictions that administer elections for fewer than 100 voters and jurisdictions that administer elections for over 1,000,000.¹ There is a distinct skew to this variation, in that there are more small jurisdictions than there are large—less than six percent of the local election officials in the United States serve more

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¹For example, a recent study (Ewald 2009) extols the advantages of decentralized election administration but barely acknowledges the tremendous variation in the size of local jurisdictions or what that means for election management. For a summary of debates over local versus national control of public policy in the United States, see Robertson (2012).

than two-thirds of the voters in a national election. The interaction of local autonomy and size disparities leads to real differences in how elections are administered—in the experiences voters have, in the personnel managing elections, and in the adoption and use of innovative practices.

The passage of HAVA, and the reaction to it from state and local election officials, has exacerbated these differences. Despite some measurable improvements in election administration that can be attributed to HAVA, the law has likely hardened opposition to further election reforms among officials in the more numerous small and medium-sized local jurisdictions. This is partly due to the increased cost and complexity of election administration that localities must now absorb as a result of HAVA. It is also because, after HAVA, local jurisdictions must comply with state and federal mandates for situations that, in small jurisdictions, occur infrequently if at all. Many specialized methods of casting a ballot, such as provisional voting and absentee voting, occur disproportionately in a relatively small number of densely populated urban and suburban jurisdictions. The partisan-driven lawsuits that have emerged over these voting procedures are likely also concentrated in large jurisdictions.

Administrators in heavily populated jurisdictions bear a disproportionate share of the challenges of election administration. For example, maintaining accurate voter registration lists and managing poll workers is more difficult in larger jurisdictions than in small ones. This means that larger jurisdictions tend to be more interested in innovation. Yet, in policy debates at the state and national level, the recommendations of local officials serving large jurisdictions may be drowned out by the more numerous officials in other jurisdictions who serve vastly smaller voting populations. As a result, policy changes that might help large jurisdictions contend with a vast, mobile, and rapidly growing population of eligible voters are unlikely to be adopted in the face of this opposition.

In this article, we explore the size disparity in election administration and how HAVA has not adequately addressed the problems raised by it. We examine the various impacts that jurisdiction size has on elections administration, and we argue that the larger jurisdictions are at a distinct disadvantage when pursuing innovative strategies in election administration. HAVA has not changed this funda-

mental dynamic, and policymakers should take size into account when pursuing election reform.

1. THE MAGNITUDE OF THE SIZE DISPARITY

We have identified all of the local jurisdictions that administer elections in the United States, producing a list of 7,858 localities that have the primary responsibility for election administration within their specific geographic areas.² These localities vary substantially in terms of the number of voters they serve and thus the amount of work facing election officials. The median jurisdiction served slightly more than 2,000 voters in the 2008 presidential election. At least one-third of the local election jurisdictions in the United States are small towns or counties with very few election staff. At the same time, more than two-thirds of the voters in the 2008 election were served by just 462 large jurisdictions (just six percent of the jurisdictions). Put differently, 94 percent of the local jurisdictions served less than one-third of the voters in 2008. We are certainly not the only ones to observe the dramatic disparity in the size of local jurisdictions (Huefner, Tokaji, and Foley 2007, 111; Gronke and Stewart 2008, 8; Montjoy 2008, 791; Gerken 2009, 20; Tokaji 2009, 130–131), but as we demonstrate below, the election administration experience is vastly different in large versus small jurisdictions.

²In most states one unit of local government handles all local election administration duties. As in some other studies (Stewart 2006; Kropf and Kimball 2012) we treat Alaska as a single local jurisdiction because elections are administered by the state government. Typically the county is the local jurisdiction that administers elections but in a small number of states municipalities or townships administer elections. Furthermore, election administration is shared, to some degree, between county and sub-county officials in three states (Michigan, Minnesota, and Wisconsin). Our total of 7,858 local jurisdictions includes municipalities in Michigan and Wisconsin but counties in Minnesota. An in-depth study of election administration in five midwestern states observes that most election administration duties are handled by township or municipal clerks in Michigan and Wisconsin and by county auditors in Minnesota (Huefner et al. 2007, 86, 111, 156). If one instead examines the county as the relevant local jurisdiction in Michigan and Wisconsin (e.g., Kimball and Kropf 2006; U.S. Election Assistance Commission 2011) that yields roughly 4,600 local jurisdictions administering elections in the United States. We use both types of data below and show that using either method produces a similar skewed distribution of local election responsibilities in the United States.

To simplify some of the analyses that follow, we divide the universe of local jurisdictions into three size categories: small (serving less than 1,000 voters), medium (serving between 1,000 and 50,000 voters), and large jurisdictions (serving more than 50,000 voters). We chose 1,000 voters as one dividing line because jurisdictions with fewer than 1,000 voters are generally small towns that have no more than a couple of polling places and a handful of poll workers. We expect these jurisdictions to have a different election administration experience than larger jurisdictions. In addition, roughly one-third of the jurisdictions served less than 1,000 voters in recent presidential elections, so this serves as a natural break in the data.

We chose 50,000 voters as the other dividing line because jurisdictions serving more than 50,000 voters tend to be in densely populated metropolitan areas with a large central city. Thus, the largest jurisdictions have different infrastructure and transportation networks than the medium-sized jurisdictions, which are mostly rural and exurban counties. Together, these dimensions characterize what we define as small, medium, and large jurisdictions in a variety of analyses below. The smallest jurisdictions are primarily in the upper Midwest and New England, with a smaller number in the Plains. Large jurisdictions are concentrated in the major metropolitan centers of the United States.

Figure 1 shows the distribution of local jurisdictions by size based on the 2008 election, with the overwhelming majority in the small and medium-sized categories. More than one-third of the local jurisdictions are in the small category, with more

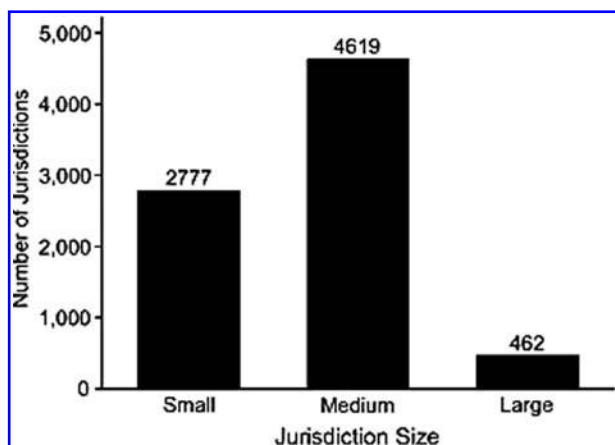


FIG. 1. Number of local election jurisdictions by size of jurisdiction, 2008 general election.

