

Partisan Election Administration in America: How Major Parties Shut Out Independents and Minor Parties

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ABSTRACT

Little inquiry has focused on how the two major parties have colluded to shut out independents and minor parties throughout the entirety of election administration at the state level. This article examines the electoral codes of all fifty states for policies that restrict independents and minor parties from participating in the U.S. system of election administration. Six categories of restrictions were identified including restrictions around canvassers, poll workers, poll judges, access to voter data, campaign finance laws, and voter registration. To test how these restrictions on participation are related to partisan status, several measures were compiled such as party leaning, measured by presidential votes, congressional votes, and partisan makeup of state legislatures; election supervision; state population; and geographic distribution. This analysis found minor parties and independents face numerous restrictions. Further, the findings indicate that neither Democratic- nor Republican-leaning states, the type of election supervision, state population, or geographic distribution are associated with restrictions that disadvantage independents and minor parties in election administration.

Key Words: U.S. elections, election administration, nonpartisan elections, independent voters, electoral codes

Introduction

The United States is one of the few democracies in the world in which partisans run the election administration system (Ferrer, et al. 2023; Gaughan 2017) and is “the only country in the world that elects its elections officials” (Johnson 2022, 3). In other democracies elections are administered by independent commissions or governmental agencies shielded from political influence (Tokaji 2022).

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Historically, the U.S. partisan system has largely worked because, in essence, each party checked the other party's ability to influence election outcomes. As long as states were politically diverse and members of the two major parties acted in good faith, this model functioned – albeit imperfectly (Ferrer, et al, 2023; Hasen 2005). Two long-term trends in American politics, the increasing numbers of independent and unaffiliated voters and the increasing stratification of states into unified majority control by one of the two major parties, are challenging the partisan parity principle and the two-major-party control of election administration in the states.

The administration of elections in the U.S. is a decentralized and complex system which gives considerable authority to state and local officials (Shanton 2019). As of the 2020 presidential election, the U.S. had 6,460 local election administration jurisdictions (Election Assistance Commission 2021). It is the officials in these local jurisdictions who handle the day-to-day operations of elections where votes are initially counted and canvassed. At the state level, election administration covers a range of logistics including maintaining the statewide voter registration file and ensuring state and federal election laws are followed (Shanton 2019). The result is that no state administers elections in exactly the same way, and there is variation even within states.

Control of election administration by the Democratic and Republican parties is a defining feature of U.S. elections which gives political advantages to each of the two major parties, advantages neither party is keen to relinquish (Gaughan 2017). Partisanship is integrated into every aspect of American election administration. In most states individuals are required to be registered as either a Republican or Democrat to serve on election boards, serve as poll workers, or serve as election judges (NCSL, n.d.-a). According to Howard (2020), “[M]ultiple states incorporate balanced partisan representation into various layers of the election administration process,” which, in theory, serves to check the other party's ability to tinker with the balance of election outcomes (para. 8). However, the core purpose of political parties is to win elections. At every juncture, when permitted to do so, the parties design rules to ensure the other party is not advantaged and to shut out minor parties and independents from participating in the election administration system.

At the top of the U.S. election system is the Federal Election Commission (FEC), an independent regulatory agency created to encourage nonpartisan decisions in its efforts to administer campaign finance law (Federal Election Commission, n.d., para. 3). The six members of the Commission are appointed by the president, after approval by each party's leaders, and are confirmed by the Senate. Every other federal regulatory commission, except for the International Trade Commission, has an odd number of commissioners, so the body can function and pass rulings efficiently and decisively. The FEC specifies that no more than three commissioners may belong to one party and is designed to ensure that neither party has an advantage. It also ensures that enforcement is virtually impossible because crucial votes end in a 3-3 tie (Lau 2019).

This study presents the results of a review of the electoral codes of all fifty states for policies that excluded or disadvantaged minor parties and independent voters. The following two questions are addressed:

1. In what ways are minor parties and independent voters restricted from participating in the U.S. system of election administration?
2. Are these restrictions more prevalent in some states than others, and are they related to variables such as party leaning, type of election supervision, state population, or geographic distribution?

