

# THE COST OF CONDUCTING ELECTIONS

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# INTRODUCTION

A steady stream of crises over the past two decades reminds us that election administration is underfunded in much of the country. Whether it was antiquated and poorly maintained election equipment that led to the recount controversy in Florida in 2000, inadequate resource planning that caused long lines in 2012, cybersecurity threats in 2016, or the crush of adapting to the reality of the COVID-19 pandemic in 2020, each national election seems to shine a spotlight on a different part of the system and its funding needs.

The resource challenges experienced by state and local election officials in 2020 were part of a long story, although the scale of the problems may have exceeded past experience. True, the pandemic strained everyone's budgets. But the stress placed on election administration came on top of years of inattention. In their 2014 report, the Presidential Commission on Election Administration wrote that:

*[t]he most universal complaint of election administrators in testimony before the Commission concerned a lack of resources. Election administrators have described themselves as the least powerful lobby in state legislatures and often the last constituency to receive funds at the local level.<sup>1</sup>*

Election officials are used to “making do” with what they have. They often express pride in pulling off the complicated logistical maneuvers necessary to conduct elections on a shoestring budget. One consequence of the frugality imposed on election administration is that services provided to voters vary considerably across the nation. Some states and localities flood mailboxes with voter guides, use the most up-to-date equipment, and deliver information and services on sophisticated websites. Others provide only minimal services to voters, rely on voters to figure out the details of voting on their own, and use equipment that is no longer manufactured or is incapable of being updated with the latest security patches.

Financial support for election administration has traditionally been considered a province of state and local governments alone. The 2000 election alerted the public that shortcomings in and underfunding of election administration could have national — if not international — ramifications. Since then, the federal government has been called on to help state and local election officials shoulder some of the financial burdens of conducting elections. That support, while welcome, has been infrequent and reactive. At the same time, awareness of the vulnerabilities of the nation's election infrastructure has become more common knowledge.

Until now, the federal government has served as a reactive insurer of last resort. Marshaling the resources needed to conduct the 2020 election brought this question to the fore: Is it time for the federal government to change this approach to supporting elections by partnering with state and local governments to ensure that elections are accessible and secure for all?

It is possible that the answer to this question is, “no.” If elections are fundamentally a state responsibility under the U.S. Constitution, then any fiscal inattention to elections can be seen as a state and local problem, not a federal one.

On the other hand, constitutional and legislative mandates have inserted Congress into regulating state and local elections in ways that are often unappreciated. In a context in which presidential elections are decided by close margins and control of Congress comes down to just a handful of seats, a breakdown of the electoral system in just one state can have national repercussions. And, in a world in which the information systems that manage elections are subject to attack from foreign actors, it is natural to ask about the level of federal support in protecting these critical systems.

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1 U.S. Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration*, January 2014, <https://web.mit.edu/sup-portthevoter/www/files/2014/01/Amer-Voting-Exper-fina-draft-01-09-14-508.pdf>, p. 10.

# WHAT DOES IT COST TO CONDUCT ELECTIONS IN THE U.S.?

Although hard figures on the cost to conduct elections in the U.S. are hard to come by, studies relying on different methodologies across the past two decades have come up with ballpark estimates that are on the whole consistent with one another. Among these studies:

- » The 2001 report, *Voting: What Is/What Could Be*, by the Caltech/MIT Voting Technology Project (VTP), estimated that local election departments spent approximately \$1 billion on election administration in 2000.<sup>2</sup>
- » Replicating the VTP 2001 research for the President’s Commission on Election Administration in 2013, research conducted by Stephen Ansolabehere, Daron Shaw, and Charles Stewart III indicated by local election departments spend ap-

proximately \$2.6 billion in election administration in 2012.<sup>3</sup>

- » In a 2018 paper based on the annual financial report of local governments, a research team from the University of North Carolina-Charlotte estimated that total local election costs of elections were about \$2 billion, an estimate the team judged to be a “lower bound” because of how long-term liabilities and capital purchases are treated in local budgets.<sup>4</sup>

