

PAR Interview: Robert Montjoy, August 2008

For authors, part of what makes writing for PAR a rewarding experience is the process of creation, critically examining a field, and engaging in public debate. Until recently reading the Journal has been more of a passive experience. The PAR Interviews are one way to share with readers some of the excitement of exploration and tension of debate, connecting readers with authors. Each issue, we will ask one or more authors to answer a few questions about their contribution to PAR, how they came to write that article, and what it means to them.

In this interview, Robert Montjoy talks about his work on the Symposium on Election Administration, which appeared in the September/October 2008 issue of *PAR*.

Jim Heichelbech: Can you tell me a little bit about your background? How did you develop an interest in election administration?

Robert Montjoy: As a freshman at the University of Mississippi in 1962, I started my first political science course with tear gas hanging in the room from the riots that accompanied James Meredith's forced entry to the university after the governor had taken over the role of registrar and attempted to deny admission on the grounds of states' rights. That got my attention. As I progressed through my undergraduate career I was increasingly impressed by the tension between the administrative norm of universalism that I studied in text books and the strong incentives for particularism that I saw in the political environment. The ultimate particularism was the manipulation of electoral rules to deny political power and, consequently, many benefits to a whole race. It was not just a matter of law but of blatant discrimination in the application of laws that appeared neutral on their face. I have thought ever since that, while legal remedies have been essential to solving many problems in the conduct of elections, they are rarely sufficient. Implementation is important.

I continued my interest through graduate school, but found that very little was being written about election administration. Most research focused on voting behavior. A small but significant group of scholars examined the effects of various laws on behavior, but their research almost always assumed that the law was implemented as written. The only major works that dealt with issues like

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personnel and budgets were Joseph Harris' *Registration of Voters in the United States* (1929) and *Administration of Elections in the United States* (1934). Yet such factors have been shown to affect performance in other settings, so we could expect them to do so in elections as well.

Harris found that most local election administration was the province of "political hacks." That situation was changing rapidly by the time I finished graduate school in the middle 70s, and I was fortunate to witness or participate in a number of steps toward professionalization in the field. I conducted a couple of early studies for the Federal Election Commission, developed a statewide training program for election officials in Alabama, led that state's implementation of a federal court order to integrate and retrain poll workers, served on the national Board of Directors of the Election Center (a nonprofit organization of state and local election officials), and helped start a national training program in election administration (a partnership between the Election Center and Auburn University). In so doing I had the opportunity to interact with hundreds of state and local election officials from all over the United States, and I was impressed with the dedication that most of them showed in the face of an increasingly challenging job. In the post-2000 era of top-down election reform, I have tried to focus on the capacity of the system to implement mandates.

Jim Heichelbech: How did you come to edit a symposium for PAR on election administration and what was the editing process like?

Robert Montjoy: The immediate impetus was an invitation from Richard Stillman. That grew, I suspect, from earlier conversations that we had held about the importance of fair and accurate elections to democracy and the importance of administration in the conduct of elections.

I was eager for the opportunity because I saw a big gap in the post-2000 research on elections. A number of large-N, cross-jurisdictional studies attempted to isolate the statistical impact of an independent variable, such as voting technology, on a single dependent variable, such as the residual vote (the difference between the number of votes cast in a jurisdiction and the total votes cast for the top office). While these studies are important contributions, they tended to focus attention on just one factor at a time, leaving out the many other factors that influence performance in individual jurisdictions.

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Ansolabehere and Steward demonstrate this point in a 2005 article in the *Journal of Politics*. They found statistically significant impacts of voting technology on residual votes, but the actual differences were small and the explained variance was .11. Adding dummy variables for the states raised the R^2 to .79. They suggested that the difference in explanatory power was due to differences in administration. Whether the answer lies in administrative practices, political culture, or other factors, the point is that we are missing many of the influences on residual votes. And residual votes are but one measure of system performance. If research is to influence reform, it needs to address the full range of the issues, including the capacity of the system to implement new mandates.

My hope for this symposium is that it will attract the attention of additional scholars who will bring new perspectives and methods to the study of election administration. In my article I tried to show the linkages between the basic tasks of election administration and various approaches in the broader study of public administration, such as collaborative management and privatization. The other articles address various aspects of the people, processes and technology that the GAO has repeatedly emphasized as critical to understanding elections in the U.S.