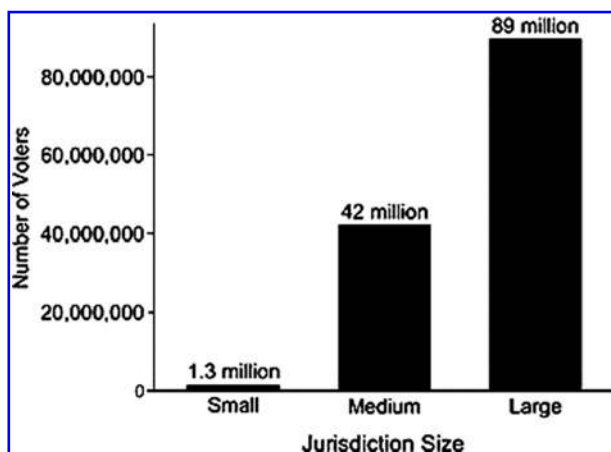


FIG. 2. Number of voters by size of jurisdiction, 2008 general election.

than half in the medium-sized category. By comparison, very few local jurisdictions serve large voting populations.

To further illustrate this point, Figure 2 shows the number of voters served by each type of jurisdiction in the 2008 general election. Most voters in the United States (more than two-thirds of them) are served by large jurisdictions. Small localities, while comprising more than one-third of the election jurisdictions in the United States, only served one percent of voters in 2008. Examining growth in the voting market is instructive as well. Voter turnout increased by roughly nine million voters between the 2004 and 2008 presidential elections. About seven million of those additional voters came in large jurisdictions, while two million of the growth in turnout occurred in medium-sized jurisdictions. Turnout did not increase (in fact, it decreased slightly) in small jurisdictions. Thus, there is a massive disparity in American election administration: a small number of local jurisdictions bear most of the responsibility for registering voters and holding elections, and their share of the burden is increasing.

2. JURISDICTION SIZE AND BASIC DIMENSIONS OF ELECTION ADMINISTRATION

Some of our evidence comes from a national survey of local election officials conducted in early 2009 and from a survey of state election officials conducted in the summer of 2009. For the survey

TABLE 1. THE SHAPE OF POLLING PLACE OPERATIONS BY SIZE OF JURISDICTION 2008 GENERAL ELECTION

	<i>Jurisdiction Size</i>		
	<i>Small</i>	<i>Medium</i>	<i>Large</i>
Polling Places	1	5	94
Poll Workers	5	40	753
Staff dedicated to poll workers	1	2	5
Ballots cast	427	4900	112,621
Budget for poll worker operations in 2008	\$225	\$1,000	\$45,000
Voters per polling place	427	980	1,198

Figures in the table represent the median jurisdiction in each size category. *Source:* Kimball et al. (2010).

of local officials, we created a stratified sample based on the three jurisdiction size categories (small, medium, and large) described above. To ensure representation of the largest jurisdictions, all jurisdictions with over 50,000 voters in the 2004 general election were included in the sampling frame. We randomly sampled 2,000 medium-sized jurisdictions and 500 small jurisdictions. All told, our sample frame was 2,919 jurisdictions.

For each jurisdiction in the sampling frame, we sent the survey to the top election official (usually an elected county or town clerk, or an appointed election director). The preferred mode was via a web survey. However, not all jurisdictions had an e-mail address—some jurisdictions had only postal mail contacts. Thus, some local officials were contacted by e-mail to respond to an online survey instrument while other officials were sent a paper survey in the mail. All told, 795 surveys (27%) were sent via mail, 2,104 (72%) via e-mail, and for 20, we could not obtain any contact information and therefore no type of instrument was sent. The vast majority of paper surveys sent by mail went to small and medium-sized jurisdictions.

The e-mail survey included two reminders to non-respondents. The mail survey included one follow-up mailing to non-respondents. We received 900 surveys from local election officials, a response rate of 30.8 percent, slightly lower than other recent surveys of local election officials (Moynihan and Silva 2008). Nevertheless, our sample is very similar to the population of local officials in terms of their method of selection and party affiliation (Kimball and Baybeck 2010). In addition, the demographic characteristics of our sample are very similar to the demographic profile of other surveys of local election officials (Kimball et al. 2010;

Fisher and Coleman 2008). The response rate for small jurisdictions (26%) is somewhat lower than the response rate for medium (31%) and large jurisdictions (37%). The response rate was the same (31%) for surveys completed by mail and those completed on the Internet. For the state survey, we sent questionnaires to all 50 state election officials (usually a secretary of state) and received responses from 33 officials.

The survey of local officials included some questions that can be used to describe the magnitude of their election administration responsibilities. In Table 1 we compare the median jurisdiction in each size category on several measures of election administration. The data indicate that the basic dimensions of election administration are very different in large versus small jurisdictions. The typical small jurisdiction has one polling place, a handful of poll workers, and one staff person (the local official) who oversees polling place operations. In a small jurisdiction the local official can spend Election Day at the lone polling place and supervise all interactions between voters and poll workers. Local officials in small jurisdictions also tend to work part-time on elections as they usually have other non-election duties. For example, town clerks in New England are responsible for tasks as varied as maintaining public records and issuing dog licenses. In terms of the scale of the job (number of customers being served), the role of the election official in a small jurisdiction may resemble that of a school principal. Small jurisdictions provide a relatively intimate setting for election administration, with fairly close contact between voters and election officials.

A typical medium-sized jurisdiction in 2008 is somewhat larger, with five polling places, 40 poll workers and an additional staff person to coordinate polling place operations. The scale of the job of a local official in a medium-sized jurisdiction may resemble that of a regional manager of several business franchises. On Election Day the local official is responsible for activities at several locations. However, the scale of election administration in medium-sized jurisdictions is still small enough that the local official can observe the voting experience at each polling place on Election Day and have some contact with voters.

Election administration grows by at least an order of magnitude when moving to large jurisdictions. Regardless of the metric used (polling places, poll

TABLE 2. THE SHAPE OF POLLING PLACE OPERATIONS BY SIZE OF JURISDICTION 2010 GENERAL ELECTION

	<i>Jurisdiction Size</i>		
	<i>Small</i>	<i>Medium</i>	<i>Large</i>
Polling Places	1	11	83
Precincts	1	13	124
Poll Workers	7	62	600
Ballots cast	349	5,301	76,155
Voters per polling place	349	482	907

Figures in the table represent the median jurisdiction in each size category.