Background

Parties Dominate American Politics, Despite Intentions of the Founding Fathers

The shape of the U.S. political system largely rests upon events during the first quarter of the 19th century. This is ironic, as disdain for political parties was nearly universal among the founding fathers. Colonial leaders had concluded that “parties were evil: they were associations of factious men bent on self-aggrandizement” (Wallace 1969, 453). Several factors cemented the leadership of the Republican and Democratic parties later in the 19th century. King and Lee (2022) suggest that throughout their histories, “major parties preemptively alter their behavior to minimize non-major party success” (p. 3). Since the mid-1800s, the two dominant parties (first Democrat-Whig, then Democrat-Republican) “worked both internally and externally with each other to control the agenda in order to focus attention on a single major dimension of party conflict” (Aldrich and Lee, 2016, 289). When the policy agenda is thus limited, no third party could effectively insert itself and win the presidency because of the way in which the Electoral College system functions. In a recent legal analysis, Woodward-Burns (2021) theorized that two Congressional acts in 1889 and 1890, both of which determined the addition of states to the Union, set the stage for the non-majority party in Congress to allow the majority party to pass some preferred legislation, but with concessions included to set up the minority party for future power grabs, almost ensuring both party parity and deadlock. This Constitutional workaround, still used today, created an assured path toward control of the national political stage by Republicans and Democrats alone.

Trends in the Present American Electorate

Trends in the American electorate reflect the changing political landscape of the country. One notable trend in the electoral process is the increasing number of independent and unaffiliated voters. Ongoing surveys by the Gallup organization (2023) show that self-identified independents have averaged 42 percent of the U.S. public over the past year. As Democratic and Republican affiliation has declined, the nation has witnessed a steady increase of independent voters (Jones 2022). The growth of Americans identifying as independent is not merely an aspirational construct (Reilly, Salit and Ali 2023). Independent voters are now the largest or second largest group of registered voters in half the states that require registration by party. This growth is across all regions of the United States and taking place in states dominated by one major political party and in states where the parties are at parity (Gruber and Opdycke 2020). Reilly and Hunting (2023) found that after analyzing American National Election Studies data on political identification and voting choices from 1972 to 2020 independent voters were not reliably tied in their votes to one party or the other. The authors also found evidence that a sizable number of independents move in and out of independent status from one election to another.

A second trend is the increasing stratification of states into single-party control by one of the two major parties in what is often called a “trifecta,” wherein a state’s governor and both chambers of its legislature are all held by a majority of one party. This presents a challenge to the partisan parity principle, wherein one party checks the activity of the opposing party in ways which keep the parties in parity. The number of these one-party trifecta states has steadily been on the rise in recent years (Kashinsky 2022). In 1992, only 19 states were governed by trifectas, and divided state governments were the norm. In 2023, 39 states have partisan trifectas of the governor’s office and both chambers of the state legislature while 24 of those states have a supermajority with one party holding veto-proof majorities in both chambers and the governor’s office (Ballotpedia, n.d.).

Together, these trends suggest that while the American people desire political voices independent of Republicans and Democrats in order to “agitate, educate, generate new ideas, and supply the dynamic element in our political life,” (Hofstadter 1955, 97) the major parties often ignore those priorities and continue to entrench control.

Partisan Control of Election Administration

Another obstacle to free and fair elections is found in the two major parties’ control of election administration which determines who can vote, where people can vote, and how people can vote. As *The Economist* recently declared, “Partisan election administration is a greater worry today than voter suppression” (“The Real Risk” 2021). Despite the expressed preference for a nonpartisan system of election administration by most Americans, the two major political parties control every aspect of electoral rule making and administration (Alvarez & Hall 2005). Because of this control-in-parity dynamic, we will likely continue to see primarily Republicans and Democrats elected to office, due to the “host of institutional structures that ensure the survival of a two-party cartel” (Bitzer, et al. 2022, 1588). This control is seen in partisan local election administration offices all the way up to the FEC, which features partisanship that is perpetuated. At the state and county level, most boards of elections follow the FEC model. Each major party is granted up to 50 percent control of the regulatory body, thus ensuring that no party can “game” the rules or the outcome of an election.