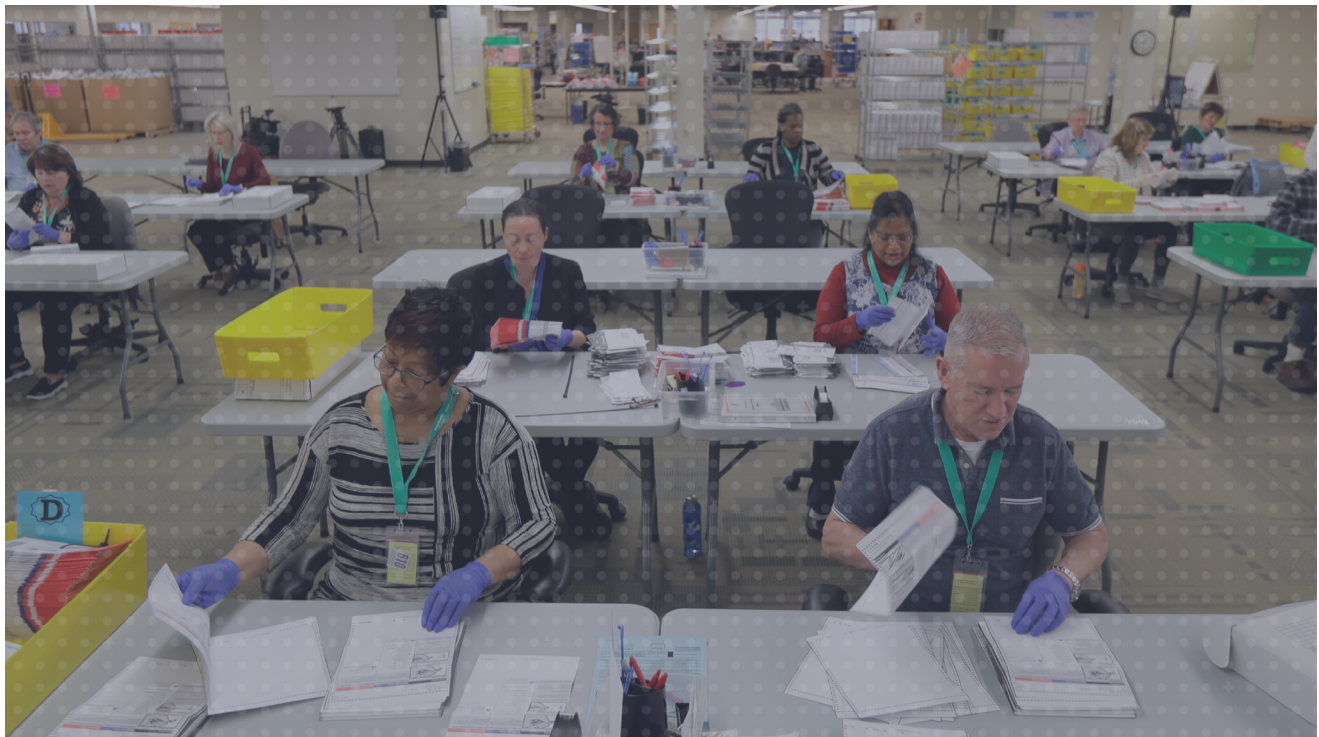
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2 Caltech/MIT Voting Technology Project, *Voting: What Is/What Could Be*

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3 Charles Stewart III, “Survey of Local Election Officials,” presentation to the Presidential Commission on Election Administration, December 3, 2013, <http://web.mit.edu/sup-portthevoter/www/files/2013/12/Charles-Stewart-III-Survey-of-Local-Election-Officials.pptx>.

4 Zachary Mohr, Martha Kropf, JoEllen Pope, Mary Jo Shepherd, and Madison Esterle, “Election Administration Spending in Local Election Jurisdictions: Results from a Nationwide Data Collection Project,” paper presented at the annual meeting on Election Science, Reform, and Administration (ESRA), Madison, Wisconsin, July 26 – 27, 2018, <https://esra.wisc.edu/wp-content/uploads/sites/1556/2020/11/mohr.pdf>.



- » Data compiled by the California Association of Clerks and Election Officials suggest that \$330 million was spent in that state to conduct both the primary and general elections in 2016, \$539 million in 2020.<sup>5</sup> If these figures are converted to a per-voter basis, they are consistent with \$2.3 billion being spent on both primaries and general elections in 2016 and \$5.7 billion in 2020. Corresponding estimates are \$2.6 billion and \$3.3 billion for 2014 and 2018, respectively.
- » North Dakota has published spending by local governments for statewide primary and general elections since 1980. In 2020, North Dakota counties spent a total of \$3.3 million. If we extend this figure nationwide on a per-voter basis, this works out to \$1.5 billion nationwide.

Because of the data problems discussed below, there is no comprehensive understanding of how much is spent on ongoing administration and how much is spent to conduct specific elections. The research cited above by the UNC-Charlotte team, which was based on actual end-of-year spending reports, suggests that the cost of individual elections is about half of overall spending on election administration in a state, which should also account for ongoing administrative support, amortized capital expenditures, and state expenditures. Thus, the estimates in the 2010s that spending on elections was in the range of \$2 billion to \$3 billion is consistent with the total cost of elections being in the range of \$4 billion to \$6 billion, in a “normal” year, and that spending in 2020 could have reached \$10 billion.<sup>6</sup>

5 These estimates are derived by dividing spending totals by the number of voters in the counties that reported cost data and then multiplying by the total number of votes cast in each election. (42 of California’s 58 counties reported cost figures in 2016, 38 in 2020.) Statistical analysis reveals that spending among the counties that reported cost figures was directly proportional to turnout, so that missing data is unlikely to influence the per-voter calculations by very much.

6 As part of their report on lessons learned from the 2020 election, Fortier and Stewart surveyed a sample of election officials and asked them how much more expensive conducting the 2020 election was compared to the past. Only about 20% of local election officials said costs in 2020 were about the same or less than in the past. Most said it was in the range of 50% more to twice as much. See John Fortier and Charles Stewart III, *Lessons Learned from the 2020 Election: Report to the U.S. Election Assistance Commission*, <https://electionlab.mit.edu/sites/default/files/2021-09/Lessons-Learned-in-the-2020-Election.pdf>, p. 88.

The recent report by the Election Infrastructure Initiative (EII) that aimed to estimate state and local costs to conduct elections over the next decade came up with a national figure of \$53.3 billion, which is broadly consistent with these previous estimates, when converted to an annual basis (i.e., \$5.3 billion).<sup>7</sup>

For the sake of scale, the U.S. Census Bureau estimates<sup>8</sup> that local governments spent \$2.0 trillion in 2018. An annual bill for \$5 billion to run elections would amount to 0.25% of local government spending. The estimated cost of conducting elections on an annual basis is roughly what local governments spend managing public parking facilities.