Source: U.S. Election Assistance Commission (2011).

workers, budgets) large jurisdictions are at least 50 times bigger than small jurisdictions and roughly 20 times bigger than medium-sized jurisdictions.³ As a result, it is impossible for the local official in a large jurisdiction to visit every polling place on Election Day. Election officials in large jurisdictions must delegate many important duties to other staff. More generally, the magnitude of the job of an election official in large jurisdictions is more like an executive in a large organization, managing a large budget and staff and setting strategic priorities, while having little direct contact with voters.

We examine similar measures from the 2010 Election Administration and Voting Survey in Table 2 and find approximately the same patterns. Although voter turnout was lower in the midterm election of 2010, the scale of election administration still increases dramatically for large jurisdictions.⁴ Table 2 also indicates that the number of precincts is substantially bigger than the number of polling places in large jurisdictions but not in smaller jurisdictions. Thus, the practice of locating multiple precincts at the same polling place is principally confined to large jurisdictions. As we show below, this has an impact on the distribution of provisional ballots. Finally, there is also some evidence in both tables of economies of scale, with larger jurisdictions able to serve more voters per polling place than smaller jurisdictions. This may result in lower election administration costs on a per voter basis in large jurisdictions (see Hill 2011), but it may also contribute to the longer lines that voters in urban areas tend to face (Stewart 2012).

The basic dimensions measured by the number of voters, polling places, and poll workers only begin to describe the association between jurisdiction size and the task facing election officials. Large

metropolitan jurisdictions share other features that make election administration more challenging.

3. JURISDICTION SIZE, ELECTORAL ACTIVITY, AND DEMOGRAPHICS

In addition to the volume of voters they must serve in general elections, heavily populated local jurisdictions receive a disproportionate share of campaign-related activity in national and statewide elections. To paraphrase a frequently used expression, campaigns go hunting where the votes are. For example, presidential campaign appearances occur overwhelmingly in heavily populated locations (Althaus, Nardulli, and Shaw 2002, 58; Chen and Reeves 2011, 544). The nine most visited counties in the 2008 presidential campaign are all large jurisdictions by our definition (Chen and Reeves 2011, 540). As one study summarizes the data:

Candidate visits are in many ways an urban phenomenon, with a small number of especially populated urban and suburban counties attracting a relatively large number of appearances in any year. In contrast, the vast majority of counties are located in rural areas, and these typically receive very little attention from the campaigns. (Althaus, Nardulli, and Shaw 2002, 58)

Other forms of campaign communication, such as television advertising, are also targeted toward the most densely populated cities. Within the battleground states in the 2008 presidential campaign, the population of a media market is strongly correlated with the number of presidential ads that aired in the market ($r=.7$).⁵ The ten most populated media markets in the 2008 campaign saw a combined total of more than 100,000 presidential spots on television, while the ten smallest markets viewed fewer than 15,000 presidential ads. We

³We find very similar patterns when comparing jurisdictions of different sizes using data for the same election from the 2008 Election Administration and Voting Survey (U.S. EAC 2009a).

⁴We use versions of the 2008 and 2010 EAVS data that have been cleaned and readied for analysis by the MIT Measuring Democracy project (data accessed Jan. 31, 2013). We thank Charles Stewart for sharing the data with us.

⁵We thank Michael Franz and Travis Ridout for sharing data on media markets and presidential campaign advertising with us.

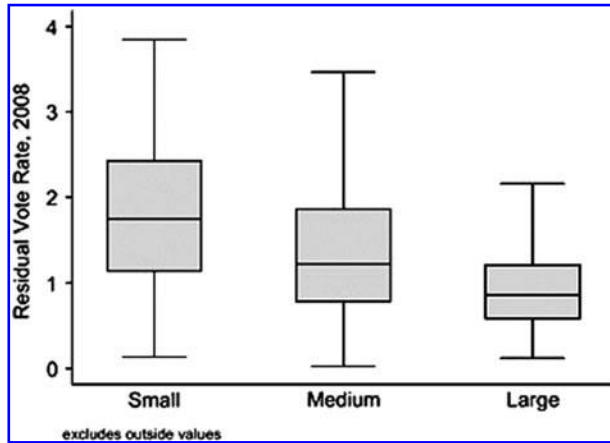


FIG. 3. Residual vote rate (percent) by size of jurisdiction, 2008 presidential election.

suspect that coverage of political campaigns in traditional media outlets is also heavier in large jurisdictions.

In addition to receiving a lopsided share of campaign communication, metropolitan regions with a populous central city tend to develop knowledge communities that attract a disproportionate share of economic activity and wealthy, highly educated people (Shaw 1997; Florida 2008). Thus, densely populated metropolitan areas also serve as the donor base for both major political parties in the United States (Gimpel, Lee, and Kaminski 2006). Finally, large jurisdictions tend to produce more professional party organizations that serve as incubators for political ambition. As a result, Gimpel and colleagues (2011) observe that candidates for statewide office disproportionately emerge from the most densely populated counties.

The net result of these features is that election officials in large jurisdictions are likely to serve a more motivated and charged electorate in general elections. Perhaps one symptom of this pattern is that residual vote rates in presidential elections tend to be substantially higher in less populated rural jurisdictions. Figure 3 provides boxplots of residual vote rates in the 2008 presidential election. The top and bottom of each box indicates the 75th and 25th percentile observations respectively, while the horizontal line inside the box denotes the median case. As has been observed in previous elections (Ansolabehere and Stewart 2005, 383; Stewart 2006, 167), residual votes are much less common in large jurisdictions. The residual vote frequency in the median small jurisdiction is

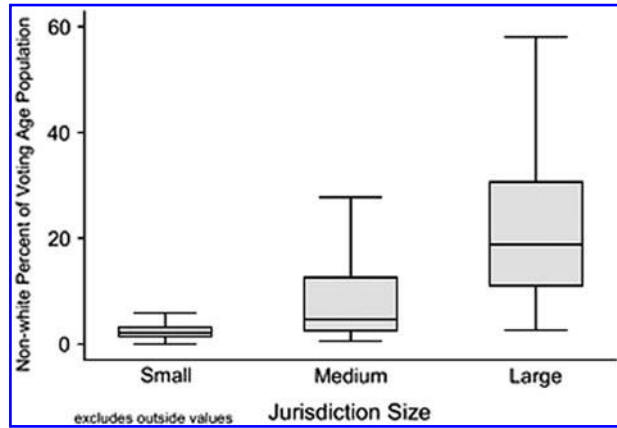


FIG. 4. Non-white share of voting age population by size of jurisdiction. Demographic data are from the 2010 census.

roughly twice as large as in the median large jurisdiction. The adoption of new voting technology spurred by HAVA (especially replacing punch card ballots with electronic voting machines or optical scan voting systems) has substantially reduced the frequency of residual votes in presidential elections, particularly in areas with high concentrations of low-income residents and racial and ethnic minorities (Stewart 2006; Kropf and Kimball 2012; Hanmer et al. 2010). As a result, HAVA has succeeded in reducing the residual vote rate in large jurisdictions, but not so much in smaller jurisdictions. The mobilizing influence of Barack Obama's campaign in large jurisdictions in the 2008 election may account for some, but certainly not all, of this empirical pattern. As Stewart (2006, 167–168) argues, the strong relationship between jurisdiction size and residual votes, which persists after HAVA and the adoption of new voting technology, deserves an explanation.