Methodology

Indicators of Election Restrictions and Privileges

The electoral codes for all 50 states were reviewed in their entirety, statute by statute, to identify rules that disadvantaged minor parties and independent voters. We reviewed statutes that differentiated independent from party-aligned voters and had the effect of empowering party aligned voters at the expense of independent voters. Several common categories of voter interaction with the administration of elections emerged from this process that were similar across states, and the statutes were classified based on such. Six categories of restrictions were identified:

- Restricts/Privileges Boards of Elections, Canvassers or Related Boards to Major Party Members
- Restricts/Privileges Poll Workers/Watchers/Inspectors/Registrars to Major Party Membership
- Restricts/Privileges Poll Judges to Major Party Membership
- Privileges Access to Voter Data to Major Party Members
- Campaign Finance Law Privileges Major Party Members, and
- Privileges Major Parties in Voter Registration.

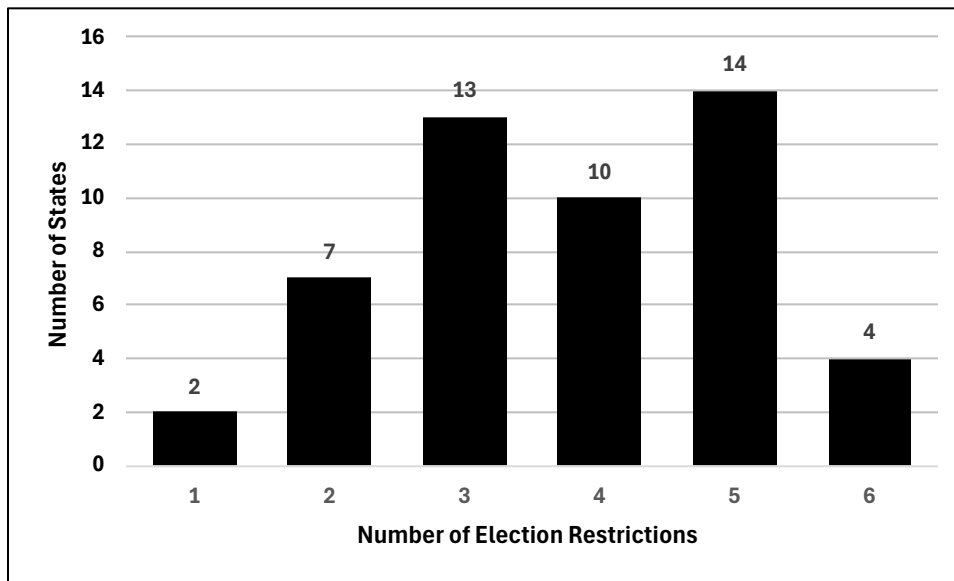
In addition to a dichotomous, yes/no, indication for each of the six restrictions, the total number of restrictions was counted for each state. All states showed some restrictions on party participation, with Oregon and Washington having just one, and four states—Alabama, Arizona, Illinois, and Indiana—having all six restrictions. These findings are shown in Table 1, and the distribution of restrictions is shown in Figure 1.

Table 1: Restrictions Favoring Major Parties

ST	Boards of Elections, Canvassers or Related Boards are Major Party Members	Poll Workers/Watchers/ Inspectors/ Registrars are Major Party Members	Poll Judges are Major Party Members	Access to Voter Data for Major Party Members	Campaign Finance Law Privileges Major Party Members	Privileges Major Parties in Voter Registration	Total Restrictions
AK	X	X		X	X	X	5
AL	X	X	X	X	X	X	6
AZ	X	X	X	X	X	X	6
AR	X	X	X		X		4
CA	X			X		X	3
CO	X	X	X	X			4
CT		X				X	2
DE	X	X		X	X	X	5
FL		X		X	X	X	4
GA	X	X		X	X		4
HI	X	X			X	X	4
IL	X	X	X	X	X	X	6
IN	X	X	X	X	X	X	6
ID	X	X					2
IA	X	X				X	3
KS	X	X	X	X		X	5
KY	X	X	X	X		X	5
LA	X				X		2
ME	X	X					2
MD	X	X	X		X	X	5
MA	X	X		X	X	X	5
MI	X	X	X				3
MN		X	X				2
MS	X	X					2
MO	X	X	X	X	X		5
MT		X	X		X		3
NE	X	X	X	X	X		5
NV	X			X			2
NH	X	X			X	X	4
NJ	X	X	X	X		X	5
NM	X	X		X	X	X	5
NY	X	X		X	X	X	5
NC	X	X	X	X			4
ND	X		X	X			3
OH	X	X			X	X	4
OK	X	X	X			X	4