Are current spending levels enough? If elections are under-funded, then even the \$5.3 billion annual estimate suggested by the EII report is inadequate. And if election budgets are inadequate, where are they the most inadequate? Some local governments seem able to support their election departments with ease while others are clearly under-funded. We address some of these questions below. For now, suffice it to note that a consensus exists within the election administration community that elections are underfunded nationwide, even if they are more underfunded in some places than others. Questions remain about how large the funding gap is, where the gaps are the largest, and how to fill them.

7 Election Infrastructure Initiative, *50 States of Need: How We Can Fully Fund Our State and Local Election Infrastructure*, <https://static1.squarespace.com/static/6083502fc0f6531f14d6e929/t/61f836e405feca3722d63b9d/1643656990641/50-States-Of-Need.pdf>, pp. 9 – 10.

8 U.S. Census Bureau, 2018 State & Local Government Finance Historical Datasets and Tables, <https://www.census.gov/data/datasets/2018/econ/local/public-use-datasets.html>.

## WHY IS INFORMATION ABOUT THE COST OF ELECTIONS SO ELUSIVE?

Information about the cost of conducting elections is so elusive because states and localities differ in how election functions are accounted for in budgets. Plus, as discussed above, the amounts are such a small portion of local government budgets that it rarely occurs to officials to separately report spending on elections. Because so many employees who work in elections have other duties, accurately allocating expenses to elections can be a challenge.

The costs of conducting elections are largely borne by local governments and are often subsumed within the operating budget of a superior official, such as a city or county clerk. At the state level, expenditures are usually lumped into the budget of the chief election officer, who is most often the Secretary of State. Finally, the U.S. Census Bureau's annual survey of state and local government finances, which is the authoritative annual study of state and local government taxing and spending, does not record spending for elections.

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## HOW IS ELECTION ADMINISTRATION FINANCED IN THE U.S.?

Conducting elections is the responsibility of local governments in most states. (In only a few states, such as Alaska and Delaware, does the state bear primary responsibility for conducting elections and paying the full cost.) Therefore, the bulk of costs is financed through general tax revenues—primarily property and sales taxes—collected at the local level. Except for where the state takes full responsibility for local elections, state budgets contribute very little to the operational costs of conducting elections.

There are important exceptions to these generalities. For instance, a small number of states, such as Alabama, Colorado, Hawaii, and Louisiana, contribute funds to local election departments when state candidates are on the ballot, in proportion to the number of state offices up for election.

Another important exception is that most states are responsible for the statewide voter registration system used by all local election offices. These systems can take tens of millions of dollars to develop and millions of dollars annually to operate.

There is great variability in paying to purchase the voting equipment used to cast and count votes. Some states pay for voting equipment entirely through state appropriations, as New Mexico and Rhode Island have done in the past decade. Only a few state and local governments have dedicated revenue sources for capital purchases or set aside a sinking fund for the regular replacement of outmoded equipment. As a consequence, appropriations for new-equipment purchases can create conflict when the issue is broached—a conflict that is frequently managed by deferring the purchase of new equipment until the local government has no choice but to act.

Despite the fact that state and local governments appropriate billions of dollars every year to conduct elections, the infrequent and relatively small amounts appropriated by the federal government in the past have received the most attention. The federal government has provided significant cash infusions into election administration only three times in the past two decades:

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1. Soon after the Help America Vote Act (HAVA) was passed in 2002, Congress appropriated funds to fulfill the highest-profile goals of the law. Funds appropriated in 2003 under Section 101 of HAVA (\$350 million) could be used flexibly to improve election administration. Section 251 funds, amounting to \$2.6 billion, could be used to meet the equipment upgrade requirements of HAVA. As of the end of 2020, the Election Assistance Commission (EAC) reports that 94% of these funds had been spent.<sup>9</sup>
2. In 2018, Congress appropriated \$805 million to be dispersed by the EAC to states and localities to improve election security, most notably cyber security. The EAC reported in September 2021 that 48% of the funds distributed to states under this program (plus interest earned) had been spent.<sup>10</sup>
3. In 2020, Congress appropriated \$400 million in the CARES Act to assist with election expenses arising because of COVID. The EAC reported in April 2022 that 95% of funds originally distribut-

9 U.S. Election Assistance Commission, *2020 Grant Expenditure Report*, July 2021, [https://www.eac.gov/sites/default/files/paymentgrants/expenditures/2020 State Grant Expenditure Report FINAL.pdf](https://www.eac.gov/sites/default/files/paymentgrants/expenditures/2020%20State%20Grant%20Expenditure%20Report%20FINAL.pdf).

10 EAC, *'18 and '20 Combined Election Security Grants Expenditure as of 9/30/21*, <https://www.eac.gov/sites/default/files/paymentgrants/Election%20Security/2021%20ES%20Grant%20Expenditures%203.31.22.pdf>.

ed to the states under the CARES Act have been spent.<sup>11</sup>

These federal contributions to the conduct of elections between 2003 and 2020 amount to a little more than 4% of all elections spending during that period.

These federal appropriations were generally dispersed to states on a formula basis and usually required some level of state cost-sharing. Because of cost-sharing requirements, they resulted in cash infusions to state and local election departments that were greater than the federal funds themselves. However, these funds were also for one-time-only expenses (like the purchase of voting equipment) or special circumstances (e.g., responding to cybersecurity threats). Therefore, while they allowed for the infusion of short-term funding into the system, federal funds had a limited impact on increasing spending for the operations of election administration on an ongoing basis. Finally, it must be said that because federal funding has been episodic and unpredictable, it has been nearly impossible to build the federal contribution into normal planning and budgetary cycles.