As implied above, densely populated jurisdictions tend to have a different demographic profile than smaller jurisdictions. We examine data from the 2010 census and the 2005–2009 American Community Survey to characterize the voting age population of local jurisdictions. As Figures 4 and 5 indicate, large jurisdictions tend to have a much higher share of non-white and Latino residents than small and medium-sized jurisdictions.⁶ Small jurisdictions have very little racial or ethnic

⁶The census codes race and ethnicity separately so the non-white percentages in Figure 4 do not include Latinos.

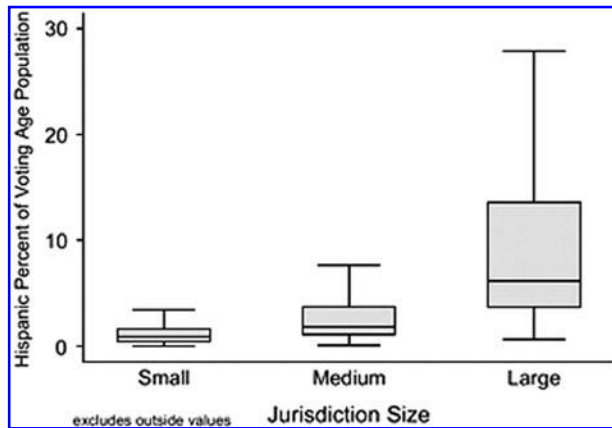


FIG. 5. Latino share of voting age population by size of jurisdiction. Demographic data are from the 2010 census.

diversity, and much of the non-white and Latino voting age population is concentrated in large jurisdictions. Census data indicate that larger jurisdictions also tend to have a younger population. Perhaps reflecting the cosmopolitan character of their surroundings, election officials in large jurisdictions are younger, more educated, and more professionally connected than their counterparts in smaller jurisdictions (Kimball et al. 2010).

Furthermore, large jurisdictions have a more mobile population. As Figure 6 shows, large jurisdictions tend to have a much larger percentage of residents who have moved in the past five years. More recent analyses of data from the American Community Survey indicate that mobility is more pronounced in large counties and cities (Benetsky and Koerber 2012). With more campaign activity

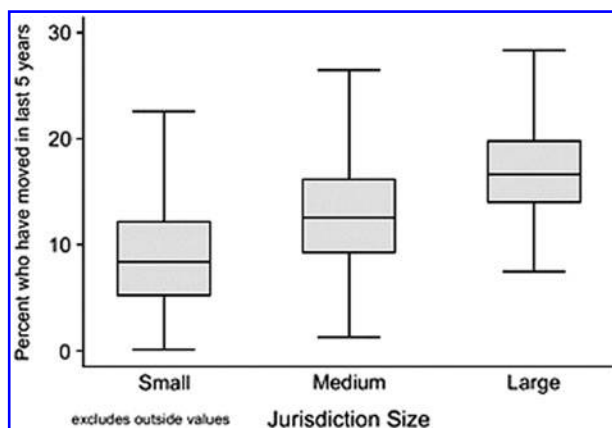


FIG. 6. Residential mobility by size of jurisdiction. Demographic data are from the 2005–2009 American Community Survey.

and a more mobile population, large jurisdictions tend to produce a greater share of new voter registrations than expected given the size of their population. According to the Election Assistance Commission's Election Administration and Voting Survey (EAVS) data, over 77 percent of the voter registrations received in the 2008 election cycle and 73 percent of voter registrations in the 2010 cycle came in large jurisdictions. A more mobile population also makes registered voters more difficult to track and produces a disproportionate share of problematic voter registrations in large jurisdictions. The same data indicate that more than 80 percent of the voters on the inactive list (more than 16 million in each of the last two cycles) reside in large jurisdictions.

Finally, large metropolitan jurisdictions likely contain many more sub-governments (such as municipalities, school districts, and other taxing districts) than smaller jurisdictions. These sub-governments have their own elections to select public officials, raise taxes, pass bond issues, or change other policies. This makes for a longer ballot, more precincts, and more ballot styles in general elections, and it probably makes for more off-cycle elections in large jurisdictions. All of these features of local government further complicate the task of planning and holding elections in large jurisdictions. In sum, the nature of local government, demographics, and campaign activity produce added challenges for election officials in large jurisdictions. As a result, we expect that there tends to be a greater need for innovation in election administration in large jurisdictions.

4. JURISDICTION SIZE AND NEED FOR INNOVATION

Large jurisdictions face unique challenges in two particular areas of election administration: (1) maintaining accurate information about their registered voters, and (2) managing a large and complex system of polling places and poll workers. We first examine the need for innovation by focusing on the various routes to casting a ballot using EAVS data. The EAVS survey asks state and local jurisdictions to report the number of ballots cast in major elections in several different categories. We focus on several specialized forms of casting a ballot that have been growing in volume and are alternatives

TABLE 3. SHARE OF BALLOT BY SIZE OF JURISDICTION
2008 GENERAL ELECTION

	<i>Jurisdiction Size</i>		
	<i>Small</i>	<i>Medium</i>	<i>Large</i>
Registered voters	0.3%	29.9%	69.8%
Total ballots cast	0.3%	29.5%	70.2%
Election Day ballots	0.3%	29.9%	69.8%
Early voting ballots	0.04%	27.2%	72.7%
Provisional ballots cast	0.02%	10.3%	89.7%
Provisional ballots rejected	0.02%	14.8%	85.2%
Provisionals partly accepted	0.02%	3.0%	97.0%
Provisionals counted in full	0.01%	9.1%	90.9%
Domestic absentees sent	0.2%	21.6%	78.2%
Undeliverable absentees	0.03%	5.6%	94.4%
Spoiled/replaced absentees	0.1%	10.9%	89.0%
Domestic absentees rejected	0.1%	20.4%	79.5%
Domestic absentees counted	0.2%	22.0%	77.7%
UOCAVA ballots sent	0.2%	23.8%	76.0%
Undeliverable UOCAVA ballots	0.05%	24.0%	76.0%
Spoiled/replaced UOCAVA	0.1%	10.9%	89.0%
UOCAVA ballots rejected	0.2%	24.8%	75.1%
UOCAVA ballots counted	0.2%	22.7%	77.1%

Figures in the table represent the share of ballots occurring in each size category.

