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Election Reform after the 2000 Election

Daniel J. Palazzolo

The 2000 presidential election, marked by a crisis in the electoral process in the state of Florida and a challenge to the legitimacy of the election of George W. Bush, sparked a national debate on the quality of American democracy. The discussion quickly came to focus on “technical” problems associated with voting practices, including issues related to voter registration, ballot counting, ballot machinery, and election administration. Numerous commissions weighed in on these issues and made recommendations for reforming various aspects of the election system.¹ Congress debated election reform and ultimately passed the Help America Vote Act (HAVA) at the end of the 107th Session of Congress in 2002. Legislatures in all fifty states also took up the issue, and many states passed measures to improve election administration.

The proliferation of election reform across the United States raises several important issues for scholars, policy makers, and election reform analysts. The central focus of this volume is on questions dealing with the legislative responses to the 2000 election. What policy changes did the states and Congress enact in response to the 2000 election crisis in Florida? How can we explain the policy choices they made, or failed to make? What remains to be done to improve elections in the United States? This book addresses these questions by applying a framework for explaining the type and degree of election law reform in the states between 2001 and 2003. A striking fact in this analysis is the wide variance in the responses of the states. State legislatures reacted differently to the 2000 election, in terms both of the degree and the pace of policy changes aimed to correct problems with their election systems. State performance in election reform can be classified under one of three broad categories: (1) states that took the initiative and engaged in major electoral reform well before the

passage of HAVA; (2) states that made incremental changes during the same period; and (3) states that did little or nothing until being prompted, or forced to respond to federal legislation. Table 1.1 classifies all fifty states into these three categories of reform.

The primary analytical and theoretical purpose of this research project is to explain the variation in election reform across the states after the 2000 election with reference to a framework that includes the following key factors: (1) the threat of a close election, like the one experienced in Florida, (2) the capacity of election law in the state prior to 2000, (3) the state's political culture, (4) the partisan makeup of the legislative and executive branches, (5) the fiscal situation, (6) the influence of stakeholders—interested groups and election officials, (7) commission recommendations, (8) leadership, and

Table 1.1. Classification of Fifty States by Three Patterns of Election Reform, 2001–2003

<i>Leading Major Reform States:</i>		
<i>Moved quickly after the 2000 election to enact comprehensive reforms, including funding to replace voting equipment</i>		
Florida	Georgia	Maryland
<i>Incremental Change States:</i>		
<i>Gradually enacted modest but noteworthy improvements in election laws and in most cases lacked a consensus or did not find the need to adopt comprehensive reforms</i>		
Alaska	Mississippi	Rhode Island
Arkansas	Missouri	South Carolina
California	Montana	South Dakota
Colorado	Nebraska	Tennessee
Idaho	Nevada	Texas
Indiana	New Jersey	Utah
Iowa	New Mexico	Vermont
Kansas	North Carolina	Virginia
Kentucky	North Dakota	Washington
Louisiana	Ohio	West Virginia
Maine	Oklahoma	Wisconsin
Michigan	Oregon	Wyoming
Minnesota	Pennsylvania	
<i>Late-Developing Reform States:</i>		
<i>Failed to adopt significant reforms until forced by the requirements of the Help America Vote Act (HAVA).</i>		
Alabama	Delaware	Massachusetts
Arizona	Hawaii	New Hampshire
Connecticut	Illinois	New York

(9) external forces, such as the prospect—and ultimately the passage—of federal legislation. We use this framework to engage in systematic analysis of the reform politics in a sample of eleven states selected from the three categories in table 1.1.² The states of Florida, Georgia, and Maryland fall into the first category of major reform states; California, Idaho, Missouri, Pennsylvania, and Virginia represent the second category of incremental change states; and Arizona, Illinois, and New York are instances of the third category of late-developing reform states.

HOW MUCH REFORM?