11 EAC, *U.S. Election Assistance Commission—CARES Act Quarterly Report to the Pandemic Response Accountability Committee*, April 10, 2022, <https://www.eac.gov/sites/default/files/paymentgrants/cares/PRAC%20Reports/15011%20Quarterly%20Report%20on%20CARES%20Funding%20Due%20April%2010%202022.pdf>.



## WHAT DOES FUNDING FOR ELECTIONS PAY FOR?

Before answering this question, we need to distinguish between paying for the cost of *an election* and paying for the cost of *elections*.

What is meant by this distinction?

The cost of *an election* is “the cost of the personnel, equipment, and supplies needed to conduct an election during the relatively brief period of time when people are voting.”<sup>12</sup> The cost of *elections* is all the administrative costs of maintaining the election infrastructure and preparing for future elections, *plus* the additional cost of conducting each election. These administrative costs include maintaining and securing the voter registration database; maintaining, testing, and securing voting equipment; maintaining and securing computer systems that manage districting and election night reporting of results; and training election officials.

The most visible capital spending item in conducting elections is voting equipment, mostly scanners to process paper ballots. If all voting equipment had to be replaced tomorrow, estimates suggest it would cost from between \$1 billion and \$3 billion to buy new equipment.<sup>13</sup> With a useful life of ten years, the annualized costs of renewing voting equipment would be between \$100 million and \$300 million.

Operational costs that surge around an election can be divided into four major categories:

- » *printing* of ballots and related documents,
- » *salaries* of poll workers and other temporary staff,
- » *rental* of polling places, and
- » *postage* for informational materials and mail ballots.

<sup>12</sup> Mohr, et al, p. 25, emphasis added.

<sup>13</sup> Georgia is reported to have spent \$107 million to purchase new voting equipment. Divided by the number of voters in the 2020 election, that works out to \$21 per voter which, when applied to nationwide turnout, equals \$3.4 billion. A common rule-of-thumb for the cost of an election scanner is \$5,000. If one scanner is provided for every 800 voters—the average number of voters per precinct—then the estimate is \$1 billion nationwide. EII’s report estimated it would take \$1.8 billion to replace all voting machines over the next decade.

The recent shift to more voting by mail reduces costs somewhat, but not so much that if all states conducted all their elections by mail, costs would be dramatically reduced. Some categories of expenditures, such as salaries of Election Day poll workers and rent for polling places, would decline. Other categories, such as postage, printing, and rental of back-office space, would rise. Big-ticket capital expenditures would be different. Localities might be able to economize by using large scanners than can process ballots in bulk, but they would likely need to purchase large mail sorting and extraction machines and equipment to help automate signature verification.



## WHAT WAS DIFFERENT ABOUT SPENDING IN 2020?

The need to conduct the election in the face of an emerging pandemic presented many challenges to election officials. When COVID hit, there was widespread agreement that voters should be dispersed across as many different voting modes as possible, to reduce crowding in polling places. Although this required the rapid acquisition of vote-by-mail capacity in all but a handful of states—at a cost of hundreds of millions of dollars (perhaps billions)—keeping existing in-person polling places up and running was also necessary. Thus, the increase in costs associated with conducting the election in 2020 was necessitated by factors that went beyond simply having to buy personal protective equipment (PPE) and retrofit facilities for social distancing.

One way to think about this is that most localities had to create the capacity to run two elections in parallel, one in person and one by mail. In many states, they ran three elections, by expanding their capacity to conduct in-person voting before Election Day, as well as expanding mail options.

The pandemic forced election departments to undertake extraordinary expenses. Some of these expenses, such as for PPE, would presumably decrease in future years as the pandemic waned. But, other expenses had potential longer-term impacts. Once the pandemic died down (or became the new normal), would localities go back to the old way of doing things, or would they continue to offer multiple ways of voting at a scale never attempted before?

Where did the revenues come from to pay these additional costs? As already noted, Congress provided \$400 million in CARES Act funding to help with voting during the pandemic. States and localities appropriated funds to help their election departments meet the increased demands, but no comprehensive accounting has been done of those efforts.

In addition, private philanthropy contributed over \$400 million to state and local election offices. Private philanthropic efforts were the most controversial new monies brought to the 2020 election. The largest source of these funds came from Priscilla Chan and Facebook CEO Mark Zuckerberg to provide general assistance to election departments; several mil-

lion additional dollars were contributed by Arnold Schwarzenegger to help maintain in-person polling places. Much less controversial, but still part of the philanthropic response, were in-kind donations of everything from athletic arenas and stadiums to hold socially distanced voting, to hand sanitizers manufactured and contributed by breweries.

The largest portion of the Chan-Zuckerberg funds was distributed by the Center for Tech and Civic Life (CTCL); a smaller proportion was distributed by the Center for Election Innovation and Research (CEIR). Grants were distributed based on applications for the funds. The CTCL and CEIR both report that no jurisdictions that requested funds were rejected.

In their report about how the funds were used, the CTCL noted that most jurisdictions used the grants for temporary staffing, mail ballot supplies, poll worker salaries, PPE, election equipment, and cleaning polling places—all uses that were common among the CARES Act funds that were distributed by the EAC.<sup>14</sup>

Several state legislatures have prohibited private assistance of the type provided by these grant programs. (Some states have gone further, prohibiting all private assistance, including in-kind contributions and technical assistance—types of support local election officials have relied on for years.) As far as can be told, no state has passed legislation replacing prohibited assistance with increased state appropriations to support election administration.