UOCAVA, Uniformed and Overseas Citizens Absentee Voting Act.
Source: U.S. Election Assistance Commission (2009a).

to the traditional ballot cast at a polling place on Election Day. These include provisional ballots, domestic absentee ballots, absentee ballots submitted under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and in-person early voting.

TABLE 4. SHARE OF BALLOT BY SIZE OF JURISDICTION
2010 GENERAL ELECTION

	<i>Jurisdiction Size</i>		
	<i>Small</i>	<i>Medium</i>	<i>Large</i>
Registered voters	0.2%	29.1%	70.7%
Total ballots cast	0.3%	29.7%	70.0%
Election Day ballots	0.3%	31.3%	68.4%
Early voting ballots	0.1%	28.6%	71.4%
Provisional ballots cast	0.02%	9.0%	91.0%
Provisional ballots rejected	0.03%	13.2%	86.8%
Provisionals partly accepted	none	1.9%	98.1%
Provisionals counted in full	0.01%	8.7%	91.3%
Domestic absentees sent	0.2%	17.3%	82.6%
Undeliverable absentees	0.01%	9.4%	90.6%
Spoiled/replaced absentees	0.1%	13.2%	86.7%
Domestic absentees rejected	0.1%	17.2%	82.7%
Domestic absentees counted	0.2%	19.4%	80.4%
UOCAVA ballots sent	0.1%	17.5%	82.4%
Undeliverable UOCAVA ballots	0.04%	23.3%	76.6%
Spoiled/replaced UOCAVA	0.04%	15.4%	84.5%
UOCAVA ballots rejected	0.2%	15.6%	84.2%
UOCAVA ballots counted	0.2%	19.2%	80.7%

Figures in the table represent the share of ballots occurring in each size category.

Source: U.S. Election Assistance Commission (2011).

We analyze EAVS data from the 2008 and 2010 elections to determine the proportion of each ballot type cast in the three jurisdiction size categories (see Tables 3 and 4). The EAVS data indicate that alternative balloting methods, and the administrative difficulties associated with them, occur disproportionately in large jurisdictions. In particular, the challenges involved in keeping track of a mobile voting population weigh heavily on large jurisdictions.

As Tables 3 and 4 indicate, roughly 70 percent of registered voters and 70 percent of total ballots appear in large jurisdictions. Election Day voting and early voting, which involve casting ballots at a polling location staffed by poll workers or election staff, occur across the three size categories in approximately the same proportion as registered voters. However, more specialized forms of balloting do not occur in proportion to voter registration. Instead, more specialized methods of casting a ballot take place disproportionately in large jurisdictions. For example, roughly 90 percent of provisional ballots are cast in large jurisdictions. Provisional ballots are issued to people who believe they are registered but whose names are not on the voting list at the polling place.⁷ Election officials then attempt to verify the voter's registration and eligibility. 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. The passage of HAVA required most states to adopt provisional voting procedures (Montjoy 2005). As a result, provisional voting has increased, with more than 1.8 million provisional ballots cast in 2008. Nevertheless, provisional voting is largely confined to heavily populated local jurisdictions, as most forms of provisional voting occur at near *de minimis* levels in small jurisdictions. Some states only count votes for certain offices on provisional ballots if the voter appears in the wrong precinct or has recently moved (U.S. EAC 2009b, 22–23). As Tables 3 and 4 show, partly accepted provisional ballots (almost 120,000 in the 2008 election) appear almost entirely in large jurisdictions.

⁷Some states issue provisional ballots for additional reasons, such as address changes or a lack of identification (U.S. EAC 2009b, 21).

Tables 3 and 4 also show that domestic absentee and UOCAVA ballots are cast disproportionately in large jurisdictions, although not quite to the degree observed with provisional ballots. Domestic absentee and UOCAVA ballots are typically mailed to voters, who then complete the ballot and mail it back to the local election official. In the 2008 election, over 26 million domestic absentee ballots and almost 1 million UOCAVA ballots were sent to voters (U.S. EAC 2009a, 10–11). Provisional ballots and absentee ballots (both domestic and UOCAVA) share some features. First, each method is complicated by difficulties local election officials face in maintaining an accurate list of registered voters. For example, provisional ballots are frequently issued because a voter recently moved. Local officials also need an accurate address so that domestic absentee and UOCAVA ballots reach the intended voter. A significant number of absentee ballots are returned as undeliverable mail (over 220,000 in 2008), and these undeliverable ballots appear overwhelmingly in large jurisdictions.

Second, these specialized ballot casting methods require voters to provide additional identifying information (such as a name, address, and signature) on a written form along with the ballot. Election officials then review the information to verify a voter's eligibility. Absentee and provisional ballots are frequently rejected if any of the identifying information is missing. In the 2008 election there were over 850,000 rejected absentee ballots and over 500,000 rejected or partially rejected provisional ballots in large jurisdictions. Given the heightened racial and ethnic diversity in large jurisdictions, these numbers may raise concerns about the disparate impact of absentee and provisional voting in the United States.⁸ Furthermore, since HAVA's voting technology requirements have significantly reduced the frequency of residual votes, provisional and absentee ballots now outnumber residual ballots in national elections (Kropf and Kimball 2012, 113–114). Legal and partisan disputes over election administration and ballot recounts are now more likely to focus on the disposition of absentee and provisional ballots rather than residual votes. This will further the importance of jurisdiction size as future election litigation will likely be concentrated even more in large local jurisdictions.