Within months after George Bush was finally certified the winner of Florida, recommendations for reforming elections emerged from various commissions set up to study election systems and processes. A review of the commission reports revealed a broad consensus in favor of several minimal requirements in each state's electoral systems: statewide registration, provisional balloting, procedures that allow voters to correct their ballot, and standard procedures for conducting ballot recounts. Other aspects of the voting system that achieved consensus, but might be classified as enhancements that go beyond those requirements, included: up-to-date voting machinery and ballots, improved poll worker training, additional voter education, and better tactics for recruiting poll workers. Because some of those provisions are costly, even if state legislators believed that they are desirable, fiscal constraints might prohibit them from being enacted. Two other major issues—establishing statewide recount procedures and standards, and restoring the right to vote for felons who have completed their sentences—also received widespread support among commissions, but these matters turned out to be more contentious among policymakers. Finally, commission reports themselves took different views on “reforms” relating to the role of the national government in election administration, no excuse early voting, military and overseas ballots, and accessibility for disabled voters (electionline.org 2001, 16–17).

In spite of the crisis that ensued from the 2000 presidential election, few states enacted immediate wholesale changes in election law. In a report published a year after the 2000 election, Common Cause President Scott Harshbarger summed up the legislative activity of the states: “By looking at what’s happened in state legislatures in the past year, you’d never know that we had a genuine electoral crisis on our hands just a year ago.” He further noted: “Even with all the commission reports, academic studies, and investigative journalism on our electoral shortcomings, states have not responded with the kind of urgency that the problems demand. Many are simply waiting in vain

for financial help to arrive from Washington without doing anything to pave the way” (Common Cause 2001). Thomas Mann of the Brookings Institution noted: “If you expected an immediate policy response after the debacle of November and December, you have been and will be disappointed” (Walsh 2001, A02). As table 1.2 illustrates, states passed only a portion of the election reform bills introduced in the three years following the 2000 presidential election. Presumably, gridlock at the state level was rooted in fiscal constraints, anticipation over whether Congress would provide federal funding and mandates for state level action, and a lack of consensus among policy makers (electionline.org 2001, 8; Walsh 2001; Walsh and Balz 2001). One academic study concluded that state legislators failed to reform election laws because incumbent legislators had little incentive to change the status quo (Greco 2002).

It may be that some of the expectations of rapid and universal actions were excessive, given the difficulty and complexity of the issues involved. While the general picture of limited initial reform is valid, there was considerable movement afoot in a large number of states. A fifty state survey of legislative actions compiled by the Election Reform Information Project, published about one year after the 2000 election, found a mix of legislative changes. At the high end, Florida, Georgia, and Maryland enacted significant reforms in several aspects of their voting systems, including registration, ballot design, counting procedures, voter education, and voting equipment. Other states passed a variety of laws that made incremental improvements in voter registration (e.g., Colorado, Indiana, Kansas, South Dakota, Texas, and Virginia), absentee or early voting (e.g., Nevada, New Mexico, and Virginia), voter assistance and poll place access (e.g., Nevada and New Mexico), voting equipment (e.g., Idaho, Texas, and Utah), vote counting (e.g., Maine, Nevada, Ohio, and Virginia), post-election recount procedures and standards (e.g., Colorado, Kansas, Texas, Virginia, and Washington), election day workers (e.g., Alabama), and voter education (e.g., Indiana and New Jersey). Of course, some states, such as Arizona, Illinois, and New York, failed to make any significant changes in election law in the period immediately following the 2000 election. Given the mix of responses among the states, it should be both interesting and instructive to inquire into why a few states immediately made major changes, why others only took incremental steps, and why others still failed to take action until Congress passed the HAVA.

Table 1.2. Election Reform Legislation in the States, 2001–2003

<i>Bills</i>	<i>2001 Bills</i>	<i>2002 Bills</i>	<i>2003 Bills</i>
Introduced	2,088	1,555	1,692
Passed Into Law	321	171*	285*

*Does not include New York.

Source: National Conference of State Legislatures, “States Tackle Election Reform” (March 24, 2003, and August 22, 2003) www.ncsl.org.

ANALYTICAL FRAMEWORK FOR EXPLAINING ELECTION REFORM

In the study of state-level elections, political scientists have focused much less attention on the formation of election law than on campaign finance, candidate recruitment, redistricting, and voting behavior, including the effects of ballot design, candidate status, early voting, motor voter, party control, fiscal conditions, and registration and voting laws.³ Since the 2000 election, political scientists have conducted research on the effects of the butterfly ballot on voting errors in Palm Beach County, Florida (Wand 2001); the relationship between demographic and socioeconomic factors and the type of voting equipment voters use (Knack and Kropf 2002); the causes of voided ballots (Tomz and Van Houweling 2003; Knack and Kropf 2003); and the inconsistencies in ballot design (Niemi and Herrnson 2003). Thus far there are no published academic studies of the legislative aspects of election reform.