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14 CTCL, “A First Look at CTCL Grant Program Impact,” November 13, 2020, <https://www.techandcivicle.org/grant-update-november/>; EAC, “Election Assistance Commission Plans for Uses of CARES Act Report to the Pandemic Response Accountability Committee,” archived September 11, 2021, [https://web.archive.org/web/20210911043722/https://www.eac.gov/sites/default/files/paymentgrants/cares/15011-Report on CARES Funding.pdf](https://web.archive.org/web/20210911043722/https://www.eac.gov/sites/default/files/paymentgrants/cares/15011-Report%20on%20CARES%20Funding.pdf).



# WHY SHOULD THE FEDERAL GOVERNMENT HELP PAY TO SUPPORT STATE AND LOCAL ELECTION DEPARTMENTS?

## ANSWER # 1: IT SHOULDN'T

Some argue that the federal government has no role in funding election administration because elections are strictly a state matter.

All elections are conducted according to state laws. The U.S. Constitution grants to states the right to determine the “time, place, and manner” of conducting elections for federal offices, with the proviso that Congress can regulate federal elections if they wish.

Congress has responded by placing a light hand on the levers of electoral regulation. It has set uniform federal election dates and mandated that members of the U.S. House be elected by districts. (The requirement for a common election date creates the illusion of a single national election, but it’s just that—an illusion.) Congress has enacted civil rights legislation to deter racial discrimination in voting. If states and localities comply with these congressional mandates, they should not add substantially to the cost of elections. (A possible exception is compliance costs for states covered by Section 5 of the Voting Rights Act, costs that have been rendered moot by the Shelby County decision, and costs that could be considered recompense for past voter suppression.)

States appreciate the flexibility to set their election rules to conform to each state’s traditions and customs. They guard jealously the prerogatives that come with autonomy, even in the face of major challenges. (The initial push-back given to the declaration of elections as “critical infrastructure” is among the most visible recent manifestations of this autonomy.) One could argue that the price states must pay for their autonomy to conduct elections is literally a monetary one.

If elections are underfunded, this is a state problem, not a federal one. States should step up and take responsibility for this issue, not the federal government.

## ANSWER # 2: IT SHOULD, BECAUSE THE U.S. CONSTITUTION MANDATES THAT STATES HOLD ELECTIONS FOR CONGRESS.

At least four arguments help to counter this hands-off view.

The first is that in what some have called the first unfunded federal mandate, the U.S. Constitution mandates that states hold elections for the U.S. House and Senate. Perhaps states would have chosen to hold elections for these offices on their own without a constitutional mandate, as they have for presidential elections since the early nineteenth century, but we don’t know for sure. In any event, states have no choice in the matter.

Congress should pay for what the U.S. Constitution mandates states to do.

## ANSWER # 3: IT SHOULD, BECAUSE CONGRESS HAS IMPOSED MANDATES ON THE STATES FOR FEDERAL ELECTIONS THAT IMPACT THE COST OF STATE AND LOCAL ELECTIONS.

Congress has enacted a series of mandates over the past three decades that impose significant costs on the states. Among those mandates are:

1. The *Uniform and Overseas Citizens Absentee Voting Act* (UOCAVA), passed in 1986, and the *Military and Overseas Voter Empowerment Act* (MOVE Act), passed in 2009, impose requirements on sending absentee ballots to members of the military and civilians living overseas. In 2020, 900,000 Americans cast a “UOCAVA ballot.” The deadlines for sending out UOCAVA ballots and the requirements about how long voters must remain on the list of UOCAVA voters create cost burdens on localities. Also, one key feature of these laws is that state and local election officials are required to offer electronic transmission of unmarked ballots to UOCAVA voters and to accept returned ballots electronically. These electronic portals present

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attractive targets for cyberattacks and require significant attention to keep secure.

2. The *National Voter Registration Act (NVRA)*, passed in 1994, applies to 44 states and D.C. It mandates mail-in voter registration, which has evolved into the widespread use of online voter registration. Giving rise to its nickname as the “Motor Voter” law, it also mandates that states provide voter registration opportunities when eligible voters receive state services, such as applying for a driver’s license, and limits how early states can set cutoff dates for registering. Finally, the NVRA mandates that states conduct “a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act.” These requirements create demands for management and computer systems that many states would not have undertaken absent the NVRA. As cybersecurity issues have risen in importance, these federally mandated voter registration systems have become a large threat surface that states are now responsible for defending.
3. The *Help America Vote Act (HAVA)* of 2002 contained two provisions that had major cost implications for states and localities. Passed in response to the ballot challenges in Florida for the 2000 presidential election, it prohibited the use of mechanical lever machines and punch-card voting machines in federal elections. At the time of HAVA’s passage, nearly half of voters cast ballots on these machines, which in some cases had been in service for a half-century. The HAVA voting equipment mandate had the effect of requiring localities to rely on computerized tabulation equipment that had a more limited useful life than they had previously chosen.

In addition, states were required to implement, “in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State.” Previously, localities frequently main-

tained voter lists, often using paper systems. This requirement, too, mandated complicated systems of computers, software, and networks that are expensive to design, implement, and protect from cyberattacks.

Many of these mandates allow citizens to sue if they are not being followed. States have often been sued for non-compliance and required to comply.

UOCAVA, the MOVE Act, and the NVRA were passed with no funding attached. The HAVA mandates provided initial funding, but it has not been ongoing, despite the ongoing nature of the mandates.