ST	Boards of Elections, Canvassers or Related Boards are Major Party Members	Poll Workers/Watchers/ Inspectors/ Registrars are Major Party Members	Poll Judges are Major Party Members	Access to Voter Data for Major Party Members	Campaign Finance Law Privileges Major Party Members	Privileges Major Parties in Voter Registration	Total Restrictions
OR		X					1
PA	X	X				X	3
RI	X	X		X			3
SC	X	X		X			3
SD	X	X			X		3
TN	X	X	X				3
TX	X	X	X	X		X	5
UT	X	X				X	3
VT	X	X	X	X	X		5
VA	X	X		X	X	X	5
WA	X						1
WV	X	X	X			X	4
WI	X	X			X		3
WY	X	X	X				3

Figure 1: Distribution of Election Restrictions



Indicators of Statewide Partisanship

To test how these restrictions on participation are related to partisan status, several measures were compiled. Each of these measures are presented on a scale from zero to one with one indicating 100 percent Republican-leaning and zero being 100 percent Democratic-leaning.

Several factors should be considered when looking at statewide measures of partisanship in relation to the above restrictions:

1. Is the partisanship of the electorate or the partisanship of the legislature that created the restrictions being measured?
2. Are these measures comparable from state to state?
3. What time period is appropriate to take these measurements?

Because the available data do not list when the restrictions were enacted, it is possible a state which shows a high degree of partisanship favoring one party today is actually operating under election rules that were enacted by the opposing party. Six of the identified indicators are based on election results. Two show the Republican results of presidential elections; three are derived from votes for Republicans in congressional elections; one consists of the percentage of Republican seats in each state legislature.

Presidential Votes

Republican voting percentages from each state were downloaded from the Cook Political Report (2020). Additionally, Cook provides a margin shift, which quantifies how the presidential vote changed from 2016 to 2020. This gives an indication on how the partisanship of each state changed over time.

Congressional Votes

Similar to presidential voting, a state's votes for members of the U.S. House of Representatives can provide an indication of partisanship. House elections are held every two years in each of the 435 seats. The MIT Election Data and Science Lab provides results for each congressional district for elections from 1976 through 2020 (MIT Election Data and Science Lab 2017). By summing each state's congressional votes, these data provide insight into recent partisanship from the 2020 presidential election results, recent change in partisanship by comparing 2016 and 2020 results, and partisanship over an extended period by aggregating the results from 2000-2020.

Partisan Makeup of State Legislature

Although the electoral results described above detail the partisan stances of each state's voters, laws governing favoring or restricting major parties will inevitably be enacted by state legislatures. The partisan makeup of state legislatures was determined from data available at Stateside.com (Stateside 2023). The number of Republican-held seats in each current legislature was divided by the total legislative seats to indicate the partisan makeup of each state.

Election Supervision

In 33 states, elections are overseen by an elected official, usually the secretary of state. In the remaining 17 states, boards or commissions supervise elections (NCSL n.d.-b). Elected officials are inherently partisan while boards and commissions may be less likely to be influenced by purely political concerns. Table 2 lists states with elected supervision as "partisan." The states with elections overseen by a board or commission are listed as "nonpartisan."

Table 2: Election Supervision

State	Election Supervision	State	Election Supervision
Alabama	Partisan	Montana	Partisan
Alaska	Partisan	Nebraska	Partisan
Arizona	Partisan	Nevada	Partisan
Arkansas	Nonpartisan	New Hampshire	Partisan
California	Partisan	New Jersey	Partisan
Colorado	Partisan	New Mexico	Partisan
Connecticut	Partisan	New York	Nonpartisan
Delaware	Nonpartisan	North Carolina	Nonpartisan
Florida	Partisan	North Dakota	Partisan
Georgia	Nonpartisan	Ohio	Partisan
Hawaii	Nonpartisan	Oklahoma	Nonpartisan
Idaho	Partisan	Oregon	Partisan
Illinois	Nonpartisan	Pennsylvania	Partisan
Indiana	Nonpartisan	Rhode Island	Nonpartisan
Iowa	Partisan	South Carolina	Nonpartisan
Kansas	Partisan	South Dakota	Partisan
Kentucky	Nonpartisan	Tennessee	Nonpartisan
Louisiana	Partisan	Texas	Partisan
Maine	Partisan	Utah	Partisan
Maryland	Nonpartisan	Vermont	Partisan
Massachusetts	Partisan	Virginia	Nonpartisan
Michigan	Partisan	Washington	Partisan
Minnesota	Partisan	West Virginia	Nonpartisan
Mississippi	Partisan	Wisconsin	Nonpartisan
Missouri	Partisan	Wyoming	Partisan

