



HOOVER INSTITUTION

Common-Ground Recommendations for Election Reform

Based on the work of Bruce E. Cain and Benjamin Ginsberg

“Restoring Confidence in American Elections,” a paper by Bruce E. Cain and Benjamin Ginsberg, provides a brief overview of the evolution of US election disputes, reviews some common myths and misunderstandings that pervade the public debate on elections, and proposes a series of improvements that can help restore confidence in the integrity and fairness of elections.

Recommendation 1:

Pass legislation to better secure the safety of election officials and poll workers.

One way to preserve impartiality in the election process is to prohibit individuals from either offering material rewards to election officials or making violent threats to dissuade them from carrying out their legal duties. While this principle is well established, it is not always well observed.

Election officials certainly believe that they are increasingly under threat and that they need better protection. A recent study found that 73 percent of the election officials surveyed believed that threats against elections workers have increased in recent years. To counteract those threats, officials have greatly increased their coordination with state and local law enforcement, and the US Department of Justice has promised to increase prosecutions against those threatening election officials.

Recommendation 2:

Pass legislation to better secure the safety of election officials and poll workers.

US federalism allows for experimentation and innovation among the states and communities within states. Yet with approximately ten thousand jurisdictions, each having responsibility for the casting and counting of votes, the inevitable variances in election rules and practices can feed the public’s confusion around, misunderstanding of, and lack of confidence in elections. Nonetheless, it is also true that the rubric “one size does not fit all” applies to our elections.

The lack of uniformity among jurisdictions within a single state can also cause confusion and contribute to a lack of confidence in elections. Uniformity in the administration of a state’s laws and the standardization of electoral systems among a state’s jurisdictions could lead to increased fairness and improved public confidence.

The national and local problem of inconsistency is compounded by continual rule changes as partisans gain governmental control and seek electoral advantage. Practices that might foster skepticism and mistrust without clear benefits to the system should be avoided.

Recommendation 3:

Public education about how voting works should be targeted, tested, and coordinated.

Most voters have a high level of confidence in the way that elections are conducted in their own community. However, they have far less confidence in the processes in other parts of their state and even less in those of other states.

Election administrators have a special obligation to address this election skepticism, and many are doing so through unprecedented outreach programs that create transparency into their voting systems. Additional governmental funding for chronically underfunded election operations would also aid this effort.

And while election officials have a special obligation to explain the technical safeguards in the electoral system to ensure public confidence that election results are reliable, they also need bipartisan support among leaders of their communities to validate the system when it comes under intense questioning. Savvy election officials are recruiting prominent leaders across the political spectrum who are trusted in their virtual and social communities to inspect their voting systems and validate their reliability.

Recommendation 4:

Develop bipartisan “standards of reliability” to reassure the public of the accuracy of elections.

The following is a compilation of safeguards that are included in various states’ laws that have been cited as building public confidence in election results. While some are subject to partisan disagreement, they can form the basis for compromise legislation to both increase access to voting for legally qualified voters and provide safeguards demonstrating elections’ accuracy and reliability.

“Best Practices” Standards of Reliability:

- Improve absentee/mail-in ballot validation measures.
- Achieve prompt reporting of election results by expanding early voting in exchange for requiring mail ballots to be received by Election Day and the processing of mail-in ballots to be underway well before Election Day.
- Increase availability of no-excuse mail or in-person early voting.
- Establish voter ID in states at no cost to voters.
- Expand and improve online voting registration.
- Provide ample notice and cure of defective (returned) ballots.
- Monitor any drop boxes with 24-hour live and recorded video.
- Improve voter roll maintenance to ensure voter registration list is accurate and current.
- Provide a multistate database to check for duplicate voter registration.
- Send absentee ballot applications to all voters but not live ballots.
- Limit ballot harvesting to the level minimally necessary.
- Require a paper trail for all ballots.
- Follow elections with risk-limiting audits to validate that the results were accurate and make any improvements necessary.
- Allow observers in all polling places and areas where votes are cast and counted.
- Ensure adequate funding for elections.
- Increase protection for election officials.

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