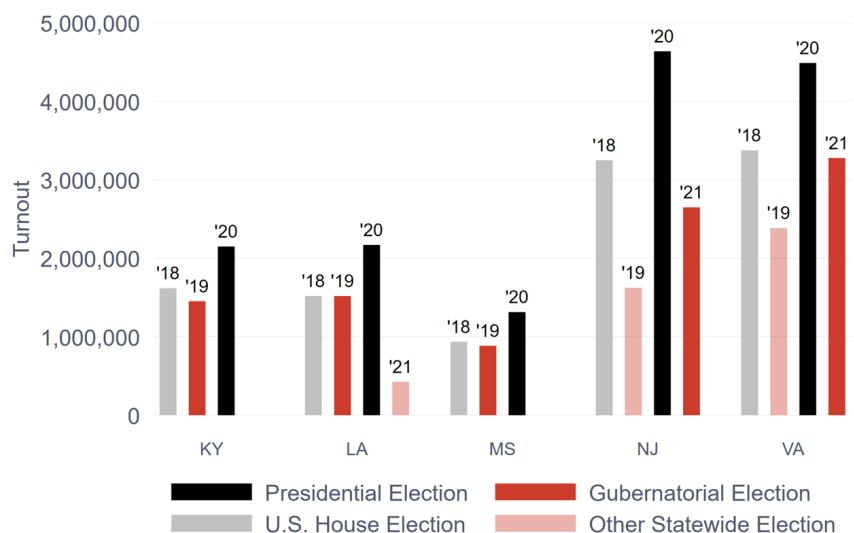
Congress should pay for what it has mandated states to do.

### ANSWER # 4: IT SHOULD, BECAUSE FEDERAL ELECTIONS DRAW MORE VOTERS THAN STATE AND LOCAL ELECTIONS.

More people vote when federal offices are on the ballot than when comparable state races are at the “top of the ticket.” It is unclear precisely how many voters would cast ballots in even-numbered-year elections if federal offices weren’t on the ballot, but the experience of the five states that conduct statewide elections in odd-numbered years gives us a clue.

Five states conduct statewide elections for governor and state legislatures in odd-numbered Novembers: Kentucky, Louisiana, Mississippi, New Jersey, and Virginia. The accompanying figure shows the turnout levels for each statewide November election from 2018 to 2021, a complete election cycle. The bold black and

Recent November Voter Turnout in States with Odd-Year State Elections



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### ANSWER # 5: IT SHOULD, TO ACKNOWLEDGE NATIONAL SECURITY THREATS AGAINST ELECTION ADMINISTRATION

red bars help to compare turnout for president with that for governor, respectively. Looking back across the most recent presidential and gubernatorial elections in these five states, average presidential-year turnout has been 50% greater than turnout in gubernatorial years.

Comparing mid-term congressional elections (grey bars) with corresponding state legislative elections (pink bars), we see an even greater disparity between turnout for comparable federal and state elections—turnout in congressional-only elections was on average 130% greater than in state-legislature-only elections.

It is clear that federal elections attract many “federal only” voters. When it comes to the chief executives (president and governor), federal-only voters account for one-third of voters in these five states. In purely legislative elections, federal-only voters account for more than half of those who turn out.

Congress should pay for the fiscal burden that conducting federal elections places on state and local governments.

The 2016 election revealed that the machinery of election administration is vulnerable to attack from foreign actors, including those with a close association with foreign governments. The means for combatting these threats comprehensively are beyond the reach of state and local governments, not only because the scale of the threat is so great, but because security from foreign interference is fundamentally a federal responsibility.

Recognizing the foreign threat against American election administration is not automatically a reason to support state and local election offices, because the federal government itself has intelligence and defensive capabilities that can be exercised on its own authority. However, the federal government cannot protect state and local election offices by extending a metaphorical shield over those offices, nor is simple coordination enough. The nature of the national security threat means that protecting one office enhances the security of other offices.

Congress should provide resources to state and local election departments to bolster the security not only of individual election offices, but of the entire network of offices.



# IF THERE IS A FEDERAL ROLE IN SUPPORTING STATE AND LOCAL ELECTION DEPARTMENTS, WHAT ARE THE APPROPRIATE AMOUNTS AND FORMS OF SUPPORT?

If one accepts the argument that there is a federal role in funding elections, the next two questions are, “how much” and “how.”

There are at least four ways to think about answering the “how much” question.

## WAY # 1: CONTINUED CRISIS MANAGEMENT AS THE INSURER OF LAST RESORT

The federal government could continue to play the role of insurer of last resort in the event of a crisis that states and/or localities are unable to finance. The federal government has played this role since 2002, financing the replacement of decrepit voting machines, supporting the rapid expansion of cybersecurity capacity, and helping with pandemic-related expenses.

History has shown two disadvantages to this mode of assisting elections. First, it is reactive. Some of these crises could have been avoided if election infrastructure were better maintained. One of these crises, in 2000, brought the country to the edge of a constitutional crisis. Second, as experience with the 2003 HAVA appropriations has shown, when Congress provides large infusions of cash on the heels of a crisis that was caused by under-investment in election infrastructure, the reaction of state and local officials is one of two strategies, neither of which produces optimal outcomes. The first is to make hasty purchasing decisions. The second, ironically enough, is exactly the opposite: to hoard funds on a belief that things could get even worse. Both strategies reflect the cash-starved nature of election administration and the infrequency of being able to make major purchasing decisions based on a strategic vision.

## WAY # 2: ARBITRARY RULES OF THUMB

Absent a comprehensive store of knowledge about election-administration finance and a consensus about the role of the federal government in supporting elections, it is tempting to set federal funding levels using simple rules of thumb. One such rule of thumb would be

something like contributing  $\frac{1}{3}$  of costs because “federal” is one-third of “federal, state, and local.” Another rule of thumb would be to choose past levels of funding as a benchmark, such as the \$2.6 billion allocated under HAVA for equipment upgrades (controlling for inflation), because of the precedent it set.

