

# GUIDING PRINCIPLES FOR ELECTION ADMINISTRATION

## A Collaboration Between The Carter Center and The Baker Institute

Feb. 6, 2024

As co-chairs of the 2005 bipartisan Commission on Federal Election Reform, former U.S. President Jimmy Carter and Secretary of State James A. Baker III wrote an introductory letter to the final report that opened with this simple statement: “Elections are the heart of democracy.” If the elections Americans use to select our leaders are defective, they continued, democracy is in danger.

President Carter and Secretary Baker understood that the United States’ election system is fundamental to our nation’s democracy. Americans use the election system — and specifically, their ballots — to communicate their ideas, priorities, and values. Elections thus allow Americans to combine with other voters to make concrete choices for the future of our nation, states, and local communities.

Even in normal times, the nation’s election system is incredibly complex. Unlike most countries around the world, which have uniform voting rules and procedures, the American system is widely decentralized, with states and localities making their own choices about election policies and procedures and allocating resources accordingly. This often yields a process that can be challenging for voters as local rules and procedures evolve and vary from those in neighboring communities and other states, making it even more daunting to navigate as voters move from place to place.

Of course, these are not normal times. The American experiment in democracy is being severely tested. Our nation is going through a tumultuous period of domestic unrest, one of the most polarized in American history. The tenor of our national discourse is tinged with an aggressive anger and virulent rhetoric that threatens to unravel the fabric of our society. Rarely, if ever, do opposing sides engage for an honest and productive exchange of views. We seem to prefer arguing over symbols of the past rather than building projects for our future. And our leaders prefer to bicker among themselves about who is to blame rather than working together to find solutions.

Nowhere is this more evident than with the partisan gamesmanship played over the very heart of this great democracy — the way we elect our leaders. Too often, those on the opposite sides of the political divide seek to manipulate the outcome of elections in their favor through the laws and regulations that govern how our elections are conducted. Further, too many elected leaders obfuscate and peddle fear about the mechanics of elections to motivate their supporters to vote for their side and to raise money. As this pernicious trend continues, it is easy to understand why so many Americans have little faith in the outcomes of their elections.



The 2020 election — and the events that followed, including those of Jan. 6, 2021 — have hypercharged an already partisan atmosphere. Distrust about, and hostility toward, the election system and those who administer it are at distressing all-time highs. Add growing interference from nations and other bad actors outside the United States, and an environment exists where elections and the American system of democracy face unprecedented challenges. These trends are occurring as the nation moves into what is almost certainly going to be another fiercely contested and momentous presidential election year — and beyond.

To meet these challenges, The Carter Center and the Baker Institute for Public Policy have come together once again to propose bipartisan guiding principles for election administration intended to assist the election community (including elected officials, election officials, policymakers, advocates, and the media). We have identified principles that are crucial to a healthy election system everywhere — even as individual policies and procedures continue to vary from community to community. Our goal is to provide a framework for effective bipartisan policies that balance the linchpins required for Americans to have faith in their elections — the twin needs for equitable access and integrity of the results.

These principles should not be considered a blueprint for uniformity in the nation’s voting rules and procedures. We recognize the unique nature of America’s decentralized voting system. Instead, the 10 principles we propose should be viewed as an overriding set of standards that can guide state and local election officials as they develop their own specific ways to conduct elections — ensuring that voters receive appropriate levels of service no matter where they live. While some states do not yet adopt all of these principles, each is faithful to some of them; this alone is evidence of the strength of our election system — even as the opportunity for improvement exists.

The 10 principles are not intended to advantage one side or another. There is too much of that already, and we do not want to exacerbate



*ONE: America's election system — and the democracy it supports — must be a national priority.*

As noted above, the nation's election system is fundamental to American democracy. It is critical that election laws and regulations be guided by principles of fairness that preclude partisanship. It is also vital that policymakers at every level of government work to ensure that there is adequate investment in election administration. Importantly, accomplishing that goal will require sufficient and regular funding of the election processes. Effective elections also require that time and attention to detail be paid to addressing the challenges and opportunities that evolve in the elections. One such challenge, for example, is the rising tide of threats to election workers nationwide. Law enforcement must be given the resources it needs to investigate and prosecute these threats, and election officials must receive tools.



structured to maximize the likelihood that eligible learners



Few issues have generated more debate in recent years than the growth in the number of ballots cast before Election Day (either in person or by mail) and especially subsequent ballot counting that delays the release of meaningful unofficial election returns for days or even weeks. In this age of disinformation and cyber warfare, concentrating voting into a single one-day period raises serious security concerns and makes it difficult for election officials to recover from attacks or malfunctions. Spreading voting options out over several days or weeks, and offering multiple modes of voting (early, mail, Election Day) makes voting more resilient against potential attacks. Still, whenever possible, communities that allow such ballots should have policies (e.g., widespread access to drop boxes, authorization for pre-processing/counting, Election Day deadlines for return) that ensure that as many as possible of these ballots (if not all of them) will be returned to election officials in time to be processed and



*NINE: Jurisdictions should commit to regular and rigorous audits of the election process.*

While there has been a growth in efforts to discredit or deny election processes and results in recent years, election officials have a powerful tool to counter such efforts: audits. Audits of results — as well as audits during the lead-up to Election Day to confirm ballot proofing, ballot management, mail ballot procedures, and voter list accuracy — can help verify for voters



## PRINCIPLES

*David Carroll*

Since 2003, David Carroll has directed The Carter Center's Democracy Program, playing a key role in the Center's work to build consensus on international standards for democratic elections, as rooted in states' obligations in international and regional human rights law. Carroll leads the Carter Center's work on international election observation and plays a key role in the Center's efforts to strengthen democracy in the US. He has managed or participated in more than 70 Carter Center projects to



and policy. His elections expertise has expanded the use of evidence-based policymaking and election administration by federal, state, and local governments, non-governmental organizations, and advocates in the field. Chapin is the primary author of the principles outlined in the *Guiding Principles* document.

### **ADVISORY GROUP**

#### ***Benjamin Ginsberg***

Ben Ginsberg is a nationally known political law advocate who represented participants in the political process over four decades. His previous clients include political parties, political campaigns, candidates, members of Congress and state legislatures, governors, corporations, trade associations, political action committees (PACs), vendors, donors, and individuals. Representing four of the last six Republican presidential nominees, he served as national counsel to the 2000 and 2004 Bush-Cheney presidential campaigns, and to the 2012 and 2008 Romney for President campaigns. He appears frequently on television as an on-air commentator about politics and the law and has written numerous articles on US politics. Ginsberg is a recognized expert in election administration, having served on similar boards devising best practices and recommendations for US elections. He is currently the Volker Distinguished Visiting Fellow at Stanford's Hoover Institution.

#### ***Hon. Kim Wyman***

The Hon. Kim Wyman is a nationally renowned elections official, bringing thirty years of federal, state, and county-level electi





Analysis Center (EI-ISAC) where she helped inform critical decisions on protecting American democracy's cyber infrastructure. Her experience and expertise in increasing access to the ballot box, while simultaneously increasing election integrity and security, were incredibly useful as she served on the Advisory Group.

***Hon. Trey Grayson***

The Hon. Trey Grayson serves as a trusted expert on election administration for corporations, associations, legislators, news media, voters, and election administrators at all levels. He served as Kentucky's Secretary of State from 2004-2011, during which time he served as President of the National Association of Secretaries of State.



**SPECIAL THANKS**

*Avery Davis- -- ats*