State Population

As state population could be another possible factor influencing partisan restrictions on the election process, state population figures were also correlated with the list of restrictions. The U.S. Census Bureau 2021 one-year estimates from the American Community Survey program were used.

Geographic Distribution

Finally, a possible geographic distribution of the six restrictions was explored with states divided into the four geographic regions identified by the U.S. Census Bureau—west, south, midwest, and northeast. These regions are detailed in Table 3.

Table 3: U.S. Census Bureau Regions

West	Midwest	Northeast	South
Alaska	Illinois	Connecticut	Alabama
Arizona	Indiana	Maine	Arkansas
California	Iowa	Massachusetts	Delaware
Colorado	Kansas	New Hampshire	Florida
Hawaii	Michigan	New Jersey	Georgia
Idaho	Minnesota	New York	Kentucky
Montana	Missouri	Pennsylvania	Louisiana
Nevada	Nebraska	Rhode Island	Maryland
New Mexico	North Dakota	Vermont	Mississippi
Oregon	Ohio		North Carolina
Utah	South Dakota		Oklahoma
Washington	Wisconsin		South Carolina
Wyoming			Tennessee
			Texas
			Virginia
			West Virginia

Correlations

The six indicators of specific partisan restrictions were treated as dichotomous nominal variables while the sum of these indicators for each state was treated as a scale-level measurement to create a total of seven variables. Each of these indicators was correlated with the seven measures of partisanship, four geographic regions, and state population—creating 12 total measures—for a total of 84 correlations.

If maneuvering by one of the two major parties was responsible for the six types of restrictions identified, significant correlations were expected to emerge. Positive correlations would indicate Republican-leaning states are associated with these restrictions while negative correlations would show restrictions are found in Democratic-leaning states.

Data were first summarized in Microsoft Excel and then imported into SPSS v. 28.0 where Pearson correlations were used for the election-related indicators. The dichotomous pairings between voting restrictions and the geographic regions, in addition to the indicator for elected supervisor of elections were analyzed with Cramer's V, while the Pearson correlation was most appropriate for the Total Restrictions measure. Table 4 shows p-values and coefficients for these correlations.

Table 4: Correlations and P-Values

Dichotomous (Y/N) Variables																																						
	Boards of Elections, Canvassers or Related Boards are Major Party Members						Poll Workers/ Watchers/ Inspectors/ Registrars are Major Party Members						Poll Judges are Major Party Members						Access to Voter Data for Major Party Members						Campaign Finance Law Privileges Major Party Members						Privileges Major Parties in Voter Registration						Total Restrictions (0-6 Scale)	
	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p	Pearson	p						
Republican%, 2020 Presidential Election Change in	0.114	0.431		0.04	0.783		.315*	0.026		-0.207	0.15		-0.171	0.236		-0.188	0.19		-0.06	0.677																		
Republican Presidential Margin, 2016-2020	0.08	0.582		-0.241	0.091		-0.207	0.149		-0.151	0.294		-0.028	0.847		0.141	0.328		-0.13	0.369																		
Republican%, 2020 Congressional Elections	0.094	0.517		0.007	0.963		0.275	0.053		-0.23	0.108		-0.083	0.568		-0.189	0.188		-0.063	0.662																		
Change in Republican House margin, 2016-20	-0.045	0.754		0.118	0.413		-0.039	0.79		-0.134	0.355		0.275	0.053		-0.046	0.753		0.038	0.791																		
Republican%, All Cong. Elections, 2000-2020	0.073	0.615		0.009	0.949		0.229	0.11		-0.082	0.573		-0.078	0.592		-0.105	0.469		0.005	0.972																		
Percent of state legislature seats held by Republicans	0.05	0.731		0.078	0.588		.298*	0.035		-0.246	0.085		-0.113	0.433		-0.166	0.25		-0.057	0.693																		
Population, 2021	-0.03	0.835		-0.203	0.157		-0.049	0.734		.285*	0.045		-0.056	0.702		.304*	0.032		0.13	0.367																		
	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p	Cramer's V	p						
Election Supervision	0.239	0.152		0.239	0.152		0.1	0.557		0.098	0.559		0.155	0.373		0.098	0.559		-.280*	0.049																		
Western States	0.106	0.595		0.258	0.103		0.181	0.332		0.069	0.751		0.113	0.526		0.069	0.751		-0.247	0.083																		
Midwest States	0.031	1		0.031	1		0.233	0.183		0.022	1		0.116	0.514		0.116	0.514		0.094	0.516																		
Northeast States	0.017	1		0.156	0.57		0.224	0.152		0.033	1		0.033	1		0.138	0.467		-0.001	0.996																		
Southern States	0.086	0.661		0.086	0.661		0.141	0.373		0.058	0.767		0.027	1		0.058	0.767		0.147	0.307																		