Rules of thumb like these could produce amounts that are similar to the “fair share” criteria suggested below, but could be difficult to adjust appropriately in light of factors such as changing needs and cost increases.

## WAY # 3: BALLOT “REAL ESTATE”

Some states provide support to local election offices in proportion to the number of statewide offices that appear on the ballot. Similarly, municipalities often pay counties to conduct their elections, again being charged an amount that is proportional to the number of races on the ballot. Congress could adopt a system to reimburse states for the relative cost of elections based on the amount of space—ballot “real estate”—federal offices occupy on ballots.

To work appropriately, the base off of which costs would be apportioned would need to include both one-time costs of running elections plus the administrative costs of supporting all elections. As pointed out by the UNC-Charlotte research cited above, state reimbursement schemes often pay for the former but not the latter. Thus, simply adopting state models and applying them to the federal context could lead to a chronic under-funding of the appropriate federal share.

It should also be noted that under the ballot-real-estate rule, federal support for elections would be miniscule, since the largest number of federal offices up for election at one time is 476,<sup>15</sup> a drop in the bucket

15 These offices are president/vice president, 34 U.S. senators, 435 members of the House, 5 nonvoting Delegates and 1 Resident Commissioner.

among the half-million elected officials in the United States.<sup>16</sup>

#### WAY # 4: BALLOT “EYEBALLS”

A final approach to conceptualize the size of the federal contribution to elections would be for the federal government to contribute a sum that is proportional to the number of “federal-only” voters who vote. The fraction of voters in this category is likely in the range of one-third to one-half the electorate. Of course, this refers only to elections in November of even-numbered years; one would need to consider whether the federal government has responsibilities for helping to finance purely state and local elections. Still, a rule-of-thumb such as this would suggest an annual federal fair-share outlay of around \$1 billion or \$2 billion for the support of elections, both current and capital expenses.

#### CONSIDERING THE FORMS OF SUPPORT

Cutting across the “how much” question is the “how” question. Should federal support consist of grant programs or revolving loan funds? Should grants be needs-based or formula-based? Should funding go only to states or should it go directly to localities, skipping the states?

Federal support for elections that has been distributed through the Election Assistance Commission has generally been dispersed on a formula basis, proportional to voting-age population with a floor for the smallest states (including D.C. and outlying areas). Most programs have required state matching funds

that have been a fraction of the federal contribution. Finally, funds have typically be distributed with maintenance-of-expenditure/effort requirements that one assumes would continue in future appropriations.

The most common criticism of federal support for elections, aside from the amounts offered, is that they have been unpredictable and tied to crisis response. If this criticism is taken to heart, then the most important parameter to consider in designing a program to support state and local elections may not be forms of support—formula-based grants vs. application-based grants, for instance—but the timing and flow of support. The availability of funds when they are needed according to strategic considerations, rather than when something has already gone wrong, may be the biggest improvement to be made.

Thus, the simplest way for the federal government to help finance elections—and probably the most helpful—would be to appropriate an ongoing sum that is dispersed every year according to a set formula, indexed to inflation. This would provide a predictable stream of funding that could then get integrated into both the annual and long-range planning of election departments.

It is important, though, to keep in mind that a significant portion of fundamental election administration costs are lumpy and have useful lives of between ten and twenty years. For these items—such as voting equipment, large-scale capital purchases, and major computer systems—having a set amount of money that could be drawn on across a number of years, or a dedicated application-based grant system, would be ideal. As with assistance for annual operating expenses, the most important idea behind such a grant program would be to ensure that it received a regular appropriation in the federal budget.

<sup>16</sup> A less dramatic, and more representative comparison, might be the ratio of federal-to-state-and-local-offices at the local level. A comprehensive collection of sample ballots nationwide does not exist, but randomly chosen ballots from the 2020 election suggest the range of the comparisons. For instance, the ballot for Precinct 1 in Farmington, Michigan in 2020 held 26 offices and 3 ballot questions; 3 of these offices were federal. (Because many of the offices allowed the voter to select multiple candidates—for instance, up to 6 candidates for judge of the 6th circuit court—the number of candidates to be chosen was much greater than this. The number of *positions* to be elected was 39, 3 of whom were for federal offices.) At the other extreme was the ballot in Rappahannock County, Virginia, which only had races for three offices, all federal, and two constitutional amendments. See <https://www.farmgov.com/City-Services/City-Clerk/Election-Information/November-3,-2020-General-Election.aspx>. And [https://www.rappnews.com/news/politics/voting-what-you-need-to-know/article\\_7d7fa96e-f914-11ea-845b-bf533d743044.html](https://www.rappnews.com/news/politics/voting-what-you-need-to-know/article_7d7fa96e-f914-11ea-845b-bf533d743044.html).

## WHAT ARE SMALLER WAYS FOR FEDERAL FUNDING TO HELP SECURE ELECTIONS?

This discussion of federal support for elections has touched on the big-ticket items of supporting the infrastructure that gets ballots into voters' hands and then counted. There are other avenues for federal support, involving smaller appropriations, that could help leverage improvements in voter access and election security. These are not appropriations in lieu of providing sustained support for state and local election administration, but rather, appropriations and other financial assistance that could help guide the federal-state-local government fiscal partnership in the years to come. Among these other, additional means of support are the following:

- » The 2018 report of the National Academies of Sciences, Engineering, and Medicine, *Securing the Vote*,<sup>17</sup> laid out an agenda for innovation in voting

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17 National Academies of Sciences, Engineering, and Medicine, *Securing the Vote: Protecting American Democracy*, 2018, <https://www.nationalacademies.org/our-work/the-future-of-voting-accessible-reliable-verifiable-technology>.

technology that included a federal role to encourage basic research and development work, plus translational activities.