Election officials in large jurisdictions are aware of the more challenging administrative tasks they face. We also examine the need for innovation in

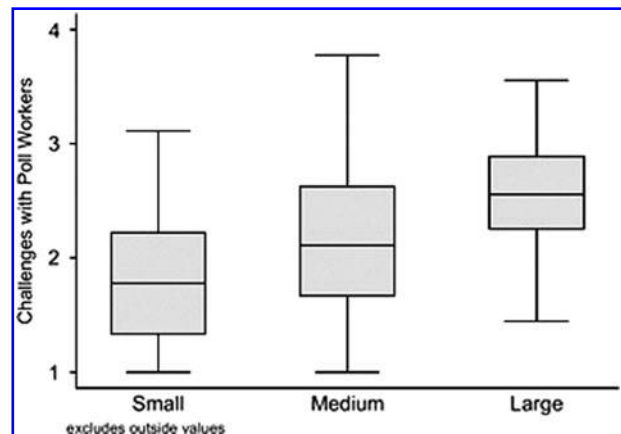


FIG. 7. Challenges with poll workers by size of jurisdiction, 2008 general election.

our survey of local election officials described above. The survey included nine questions about potential difficulties they may face in hiring poll workers (such as staffing the recruitment process, finding enough poll workers, or finding skilled poll workers). Election officials rated each recruitment challenge on a scale from 1 (“not at all difficult”) to 4 (“very difficult”). We created a scale by averaging responses to each of the nine questions.⁹ Figure 7 provides a boxplot of scale scores for officials in each size category. As the graph indicates, large jurisdictions report substantially more

⁸Equal protection arguments have been made in lawsuits involving the disposition of absentee ballots in the 2008 U.S. Senate election in Minnesota (Huefner et al. 2011, 5–16), in two cases challenging the manner in which provisional ballots are handled in Ohio (*Northeast Ohio Coalition for the Homeless “NEOCH” v. Brunner*, and *Hunter v. Hamilton County Board of Elections*), and in a case involving restrictions on early voting in Ohio (*Obama for America v. Husted*). All of these lawsuits focused heavily on the impact of election law and administration in large jurisdictions (Hennepin and Olmstead counties in the Minnesota case; Hamilton and Cuyahoga counties in the Ohio cases). The provisional voting cases deal with a provision in Ohio law which holds that provisional ballots cast in the wrong precinct shall be rejected. This can be a source of confusion for voters and poll workers if multiple precincts are located at the same polling place. As we note in Table 2, siting multiple precincts at one polling place occurs mainly in large jurisdictions. The *Hunter* case identified instances of poll worker error in directing voters to the correct precincts. Evidence in the *NEOCH* case indicates that provisional ballots are commonly rejected for being cast in the wrong precinct and that these rejected ballots are cast disproportionately in heavily populated counties.

⁹The reliability of the scale for challenges in poll worker management (Cronbach's α) is .85.

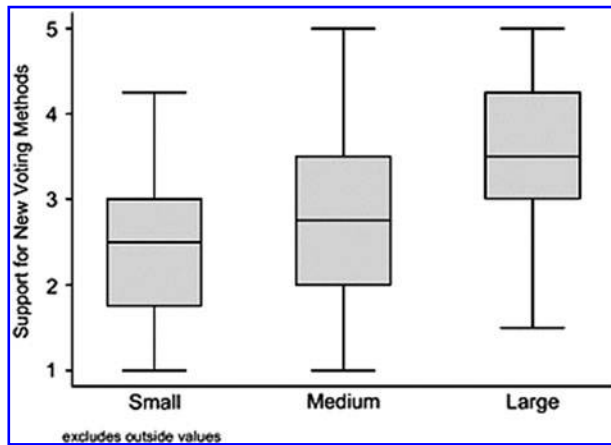


FIG. 8. Support for new voting methods by size of jurisdiction.

difficulty in poll worker management than smaller jurisdictions. Another national survey of election officials also found that larger jurisdictions have more problems recruiting poll workers (GAO 2006, 170–192).

In response to these challenges, election officials in large jurisdictions engage in a slew of activities to recruit, train, evaluate, and compensate poll workers that are largely deemed unnecessary and tend not to be utilized in small jurisdictions (Kimball et al. 2010). In addition, officials in large jurisdictions are more supportive of reforms that might help them cope with the challenging environment in which they serve. For example, officials in large jurisdictions are more supportive of additional staff and resources for poll worker recruiting (Kimball et al. 2010). Our survey of local officials included four questions about their support for some new voting methods (vote centers, early voting, voting by mail, and Internet voting) that may help them manage the crush of voters who would otherwise appear entirely on Election Day. Election officials rated each policy on a scale from 1 (“Strongly Oppose”) to 5 (“Strongly Favor”) with 3 serving as the neutral point. We created a scale by averaging responses to each of the four policy questions and we graphed the results in a boxplot (see Figure 8).¹⁰ As the figure shows, officials in large jurisdictions are primarily on the side favoring these new voting methods, while officials in small jurisdictions are mostly on the side opposing these new voting methods.

As another example, HAVA’s provisional voting requirements serve as a safety valve for jurisdictions

dealing with rapid and large-scale changes to their registered voter list. Thus, it is no surprise that officials in large jurisdictions have much more favorable attitudes towards provisional voting than election officials in small jurisdictions (Kropf, Vercellotti, and Kimball 2012). These findings match the results of a survey of Wisconsin election officials by Burden and colleagues (2011). They find that local officials in large jurisdictions are less likely to believe that early voting will make their job more difficult. The demand for innovation means that election officials in large jurisdictions are more likely to support reforms, such as HAVA, that are intended to help people vote.

The corollary is that officials in smaller jurisdictions tend to oppose reform proposals and they tend to be unhappy with new election laws. Surveys of local election officials observe some hostility toward HAVA (e.g., Moynihan and Silva 2008; Burden et al. 2012) but they have not examined whether the hostility is coming primarily from small jurisdictions. Another survey of local officials included an open-ended question about how HAVA was working in their jurisdiction. Officials from small jurisdictions were much more likely to offer comments (and particularly critical comments) about HAVA. Many of the negative comments focused on the increased costs of the HAVA mandates and unhappiness with the federal government telling them how to run elections (Kropf and Kimball 2012). HAVA has likely polarized attitudes toward election reform among local officials based on the size of their jurisdiction.

5. JURISDICTION SIZE AND INNOVATION IN ELECTION ADMINISTRATION

Based on these challenges, we expect that actual innovation in local election administration is more likely to occur in large jurisdictions. One measure provided by the EAVS data asks about the use of electronic poll books to sign in voters, update voter history, and look up polling places. In 2008 and 2010, roughly one-third of large jurisdictions reported using electronic poll books while 16 percent of medium-sized jurisdictions and just 3

¹⁰The reliability of the scale for new voting methods (Cronbach’s α) is .65.

percent of small jurisdictions used electronic poll books.¹¹ It seems obvious that jurisdictions serving large numbers of voters are more likely to turn to more modern technological methods of keeping track of registered voters and contacting them.