* Correlation is significant at the 0.05 level (2-tailed)

Regressions

An OLS regression model was tested with the total number of restrictions as the dependent variable. Election supervision, either partisan or nonpartisan; elected/appointed status of secretaries of state; percentage of Republican seats in the state legislature; percent of statewide votes for Republicans in U.S. House elections from 2000-2020; and percent Republican votes in the 2020 presidential election were the independent variables. This gave an equation with an insignificant F-value and an adjusted R-square of 0.007 indicating that neither party appear to be pushing these restrictions at the state level.

Next, logistic regressions were performed using each of the five restrictions as the dependent variable with the independent variables listed above. These equations did not highlight any relationships that would indicate state partisanship for either major party is associated with particular restrictions.

Results

As seen in Table 1, the following states have restrictions favoring major parties:

- 45 states restrict or privilege boards of elections, canvassers, or related boards to major party members;
- 45 states restrict or privilege poll workers/watchers/inspectors/registrars to major party membership;
- 27 states restrict or privilege election judges to major party membership;
- 26 states privilege access to voter data to major party members;
- 24 states have campaign finance laws that privilege major party members; and
- 26 states privilege major parties in voter registration.

Table 2 outlines the 33 states with partisan election supervision and the 17 states with nonpartisan systems.

As shown in Table 4, correlations that indicate partisanship in election codes were practically nonexistent. The requirement that poll judges are members of one of the major political parties was associated with Republican vote percentage in 2020, Republican success in 2020 congressional elections, and the percentage of Republican seats in the state legislature ($p < 0.05$). There was also an association between campaign finance law advantages for major parties and the change in Republican congressional vote percentage from 2016 to 2020 ($p < 0.05$). All other correlation showed high, and often very high, p-values.

This lack of association indicates that neither Democratic- nor Republican-leaning states were more inclined to favor these restrictions on elections. These findings indicate that neither Democratic- nor Republican-leaning states, the type of election supervision, state population, nor geographic distribution were associated with these restrictions favoring major parties in election administration.

Discussion

America's system of election administration has come under increasing scrutiny over the past two decades. Since the 2020 presidential election, there has been a furious tug of war between Republican Party activists and related groups moving legislation in dozens of states determined to ensure election "integrity" (Heritage Foundation 2023) and Democratic Party activists and related

groups determined to prevent election “sabotage” and to reform voting laws (Brennan Center 2021).

This study attempts to answer a different question: why is our system of election administration vulnerable to political manipulation in the first place? This research shows that part of the answer can be found directly in the electoral codes of all 50 states. Little inquiry has focused on how major parties collude to shut out minor parties and independents throughout the history of election administration at the state level. This analysis of six indicators of specific partisan restrictions found that the two major parties have imposed significant restrictions for minor parties and independents in the U.S. system of election administration. In 45 states only members of the two major parties can serve on boards of elections, serve as canvassers, or participate as poll workers. In 27 states minor parties and independents are barred from serving as election judges. Further, in 26 states the two major parties are privileged in getting voter registration information and access to the basic tools of electioneering, such as voter data. Finally, 24 states have campaign finance laws that privilege major party members.