The editing process was pretty straightforward. I did include one practitioner in the set of blind reviewers for each article. I tried to convey all criticisms and suggestions to the authors, who proved to be very responsive.

As you read through all the contributions, did your perspective change? Did you see anything you hadn't expected or thought about before?

Robert Montjoy: I don't think my perspective changed, but I learned a great deal about election administration and about the research my colleagues are doing. I came away more convinced than ever of the need for research in election administration, and the opportunities it offers.

One feature that stood out for me was the receptivity to change demonstrated by significant numbers of election officials. I have argued that the attempt to change too much, too quickly was at least as likely to cause errors as the problems the changes were intended to fix. I still hold to that position. But being cautious

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about the amount of change and the implementability of external mandates is not the same thing as clinging to the status quo.

The articles in this symposium provide numerous examples. Hale and Slaton summarize initiatives that have come from within the system and point to major steps toward professionalization within the elections community. Ernie Hawkins echoes the same theme in reflecting on his thirty years as a practitioner. Moynihan and Silva report survey data showing that election officials' attitudes toward federal reform are not monolithic but vary with goal congruence, adequacy of funding, and beliefs about the proper role of the federal government. Alvarez and Hall discuss the needs for strict chains of custody of election materials and report on both state requirements and local innovations. In a broader study of overseas voting, Cain, Mac Donald, and Murakami report survey respondents' willingness to use alternative voting procedures. Pat Hollarn, a local election official, describes a program she is initiating to facilitate overseas voting. My article includes a brief report on the creation of election day vote centers in Larimer County, CO, and Scott Doyle, who pioneered the program, provides insights on continuing implementation issues.

It is important for policy makers to recognize election officials' attitudes and efforts toward reform. One reason is that reforms work best when they are developed in cooperation with implementers. Many elections officials have demonstrated a willingness to accept, even initiate, change to improve the system. Another reason is to avoid focusing on just one issue. As the ecologists put it, you can't change just one thing. There is a lot of change going on in the system right now. I like the analogy to throwing rocks in a pond. If you throw one rock, the ripples move out in a predictable pattern. If many people are throwing rocks, the ripples will intersect and the results will be unpredictable.

Jim Heichelbech: What jumped out as I was reading your article was the quote you provided from the Local Election Official in New Jersey – “The state has great training requirements, and that gives me a choice – to obey the law or put on an election.” As you talk about the complexity of election administration, especially the vertical and horizontal fragmentation, it certainly appears that top-down, hierarchical control is not a promising approach to managing elections. However, is it really possible to imagine consistent legislated reform initiated at

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the local level? Is there a lesson here beyond election administration about legislated processes in other areas of public administration?

Robert Montjoy: That quote was about a disconnection between a statutory prescription and real-world possibilities. That's not an uncommon occurrence, as studies of policy implementation in a variety of settings attest. In this case, a legislative mandate could not create a supply of prospective poll workers able and willing to go through the required program.

Your question about top-down hierarchical control taps another issue. There is really very little organizational hierarchy in the U.S. election system. In only a few cases are the officials who actually register voters and/or conduct elections at local level employees of the state. And even in these cases there are strong ties to local institutions.

The issue of "consistent reform" is one of the most important questions in U.S. elections today. There are at least two stimuli. One is the equal protection principle that was the basis of the majority opinion in *Bush v. Gore*. Even though the Court said the ruling applied only to that case, it appears that the genie is not going back in the bottle. One reason derives from the second stimulus: all sorts of groups see political advantage in various electoral rules, and it is certainly more effective to get a rule institutionalized at the state or federal level than to deal with multiple local jurisdictions. The same logic makes a federal rule more appealing than a state rule.

When dealing with the issue of cross-jurisdictional consistency, we have to ask how much consistency we want and what means are we willing to use in order to accomplish it. If, as Ansolabehere and Steward suggest, most of the differences in residual votes (again, just one measure of performance) come from administrative factors, then administrative issues like personnel decisions and budgets are likely to be very important. Most budgets come from the local jurisdictions and determine the number and pay scales of employees, the training available to them, the amount and nature of pre-election publicity to inform voters of procedures, etc. There are huge variations in resources. Is anyone prepared to equalize budgets?