Innovation in election administration can come in many other forms that are not measured by the EAVS or other surveys. We created a final indicator of innovation by examining organizations and associations that work directly with local election officials. We examined best practices manuals and other reports produced by the Election Assistance Commission (EAC), the Pew Center on the States, and Election Center and coded each instance in which innovation in local election administration was recognized (the sources for this analysis are listed in the appendix). All told, we recorded 315 cases of recognized innovation: 94 percent cited large jurisdictions, 6 percent cited a medium-sized jurisdiction, and none mentioned a small jurisdiction.¹² This suggests that Election Center and best practices guides basically provide a way for officials from large jurisdictions to communicate with each other about innovative administrative practices. Nevertheless, with reported innovations concentrated heavily in large jurisdictions, there is yet another reason to expect that partisan and legal disputes over election administration also tend to occur in large jurisdictions.

6. JURISDICTION SIZE AND PARTISANSHIP

There are several reasons to expect that partisan disputes over election laws and administration tend to focus on large local jurisdictions. If campaigns or litigators want to have the greatest impact on election outcomes, then they will target jurisdictions with the most voters. A more mobile population in large jurisdictions also increases conflict over voter registration status and provisional and absentee ballots. Finally, as Lewis (2011) notes, large cities tend to have more competitive elections (either intra-party or inter-party) and more active party organizations, additional ingredients for election law disputes.

One consequence of the partisan and legal focus on large jurisdictions relates to polarized attitudes toward election reform policies. Republicans tend to prefer policies (such as photo identification

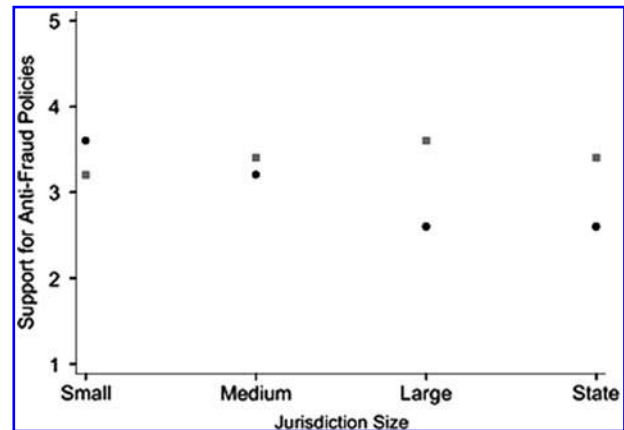


FIG. 9. Support for anti-fraud policies by size of jurisdiction. Squares represent the mean position of Republican officials. Circles represent the mean position of Democratic officials.

requirements) that protect against voter fraud but may increase barriers to voter participation, while Democrats tend to prefer policies (such as Election Day registration) that improve access to the franchise but may increase opportunities for fraud (Hasen 2012; Kropf and Kimball 2012). Since these disputes tend to be focused on large jurisdictions, we do not expect polarized preferences over these policies to extend to officials in smaller jurisdictions.

Most local election officials in the United States are affiliated with one of the two major political parties, and many are chosen for their position in partisan elections (Kimball and Kropf 2006). Furthermore, there is some evidence that partisanship may influence the behavior of local election administrators (Stuart 2004; Kimball, Kropf, and Battles 2006; Kropf, Kimball, and Vercellotti 2012). Our surveys of state and local election officials included two questions about anti-fraud policies (photo ID and no-match, no vote laws) and two questions about policies to increase access (Election Day registration and universal registration). Each policy was evaluated on a scale from 1 (“Strongly oppose”) to 5 (“Strongly favor”). We created an anti-fraud scale by averaging responses to the two

¹¹Electronic poll books have been adopted statewide in some states (such as Georgia, Maryland, and Utah). We find a similar relationship between jurisdiction size and the use of electronic poll books when these states are excluded from the analysis.

¹²It is possible that innovation is taking place in small jurisdictions without receiving much recognition but unfortunately this is an unknown quantity.

relevant policy items, and we created an increased access scale in a similar fashion.

We plotted average support for anti-fraud policies among state and local officials in Figure 9. We find that partisan differences in policy preferences among election officials are evident at the state level and in large jurisdictions, but not in small or medium-sized jurisdictions. Among officials serving states and large local jurisdictions, a majority of Democrats oppose anti-fraud policies and a majority of Republicans support anti-fraud policies. These partisan differences are statistically significant. Among officials in small and medium-sized jurisdictions, the partisan differences are very small and statistically insignificant. In particular, Democratic officials in larger jurisdictions are more opposed to anti-fraud policies than their fellow partisans in smaller jurisdictions. When examining policies to ease access to voter registration, we also find that partisan differences among election officials only exist for those serving states and large jurisdictions, with Republican officials more opposed to those policies than Democrats. If election officials in large jurisdictions tend to internalize party positions on voter access and voter integrity issues, that can only add to the contentious nature of election law and administration disputes that take place under their watch.

7. JURISDICTION SIZE AND ELECTION REFORM

Because of the skewed distribution of the size of local jurisdictions, we suspect that election reform debates in many states are dominated by election officials from small and medium-sized jurisdictions, even though they serve a relatively small share of voters. There are several associations of local election officials at multiple levels. There are national associations, such as the National Association of Election Officials (Election Center) and the International Association of Clerks, Records, Election Officials, and Treasurers (IACREOT). There are also regional associations, for example, the New England Association of City and Town Clerks. Finally, and perhaps most important, there are state associations (e.g., the Michigan Association of Municipal Clerks) that advocate for reforms in their respective state capitals. We suspect that the composition of these associations, and others like them (such as state associations of county officials),

reflect the distribution of local jurisdictions in Figure 1, which means that large jurisdictions are a relatively small voice when policy preferences are conveyed to lawmakers.

For example, Missouri has 116 local jurisdictions that administer elections. Only ten of the local jurisdictions in Missouri are large by our classification, but they serve more than half of the state's voters in national elections. Officials in the largest Missouri jurisdictions have been pressing for legislation to allow early voting. However, according to staff from the large jurisdictions in Missouri, they have been unsuccessful because election officials in smaller counties are opposed and have disproportionate influence in the state capitol. In addition, some Missouri legislators are former county clerks from rural parts of the state. The current chair and vice-chair of the Missouri House elections committee are former county clerks from counties with less than 20,000 registered voters, which further amplifies the voice of smaller jurisdictions in legislative debates.

As another example, a recent study of the impact of proposed election reforms in Colorado was based on a survey of county clerks (Cuciti and Wallis 2011). The survey included questions about policies such as moving the registration deadline closer to Election Day, voting by mail, and whether to send mail-in ballots to voters on the inactive list. Even though large counties serve over 80 percent of the state's voters, they are outnumbered by smaller counties by a 5-to-1 ratio. In the Colorado policy analysis each county clerk was given equal weight, which has the effect of giving voters in small counties more influence than voters in large counties. Applying such a unit rule in legislating would lead to policies that are opposed by local officials who serve the vast majority of the state's voters. When large jurisdictions are significantly outnumbered in associations of local election officials, the voice of large jurisdictions is weakened when local officials communicate their preferences to policymakers.

