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# An Introduction: Essays on Election Rules and Laws

By Michael J. Boskin

The Tennenbaum Program for Fact-Based Policy gathers, analyzes, and disseminates facts and data on the nation's most highly debated policy issues. It generates essays by prominent experts from diverse policy perspectives, such as those influential in different political parties. It then provides easy-to-digest shorter written summaries and videos in order to disseminate reliable information to the broader public. The topics are chosen based on nationally representative surveys conducted by YouGov soliciting the policy areas where respondents believe they would most benefit from receiving more accurate and reliable information and analysis.

The essays on election rules and laws cover one of the most hotly debated topics in the public arena, one in which survey respondents believed they lacked sufficient reliable information to be informed voters. One reason for this deficit of information is that election rules and laws are primarily the province of the states. Administration is done at the local level. And for various political, historical, technological, and economic reasons, the rules and laws differ considerably among the states. Many voters are confused or concerned when they watch voting results unfold from other states that don't conform to the rules governing their own votes.

The essay by Michael J. Boskin and Garret Te Kolste, "A Summary of What States Do on the Most Contentious Election Rules," provides a basic, factual overview of election practices in the states around the most contentious rules, from ballot harvesting to voter ID laws. These are summarized in a series of pie charts aggregating the information. The breakdown by state is provided in a series of tables covering each issue in the appendix.

The paper by Bruce E. Cain and Benjamin Ginsberg, "Restoring Confidence in American Elections," gives 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.

The paper by Justin Grimmer and Eitan Hirsch, "Evidence vs. Hyperbole: The Relationship between Election Laws and the Health of Democracy," discusses why election laws and rules have changed over time in order to achieve various public goals or partisan advantage. They draw attention to differences between Democratic and Republican priorities and describe how despite big changes in the laws, there has been surprisingly little change in election outcomes. They review the results of numerous in-depth analyses of policies such as greater convenience in voting and voter ID laws, concluding that these changes show only modest effects on turnout and little discernable party advantage. They describe why this counterintuitive result occurs.

Of course, occasionally election results are extremely close and tiny partisan advantages may tilt the outcome. Some recent congressional elections have been decided by fewer than one hundred votes out of many thousands cast. But for statewide elections, such as for state offices or senators, and even more so for presidential elections, extremely close elections have been decided by tens of thousands of votes, not a handful. (The one major exception is the 2000 presidential election, Bush vs. Gore).

Both major parties have been able to point to potential problems, demand recounts in close elections, and question the legality of various practices, at times with some validity; nonetheless, different rules between states or over time generally have not been sufficient to affect the overall outcome of elections. Even so, the perception of impropriety must be taken seriously, and ascertaining, implementing, and disseminating best practices is important to maintaining election legitimacy in a democracy.



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The Tennenbaum Program for Fact-Based Policy is a Hoover Institution initiative that collects and analyzes facts, provides easy-to-digest nontechnical essays and derivative products, and shares reliable information on the nation's highly debated policy issues.