Understanding how and why state legislators responded to the election crisis of 2000 is of practical interest to policymakers, administrators, and policy analysts. Explaining why the states responded in different ways has theoretical implications for the broad study of policy innovation.⁴ With these purposes in mind, it seemed helpful to develop a general framework, based on the major factors related to reform, to study the various patterns of election law activity in the states.

The framework permits analysis of election reform on three dimensions. First, it allows the testing of hypotheses for how each factor independently affects election reform. Second, by distinguishing between structural factors in place prior to or at the conclusion of the 2000 elections (i.e., the threat of a close election, the capacity of election law, political culture, and party control) and situational factors that took effect as the legislative process developed in each state (i.e., commission recommendations, the fiscal situation, stakeholders, leadership, and external events), it is possible to map the sequence of factors that affected the outcomes of the legislative process. The structural factors are antecedent variables whereas the situational factors are intervening variables in the sequence of the legislative process. Finally, the framework allows consideration of the combined effects of key factors on reform outcomes. The independent effect of any single variable may be either muted or enhanced by the presence of other factors listed in the framework.

Structural Factors

Threat of a Close Election

The chaos that occurred in Florida, or something akin to it, could have happened in any state in an election that was as close and as crucial to the outcome of the national decision. The closer the election, the higher are the stakes for the candidates and their parties. Unless all of the problems associated with

ensuring the accurate counting of every vote are eliminated, controversy is inevitable in close elections. Having said that, some states are clearly more susceptible than others to the danger of a Florida-style debacle. We begin with the hypothesis that, following Florida's lead, battleground states, in which the margin of victory for the winning candidates is close to 1 percent or less, are more likely than non-battleground states to seek immediate and perhaps major changes in election administration.⁵

Applying an objective standard is the most reliable way to measure the threat of a close election, though the perceptions of a threat, and the role of policymakers in framing the degree to which a close election might disrupt the electoral system, also came into play in some states. For example, Maryland falls into the category of major leading reform states, even though it is traditionally a state won comfortably by Democratic candidates in presidential elections and in statewide races. (The recent election of Republican gubernatorial candidate Robert Ehrlich in 2002 is a notable exception.) An objective measure of the "closeness of the election" would not lead one to expect that Maryland would be a state inclined to comprehensive reform. But other factors—Maryland's progressive political culture and persuasive leadership—worked in this direction.

Capacity of Election Law

A state's potential for a disaster like the one experienced in Florida also depends on the capacity of election law. While human error will always create the possibility of controversy in a close election, the chance of crisis and breakdown can be reduced by clear and uniform statewide recounting rules, comprehensible ballots, functioning machinery, an effective statewide registration system, and effective voter education, poll worker training, and poll worker recruitment tactics. The capacity of a state's election law should be an important factor in explaining the degree of legislative reform following the 2000 election. While no state could claim perfection, some states had greater capacity than others to administer elections.

One way to measure the capacity of election law is to determine the extent to which a state meets the minimum requirements for elections agreed upon by various commissions—statewide registration, provisional balloting, procedures for allowing a person to change his/her vote, and standard procedures for conducting recounts. Florida had none of these in place prior to the 2000 presidential election. States that met one or more of these minimal requirements before the 2000 election would have greater capacity and would be less in need of reform than states like Florida.⁶ A state's residual vote rate and type(s) of voting equipment used by the voters in a state are also objective measures of capacity. States with relatively high rates of overvotes and undervotes and large numbers of punch card machines are most

susceptible to voter error (see Ansolabehere and Stewart 2002; Knack and Kropf 2003).⁷ Those states should be more likely to engage in reform.

Political Culture

A state's political culture can affect the type and degree of election reform. King (1994) uses Elazar's (1984) concept of moralistic, individualist, and traditionalist political cultures and Sharkansky's (1969) index of political culture to study the effects of political culture on registration rules and voting turnout in the states. King (1994, 118) hypothesizes that: "Apparently, some cultures value and promote citizen participation in the political process more than others." He finds that a state's political culture affects registration rules; states with more "traditionalist" cultures, where elites dominate the process and are more inclined to discourage voter participation, had more restrictive registration rules than "moralistic" states that value democratic governance and citizen participation. Thus, states with traditionalist and individualist cultures are less likely to react immediately and adopt reforms that ease voter participation than states with moralistic cultures.