- » The federal government could help encourage the creation of a “recount insurance” market that would lower the cost barrier to states and localities that wanted to expand recounts and post-election audits.
- » Congress could sponsor research into how elections are financed and how costs are distributed, appropriating funds for institutions such as the National Academy of Science, Engineering, and Medicine or the National Academy of Public Administration to tackle the topic. As this brief has made clear, there are many gaps in our knowledge about how elections are financed and how costs are distributed. A small investment by the federal government in answering this question would allow the ongoing debate about the federal role in financing election administration to proceed on a firmer factual basis than is possible now.

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## THE CURRENT BUDGETARY SITUATION

President Biden’s FY 2023 budget proposes \$10 billion to be allocated over ten years. This is in addition to a proposal to increase funding amounting to \$5 billion over ten years to the U.S. Postal Service to support vote-by-mail, including making ballots postage-free. The \$10 billion for election funding to be distributed through the EAC would start off with a \$2 billion appropriation in FY 2023 and then revert to an annual stream of between \$800 million and \$900 million in the out-years. Digging down more deeply, the administration’s proposal for FY 2023 includes \$2 billion for election security grants and \$250 million for election innovation grants.

The \$250 million in election innovation grants would be distributed on a competitive basis either to states or localities for items such as the following:

- » election administration,
- » cybersecurity and statistically valid risk-limiting audits,
- » security of election officials and locations,
- » accessibility for voters, including those with disabilities and other specific access needs,
- » vote-by-mail,
- » voter education,
- » language proficiency,
- » usability, and
- » voter technology.

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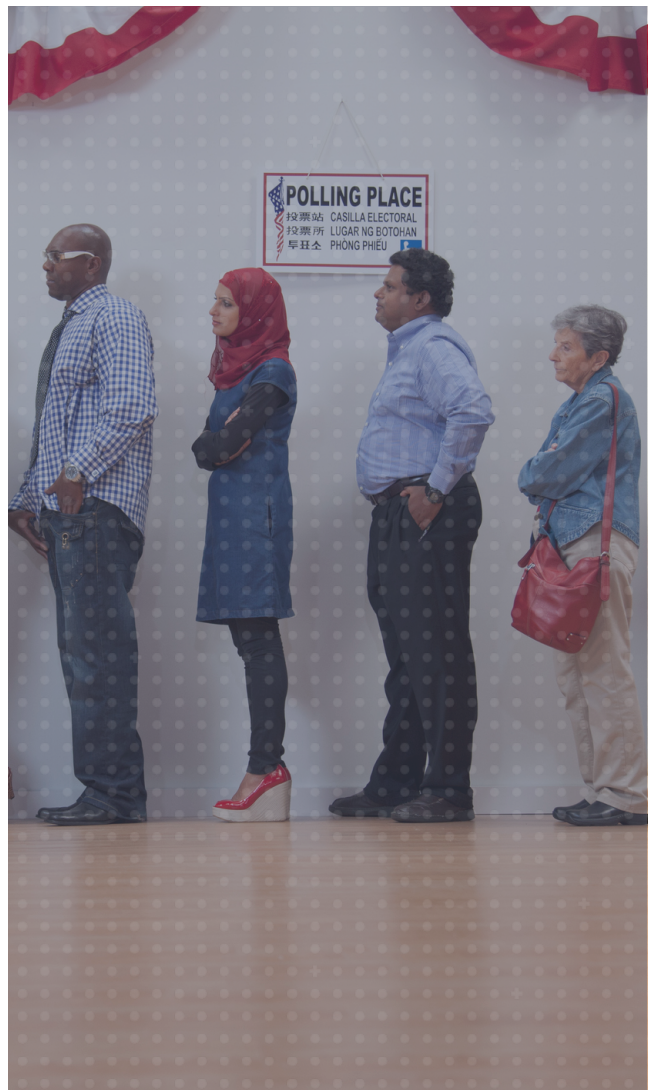
The proposed \$2 billion appropriation for election security grants would be available to support items such as the following:

- » upgrades to registration databases, voting systems, and physical structures;
- » support recruitment, training, and retention of election workers;
- » improve physical and cyber security;
- » and improve voters' access to reliable elections.

Leaving aside the details of implementing these programs, which are not included in the budget document itself, the amounts called for in the budget are broadly in line with creating an ongoing federal presence in the support of elections that is based on the incremental burden that “federal-only” voters put on local election administration, plus the fiscal burden of federal mandates.

The proposed appropriations stream for election security grants front-loads the \$10 billion proposed across the next decade, providing one-fifth of the total in the first year. This undoubtedly means that state and local governments would put a significant portion of these funds in reserve, as they have with previous federal appropriations. However, states with pent-up needs for capital renewal will likely draw on these funds more quickly.

In an environment in which past federal support has been episodic and future political support for such support is not guaranteed, it is unsurprising that advocates of a permanent federal presence in helping to finance elections would advocate this approach.



## FOR FURTHER READING AND RESOURCES

Published research on the question of the cost and financing of elections is limited. Below is a collection of resources:

### NATIONAL CONFERENCE OF STATE LEGISLATURES ONLINE RESOURCES

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### U.S. ELECTION ASSISTANCE COMMISSION REPORTS

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