In how many states might election officials serving large jurisdictions be at a numerical disadvantage before policymakers? We answer this by examining the ratio of large jurisdictions to small and medium-sized jurisdictions in each state (see Table 5). States where large jurisdictions are outnumbered by a ratio of 10-to-1 or more are coded as rural dominant states. These tend to be states with a large rural population and an urban population

TABLE 5. REPRESENTATION OF LARGE JURISDICTIONS IN AMERICAN STATES

<i>Small Jurisdictions Dominate</i>	<i>Advantage for Small Jurisdictions</i>	<i>Rough Parity</i>	<i>Advantage for Large Jurisdictions</i>
Arkansas	Alabama	Arizona	Delaware
Connecticut	Colorado	California	Hawaii
Iowa	Georgia	Florida	New Jersey
Idaho	Illinois	Maryland	
Kansas	Indiana	New York	
Kentucky	Louisiana	Pennsylvania	
Maine	Minnesota		
Massachusetts	Nevada		
Michigan	New Mexico		
Missouri	North Carolina		
Mississippi	Ohio		
Montana	Oregon		
New Hampshire	South Carolina		
North Dakota	Tennessee		
Nebraska	Texas		
Oklahoma	Utah		
Rhode Island	Virginia		
South Dakota	Washington		
Vermont			
Wisconsin			
West Virginia			
Wyoming			

that is dispersed in different parts of the state (Gross 2010). There are over 20 states in this category. States with less than a 10-to-1 ratio but more than a 2-1 ratio are labeled rural advantage states (18 states). There are six states where large jurisdictions are at rough parity with smaller jurisdictions. Finally, in three urban advantage states (Delaware, Hawaii and New Jersey)¹³ large jurisdictions outnumber smaller jurisdictions by a 2-to-1 margin or more.

Legal and political conflicts between densely populated urban areas and less populated rural areas are not new in the United States (Key 1964; Ansolabehere and Snyder 2008; Gross 2010; Gimpel and Karnes 2006). Observers tend to situate these conflicts around issues involving cultural values, the distribution of government benefits, and electoral support for the two major parties. Election administration should be added to this list. In most states, election officials serving heavily populated jurisdictions find themselves at a numerical disadvantage when competing with other local officials to influence policymakers.

8. IMPLICATIONS OF JURISDICTION SIZE

Densely populated local jurisdictions are substantially different than smaller jurisdictions in

many measurable indicators of election administration. This is due not only to the size of the voting population they serve, but also other characteristics of the voting population and political campaigns in their areas. HAVA appears to have accelerated some of these differences in election administration. In the wake of HAVA, support for election reform among local election officials appears to have polarized along the size dimension.

There are several implications of these findings, for researchers, policymakers, and the legal and reform communities. On the research front, studies of local practices and the views of local election officials should be aware of the importance of jurisdiction size. When examining a sample of local jurisdictions it would be wise to use a research design that stratifies local jurisdictions by the size of the electorate (e.g., Burden et al. 2012, 744). In addition, researchers using the local jurisdiction as the unit of analysis to examine outputs of election administration should consider weighting the data by the size of the electorate, which has the effect of counting each voter equally (e.g., Stewart 2006; Kropf and Kimball 2012).

On the legislative front, policymakers should be aware of how many voters a local election official serves when considering that official's opinion about reform proposals. Legislators probably will not respond well to testimony from an urban election official who claims that his opinions should count a lot more than the views of the rural county clerk who will testify after him. However, policymakers should appreciate that local officials who serve large voting populations have added expertise about the voting experience. In particular, legislators should pay attention to jurisdiction size when evaluating support or opposition to reform proposals from local election officials, as "one person, one vote" rulings by the courts ensure that heavily populated areas of a state receive proportionate representation in the legislature (Ansolabehere and Snyder 2008).

Furthermore, lawmakers should consider whether current laws mandate uniformity in election administration at the expense of common

¹³The three urban advantage states are unusual in having relatively few counties. Delaware has 3 counties, Hawaii has 4 counties that administer elections, and New Jersey has 21 counties. Also, since we treat Alaska as a single local jurisdiction (see footnote 2), Alaska is excluded from Table 5.

sense. Innovation by local election officials has been a hallmark of election administration in the United States (Ewald 2009). As Doug Chapin (2012) recently argues, perhaps election laws should provide more flexibility to allow large jurisdictions to pursue some innovations (such as online voter registration or election consolidation) that smaller jurisdictions may not want or need. As an example, Nebraska state law allows counties to draft poll workers by randomly selecting them from the registered voter list in a manner similar to jury selection (U.S. EAC 2007, 90). Douglas County, which includes Omaha and is by far the largest county in the state, is the only county to take advantage of this provision in the law (NCSL 2012, 3). Smaller counties in Nebraska, which do not need nearly as many poll workers as Douglas County, apparently do not use a poll worker draft. Because of the potent opposition to election reform from small and medium-sized jurisdictions, this more flexible approach may allow large jurisdictions to go it alone in areas where they want to modernize election administration.

Some officials insist on uniform election laws and procedures as the best way to ensure fair elections. However, it is worth keeping in mind that uniform laws may place a differential burden on local officials and voters in large versus small jurisdictions. For example, a month before the 2012 election Ohio Secretary of State Jon Husted instructed county election boards that they could only notify absentee voters by first-class mail if there were errors on the return envelope (e.g., no signature or other missing information) that would cause the absentee ballot to be rejected (Guillen 2012). In the 2008 election more than 350,000 absentee ballots were rejected, and recall from Tables 3 and 4 that rejected absentee ballots occur disproportionately in large jurisdictions. For smaller counties in Ohio the Husted directive may not have been a significant issue. However, for large jurisdictions with thousands of potentially rejected absentee ballots, not being able to contact absentee voters by phone or email may not have served those voters very well.

A final approach to the size disparity in election administration would be for the large jurisdictions to find common cause through their own advocacy organization. In addition to their numeric disadvantage within their respective states, large jurisdictions face a collective action problem because they are spread across the 50 states. Large jurisdic-

tions may find more sympathetic ears in Congress if they speak with a unified voice on election administration issues. Waiting for smaller jurisdictions to get on board is likely to lead to crucial lag times in the adoption of needed innovations.

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(Appendix follows →)

**APPENDIX: SOURCES FOR CASES OF RECOGNIZED INNOVATION
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