Once again, other variables may enhance or diminish the effects of political culture. States with traditional cultures may also have a history of poor election laws, and a limited capacity of election law, coupled with strong leadership and the threat of a close election might overcome cultural barriers to reform. Georgia fits this pattern of election reform. Conversely, states that value voter participation and "good governance" might enact major changes in spite of the fact that they have good election laws in place and face no clear threat of a close election. Maryland fits this pattern of reform.

Party Control

Partisan control of the legislative and executive branches at the state level is a factor in explaining legislative output generally (Clarke 1998), though the effects vary by policy area (Bowling and Ferguson 2001). While many aspects of election law are nonpartisan, a few divide along party lines. As Cokie Roberts once put it, "Democrats want every vote to count; Republicans want every vote to count only once" (Ceaser and Busch 2001, 248). Republicans have been more likely to seek safeguards against fraud in voter registration and voting processes, while Democrats are more committed to ensuring equal access to polling places and recount rules that allow for consideration of the voter's intent (Seligson 2001). Democrats and their constituent groups opposed a provision in a United States Senate bill that required a photo ID at the polling place for voters who register by mail (Foerstel 2002). Republicans are also less likely to support restoring voting rights for felons who have completed their sentences. Democrats are generally more supportive of a stronger role for the

national government, including clear requirements, rather than mere guidelines, that states and localities must meet to comply with federal law (Calmes 2001). Thus, a Republican-controlled legislature coupled with a Republican governor will have different priorities than a Democrat-controlled legislature and a Democratic governor. Legislation might be more likely to stall altogether in states where legislatures are nearly equally divided by party, or where one party controls only one of the two chambers (Clarke 1998), or perhaps where opposite parties control the legislative and executive branches.

Once again, though, party control cannot be viewed in isolation from other factors; states with strong party competition may also be the most susceptible to a close statewide election. Major reform may also be less likely in state legislatures dominated by one party, although the outcome of the process may also depend on which party is in control. States in which one party dominates the state government are almost by definition less likely to experience close elections, and legislators of the majority party will have few incentives to change election laws. Idaho, where the Republicans are firmly in control and have been for a long time, is perhaps a case in point. Such states are obviously less prone to partisan gridlock, but they are also more likely to make incremental changes than to adopt major reforms. Party preferences also affect the behavior of the dominant party; states dominated by Democrats may seek major reforms to solve problems associated with election administration. This was the case in Maryland, for example. Perhaps the states most likely to adopt major reform, then, are those in which one party controls both the legislative and executive branches and where the legislative majority of either party has a comfortable margin of control, or where the Democratic Party dominates.

Situational Factors

Commissions

In addition to numerous national commissions and task forces established to review election administration in the United States, twenty-one states formed commissions to study some aspect of election law or the election system in their states.⁸ In general, commissions may be set up to solicit information from experts, shift blame for unpopular decisions, or manage legislative workloads (Campbell 1998). In the case of election reform, commissions were mainly created to solicit information about the status of electoral systems and, especially in states with short legislative sessions, to manage workloads. The commissions were designed to develop a better understanding of the election problems within their respective states and, in most cases, to recommend improvements in the election system. To the extent that commissions serve as a means of building consensus among interested parties, election law changes are more likely in states that have commissions.

Fiscal Situation

The state's fiscal situation is also likely to affect reform efforts. Election reform emerged just as the nation was entering a recession. After years of full coffers, many states experienced revenue shortages in 2001 and 2002, and costly election reforms had to compete with other spending priorities. Fiscal constraints may prohibit upgrades in registration systems, resources for new machinery, and funds for voter education or poll worker recruitment, even if policymakers agree that they are worthy improvements. For the first two years of the reform period, fiscal constraints may also have caused states to wait until Congress and the president acted before investing new resources in the election system. On the other hand, in cases like Florida the political crisis was so severe and the public expectations for reform were so great that legislators overlooked the budgetary effects of new spending.