These findings indicate that neither Democratic- nor Republican-leaning states, the type of election supervision, state population, nor geographic distribution are associated with these restrictions imposed on minor parties and independents in election administration. This lack of association indicates that neither Democratic- nor Republican-leaning states are more inclined to favor these restrictions on elections. A possible explanation for this lack of association is that both major parties have an interest in maintaining the two-party system and have worked to enact these restrictions that disadvantage minor parties. The parties may work independently of one another to achieve these policy goals, or they may have operated in tacit cooperation to ensure minor parties and independent voices have limited input into the electoral process.

In the U.S. system of election administration, both parties have designed rules based on ensuring the other party is not advantaged. Party parity is a defining feature of election systems in the United States (Ferrer, et al. 2023). In essence, each party is tasked, by law, with checking the other party’s ability to tinker with the balance of election outcomes. That partisan system largely worked until now because, in essence, each party checked the other party’s ability to influence election outcomes. As long as states were politically diverse and members of the two major parties acted in good faith, this model functioned. But this model has always been vulnerable should the detente framework it is built upon breaks down. That may be happening now.

The confluence of two seismic events in American politics are challenging the partisan parity model. First, as previously outlined, a significant change is happening in the makeup of the American electorate, where independent and unaffiliated voters have grown steadily while party membership has declined. Recent Gallup polling (2023) found that a record 49 percent of Americans see themselves as independent or unaffiliated, equivalent to the two major parties combined. An election system that now excludes 40-to-50 percent of voters is placing the administration of elections into an increasingly small and partisan group of actors. The second seismic event is states are continuing to become either very red or very blue. That means the ability of one party to act as a check on the other is diminishing. So, when one party is motivated to interfere with the election system in a particular state, there is little to stand in the way.

There is broad consensus among advanced democracies in the world regarding the need for neutral or nonpartisan administration of elections due to the long history of political parties interfering in election outcomes in democracies. Can partisan actors be removed from overseeing the administration of elections in the U.S.? Some scholars argue that removing partisan actors from the U.S. election system bears some risk and that these actors actually serve a critical role as adversaries, bolstering accountability and ensuring the other side follows the law (Gerken 2007, Green 2023). Green (2023) argues that, at least in the short term, “Partisanship in election

administration should not be unquestioningly degraded or villainized, it should be acknowledged and harnessed. Marshalling fruitful antagonisms may, at least for now, be our best way forward” (151). However, given the two trends mentioned above—the rising number of unaffiliated voters and the unified majority by one party in most states—is a U.S. election administration system run by partisans at its breaking point?

Conclusion

This study contributes to previous literature on election administration in the U.S. and sheds context on some of the foundational issues motivating the concerns of many policymakers and citizens on the trustworthiness of the U.S. democratic system of elections. A partisan election system that requires party parity to ensure fairness has always been vulnerable to manipulation and collusion. As parity breaks down, such vulnerabilities are becoming increasingly exposed and exploited. As demonstrated in this research, this partisan election system has not been limited to a particular geographic region, party leaning, supervisory administrative structure or population of a state.

Despite these contributions, this study has limitations. The temporal link between party control and the time when the restrictions were enacted is a limitation in the methodology. The available data do not list when the restrictions were enacted. It is possible a state that shows a high degree of partisanship favoring one party today is actually operating under election rules that were enacted by the opposing party. So, for example, it's possible that a Democratic-leaning state is operating under election rules that were instituted years ago when the state was Republican-controlled. Despite this limitation, our study offers important insight into the vulnerabilities of the partisan system of election administration operating in the U.S.

No amount of reform will fully address the vulnerability of the U.S. election system to partisan manipulation unless the partisan nature of election administration itself is addressed and new models are explored. Nonpartisan election administration is the norm in other Western democracies where the administrators running the system have no stake in the outcome and electoral agencies are legally and administratively shielded from partisan actors. Given the current level of hyperpolarization and low levels of trust in the U.S. election system, the time may be right to explore how these systems may be adapted to the administration of elections in the U.S. (Brenan 2021). Indeed, when polled, most Americans prefer a nonpartisan system of election administration (Alvarez & Hall 2005).

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