

GUIDING PRINCIPLES FOR ELECTION ADMINISTRATION

A Collaboration Between The Carter Center and The Baker Institute

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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.

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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 the heated partisan rhetoric. Instead, we hope Democrats and Republicans alike can use them as guides for developing sensible and pragmatic election laws that benefit everyone. In doing so, we hope they will follow the wisdom of President Carter and Secretary Baker when they wrote: “Not everything Republicans propose is voter suppression and not everything Democrats propose makes fraud easier.”

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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 to protect themselves — both in the real world and in cyberspace. Finally, it is imperative that the media and every other sector of American society promote and support the idea that voting supports our democracy and oppose efforts to deny, disrupt, or discredit electoral outcomes.

TWO: Election laws and policies should be clear, transparent, and well-communicated to the public.

One way to ensure the health of the American election system is to be fully transparent about what it entails. States and localities have already made great strides in communicating basic election information to voters — for example, when, where, and how to cast a ballot. But this work should continue on all aspects of the process, from registration of voters through certification of election results. Policymakers (and where applicable, election officials with regulatory authority) can assist in this effort by striving to amend election laws and procedures sufficiently in advance of Election Day so they can be communicated to voters in a timely manner. At times, despite best efforts, there are legitimate issues of vagueness or changing circumstances, and preelection litigation filed well in advance of an election can serve to clarify the rules ahead of the election. However, judges clarifying or interpreting election laws and procedures — especially as Election Day approaches — should provide clear guidance to election officials and voters to minimize, if not eliminate, confusion in the voting process. And, where possible, court rulings should be made sufficiently in advance of Election Day to allow election officials and voters to adapt to the required changes.

THREE: Voter registration should be widely available to all who qualify. It should be easily accomplished, secure, and well-run.

Registration is essential as the gateway to voting. As such, it should be widely available — ideally online — and as transparent as any other part of elections. This includes the ability for voters to look up, verify, and when necessary, change their registration as their address or other aspects of their lives change. States should likewise commit to accurate, secure, and well-run voter rolls by engaging in activities aimed at identifying voters who have died, moved, or are otherwise no longer eligible. In communities where outside organizations are permitted to conduct voter registration drives, the rules for doing so should be

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structured to maximize the likelihood that eligible voters can be added to the rolls without complicated rules or restrictions on the process of collecting or submitting completed applications, while still providing adequate safeguards to assure the public that the rolls contain only eligible registered voters.

FOUR: Voting — specifically, the act of receiving and casting a ballot — should be flexible enough to meet voters' needs equitably.

The decentralized nature of the American election process can sometimes present challenges for voters in specific communities. This problem is especially prevalent when there is a wide disparity in size or density across communities — as is the case with rural and urban populations. Where these disparities exist, focusing purely on equality can be problematic; a community with millions of voters has very different needs than one with a few thousand. Accordingly, policymakers and election officials should commit to finding a way to treat voters equitably — eschewing both a “one size fits all” approach and “anything goes” in favor of one where there is attention to ensuring that voters are not disadvantaged in obtaining or casting a ballot relative to others just because of where they live. Moreover, in states that require photo IDs of voters, officials should ensure that IDs are sufficiently available so that no eligible resident is turned away from the polls because they lack the proper identification.

FIVE: Voting technology should be a gateway, not a barrier, to the voting process.

Voting machines have become significantly easier for voters and election officials to use in recent years. As such, the trend to prioritize accessibility and independence for voters with disabilities and flexibility for voters with limited English proficiency should continue. The same focus and commitment should be made to harnessing the latest research on usability technology so that all voters can experience the benefits of a design approach that prioritizes individual needs over technological capabilities — while building in a commitment to security that reassures all voters they can be confident their vote will be counted as cast. Moreover, this design approach should be extended to all voting technology, like electronic pollbooks and ballot-on-demand printers, so that every aspect of the election process is equally accessible, flexible, usable — and secure — for all voters and election workers alike. Consistent with the report of the Commission on Federal Election Reform, technology used to record votes should have a voter-verifiable paper audit trail (VVPAT) allowing voters to check that his or her vote was cast as intended. Doing this also permits recounts, audits, and backups in case of a malfunction.

SIX: States and localities should prioritize policies that allow ballots to be cast and received on or before Election Day so that the final count can be completed as soon as possible after the close of polls.

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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 counted as soon as reasonably possible. Ideally, this should occur before, if not at the same time, as ballots cast in person on Election Day are counted. Reducing the time between the close of polling and the reporting of meaningful results will go a long way toward reducing some of the controversy that arises when results reporting is delayed.

SEVEN: Military and overseas voters should continue to have the opportunity to cast timely and valid ballots.

The United States has long been committed to military and overseas citizens' voting rights, but, given the distance of many of these voters from their homes, challenges remain. States and localities should continue to work with the Federal Voting Assistance Program to provide ample information resources online and elsewhere for these voters to learn about how to obtain and cast a ballot — and should strive to avoid unnecessary restrictions on use of documents like the Federal Postcard Application or the Federal Write-In Absentee Ballot.

EIGHT: Tabulation of election returns should be transparent and proceed in an orderly fashion.

Tabulation and certification — the process of turning cast ballots into election returns — has increasingly come under fire in recent years. Notwithstanding this, policymakers and election officials must continue to prioritize accuracy even as they strive to complete counts sooner. Election officials currently use a variety of procedures and policies that combine transparency and bipartisanship which, when combined with legal technological safeguards, create a “defense in depth” of multiple layers of physical and cybersecurity controls that reduce risk. These serve as checks and balances to establish a robust chain of custody and a detailed audit trail — and are designed to instill public confidence in the accuracy and security of each election. There should also be a transparent process of reliable election results reporting as well as equitable opportunities for observation of election tabulation. Where such opportunities exist, there should be safeguards in place to ensure that observers do not impede or disrupt the tabulation process with unnecessary questions or challenges. The media can also do its part by emphasizing that incomplete returns — and any projections based on those totals — are not final results.