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A realistic approach to the goal of **within-state** consistency (which is what the Fourteenth Amendment attempts to guarantee) requires state and local interaction to decide which elements of the electoral process need to be consistent and then to figure out how to make them so. Local election officials in some states have complained about what they view as unilateral decisions from state chief election officials (CEOs) who lack prior election experience in the field. There are, on the other hand, examples of state-local cooperation in the design and implementation of uniform procedures.

Is it possible to imagine consistent reform initiated at the local level? Yes, in the sense that many reforms have been initiated at the local level. But it normally takes state action to achieve any degree of uniformity. I think there are at least two important lessons here for other areas of public administration. One is that if local procedures are to be set by state statute, rather than through administrative rule making, then administrators had better organize to make their case in the policy process. Second, implementation, especially intergovernmental implementation, works best when the implementers help design the mandate.

Jim Heichelbech: From your description of election administration, it seems like there is a somewhat counter-intuitive relationship between order and legitimacy. On the one hand, a well ordered and tightly controlled process is open to corruption, in part due to the need for higher-level, centralized control. On the other hand, the apparent "chaos" of infinitely varied local processes seems to be necessary for legitimacy, given the differences in circumstances, demographics, political structures, etc. But do you think there can be a balance? Can we have complete order, with consistency across all processes, and legitimacy, with operational reality varying as needed?

Robert Montjoy: All processes are open to corruption or, more likely, simple error at some point. Decentralization may increase the chances for corruption and error but diffuse their effects. Central control probably decreases the chances of both because of better oversight mechanisms, but it also increases their effects if they do occur. The keys to legitimacy in my opinion lie in equality of access, transparency of processes, security of election materials, professionalism in administration, and nonpartisan resolution of election disputes (avoiding both partisan manipulation and bipartisan gridlock). And, as I tried to suggest above, we do not have to achieve consistency across all processes.

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Jim Heichelbech: Thinking about the complexity of election administration, it's interesting that you say that "technology, legal mandates, and standards are all changing, and not in a coordinated fashion." Is it important that everything be coordinated? If so, what does that mean with such a fragmented process?

Robert Montjoy: I was trying to depict the situation from the point of view of the implementers. External authorities can mandate discrete changes, but they all come together at the point of implementation. For example, the EAC is working on voluntary standards for voting equipment as required by HAVA. States can choose which standards to require. Ideally, equipment manufacturers would develop technologies and go through testing and certification to meet those standards. Actually, most states have legislatively mandated that equipment meet whatever standards the EAC produces. Equipment manufacturers complain that the standards are slow in coming, that industry is not a participant in what has become a de facto regulatory process, and that the time and expense of certification make timely adaptation extremely difficult. As Pressman and Wildavsky pointed out in *Implementation*, each participant has its own constraints, priorities, and timetables. The problem is not unique to elections, but the inflexibility of election schedules adds an additional constraint. It may be unrealistic to expect tight coordination among the external parties involved in the process, but recognition of the difficulty should encourage restraint. Slowing down the rate of change would give implementers more time to adjust.

Jim Heichelbech: The last couple of decades have been interesting in terms of election processes, to say the least. Do you see things improving? Or is improvement dependent on the efforts made? If so, which efforts and who needs to step up?

Robert Montjoy: I definitely see things improving for several reasons. First, the public and policy makers seem to have finally caught on to the importance of the electoral system and the problems it faces. Since Election 2000 we have probably tried to fix too many things too quickly, but on balance I think we are headed in the right direction. New resources from federal and state governments are important. Time can also be a resource, and I think the system should be given some time to absorb the recent changes. Second, the increasing professionalism of election officials is a major development. As Hale and Slaton

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point out in the symposium, the process started well before the 2000 presidential election and has grown significantly. Unfortunately, many election officials from poorer jurisdictions have been unable to participate in this movement. Finding a way to reach them will be important. Finally, the scholarship on election processes has increased dramatically and is producing information of practical, as well as theoretical, importance. Most of the research to date has focused on technology and policies. I hope the PAR symposium will stimulate additional research on administrative capacity and implementation.

Jim Heichelbech: Thanks for sharing and thanks for putting together this great collection of articles!