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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 the integrity of the entire process and double-check the accuracy of a given result. States and localities should regularly engage in audits, using the latest available techniques and best practices to examine and validate elections' reliability.

TEN: The United States should embrace recognized standards and best practices for elections and should welcome nonpartisan independent election observation efforts.

States and localities should be open — subject to appropriate legal provisions and physical/cybersecurity precautions — to having nonpartisan and independent election observers. To that end, election officials should be open to credentialing observers consistent with prevailing state and local standards (including preelection training requirements, where applicable) and providing them with adequate access to observe key aspects of the election process.

In conclusion, we do not expect that these principles will produce immediate policy changes — nor do we think that the current state of elections is such that widespread overhaul is necessary. Rather, by opening a dialogue about the issues and priorities underpinning the American election administration system, we seek to guide the debate back to a place where the focus is on the needs of the voters and animated by a spirit of bipartisanship. It is our hope that these principles, which are designed to enhance the dual goals of easy access to voting and safeguards to ensure the reliability of results, will lead to conversations that lead the community to think about how best to structure the nation's election system so that it continues to underpin American democracy, not just in 2024 but long beyond.

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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 strengthen democracy and electoral processes around the globe in the U.S., Latin America, Africa, Asia, and the Middle East.

Mark Jones

Mark Jones is the Joseph D. Jamail Chair in Latin American Studies at Rice University. In addition, Jones is a professor in the Department of Political Science, the Baker Institute's Political Science Fellow, and the faculty director of the Master of Global Affairs Program. His research focuses on the effect of electoral laws and other political institutions on governance, representation, public policy, and voting. Jones also works closely with John Williams in the partnership between The Carter Center and the Baker Institute's programming in United States elections.

John Williams

John Williams is a Fellow at the Baker Institute's Presidential Elections Program who oversees the institute's Presidential Elections Program. Williams is a national award-winning journalist and speechwriter and also serves as a policy assistant to the Honorable James A. Baker, III. Since 2004, he has supported Secretary Baker's efforts to find solutions for a wide array of international and domestic challenges, now including threats to United States democracy and election administration. Williams works closely with The Carter Center in its partnership with the Baker Institute to identify and mitigate these threats.

LEAD WRITER

Doug Chapin

Doug Chapin is a Senior Fellow (Program Evaluation & Policy Analysis) with Fors Marsh, a research firm based in Arlington, Virginia. He is a well-known subject matter expert, writer, and speaker on election topics and has an extensive academic background in election administration

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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 elections experience to the Best Election Practices Advisory Group. Before joining the Bipartisan Policy Center as a Senior Fellow, she served as the Senior Election Security Advisor for the Cybersecurity and Infrastructure Security Agency. Kim was elected as Washington's 15th Secretary of State and Thurston County Auditor, after overseeing elections as the Thurston County Elections Director. She contributed innovative election administration and cybersecurity recommendations to the *Guiding Principles* Advisory Group.

Hon. Nellie Gorbea

The Hon. Nellie Gorbea is Rhode Island's former Secretary of State from 2015-2023. Hon. Gorbea currently acts as a Visiting Senior Fellow with the Pell Center at Salve Regina University. In her position, she seeks to further understanding of gaps in how misinformation and disinformation erode the faith in our democratic structures, especially among Latinos. She was also a founding executive advisory board member of the Election Infrastructure – Information Sharing and

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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. Throughout his positions as the Director of Harvard's Institute of Politics and as an attorney at Frost Brown Todd, he has always been well-regarded for his objective and informed political and policy acumen, especially as part of the *Guiding Principles* Advisory Group.

David Becker

David Becker is the Executive Director and Founder of the nonpartisan, non-profit *Center for Election Innovation & Research*, working with election officials of both parties, all around the country, to ensure accessible, secure elections for all eligible voters. He provides invaluable insight into many facets of the Carter-Baker partnership. David and CEIR also provide legal and communications assistance to election officials facing all types of harassment and threats to safety through their Election Official Legal Defense Network. He serves as CBS' election law expert, and his many appearances in the media include The New York Times, The Washington Post, CNN, MSNBC, PBS NewsHour, and NPR, and is frequently published on election issues.

STAFF

Adrián Carrasquillo Lecároz

Adrián Carrasquillo Lecároz works directly with The Carter Center's United States Elections project in the Democracy Program. On top of providing programmatic and administrative support to the Carter-Baker partnership, he is involved with the Democracy Program's United States nonpartisan election observation efforts and work to increase ballot access across disenfranchised communities. Adrián holds a Bachelor's in International Affairs and a Master's in Comparative & International Politics from Georgia State University. Before joining the Center, he worked on new voter engagement efforts and state-level election administration in Georgia.

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SPECIAL THANKS

Avery Davis-Roberts

Avery Davis-Roberts currently works at the Election Trust Initiative: a nonpartisan grant-making organization working to strengthen the field of election administration. As an Associate Director at the Center's Democracy Program, she helped implement Carter Center election observation missions across the globe as well as managed numerous projects to strengthen international norms around election observation and election standards. Before her transition to ETI, Davis-Roberts served as an invaluable asset of knowledge and management to the *Guiding Principles*.

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