Key Stakeholders: Interested Groups and Election Officials

Organized groups are important participants in the legislative process. At the state level, group density influences the amount of legislation introduced and the ratio of introduced legislation enacted into law (Gray and Lowery 1995), and group representation affects the lawmaking process (Bowling and Ferguson 2001). At the national level, civil rights groups have worked vigorously to expand voting rights and to impose federal requirements for ballot access and provisional voting. Group influence should accordingly be a factor in states where existing laws do not meet the expectations of civil rights groups. Several of the chapters in this volume assess the effects of reform advocacy groups, such as state chapters of the NAACP, Common Cause, and the League of Women Voters.

In addition to organized interest groups, state-level agencies, local election officials, and election reform experts actively participated in the election reform process, either by serving on commissions or working directly with legislative committees. In many states, election officials played key roles in setting the reform agenda and providing valuable information about the election system to policy makers. The studies in this volume also reveal jurisdictional differences between state and local officials. As the drift of the reform debates moved toward greater uniformity across states, local officials were particularly concerned about losing control over election administration and about the potential financial costs of sharing the burden for new voting equipment. Thus, we begin with the hypothesis that states with centralized election systems may be able to reach consensus more easily than states with decentralized systems, where administrative authority is more dispersed.⁹

Leadership

Leaders may also play important roles in moving legislation. In the area of election reform, several notable policy entrepreneurs seized the moment to advance changes in election law.¹⁰ For example, Cathy Cox, the Secretary of State in Georgia, made election reform a top priority and provided important leadership in her state. Secretary of State John Willis exercised similar leadership in Maryland. States without active leaders, either from the executive branch or within the legislature, are less likely to achieve significant reform. In some cases, legislative leaders will seek to preserve the status quo in election law. They may prefer to maintain, rather than reform, a system within which the majority party gained power. In general, because elected officials are more directly accountable to voters, strong leadership on election reform is more likely in states that elect executive officials to administer elections.

External forces

This study concentrates on different factors at the state level to account for the degree and type of electoral reform taken in response to the crisis of the 2000 election. Yet two other forces from outside the states that came after the 2000 election also affected the politics of election reform: (1) the prospect of federal legislation, including grants to states that upgrade their election systems and guidelines for spending those funds, and (2) the September 11, 2001, terrorist attacks.

Prior to the passage of the Help America Vote Act (HAVA), many states hesitated to enact reforms, as state legislators awaited legislative action from Washington. The enactment of the HAVA, with requirements and guidelines about how states should administer elections, gave state legislators more incentives to adopt election reforms, though their responses will vary. Reports conducted by electionline.org illustrate the variety of recommendations that will come from state planning bodies established in response to the HAVA (electionline.org 2003b and 2003c). As Robert Montjoy points out in chapter 2, the HAVA offers a mix of requirements the states must meet to hold federal elections and incentives for them to reform election laws. The HAVA is likely to have a greater effect on states that made no significant changes in election law during the two years following the 2000 election; this was certainly true in Illinois and Arizona.

The September 11, 2001, terrorist attacks indirectly affected election reform efforts. Whereas the 2000 election may have created a sense of urgency for states to deal with election problems, September 11 pushed new issues on to the states' agendas. The momentum behind election reform lost steam after September 11, as states turned more attention to security issues and economic problems related to the terrorist attacks. Though election reform

might have become less important for all states after the events of September 11, three states in this study—New York, Pennsylvania, and Virginia—were among the most likely to turn their focus toward economic and security-related issues.

APPLYING THE FRAMEWORK: A COMPARATIVE STATE ANALYSIS

After an analysis of the role of HAVA in chapter 2, the authors in the next eleven chapters apply the framework of factors to each state. Through analysis of reforms in three categories of states, a few general conclusions can be suggested. Legislators in major, leading reform states generally recognized the threat of a close election and/or a weak capacity to administer elections, were bolstered by bold commission recommendations, and were strongly led. In these states, a consensus quickly emerged among stakeholders that significant reforms were needed either to deal with a crisis or with a potential crisis. Of course, Florida passed the most comprehensive reforms in this group, and it is distinguishable from the other states by having actually experienced a crisis. Thus, public opinion in Florida, more than in any other state, “demanded” a major policy response.

Legislators in incremental change states—Idaho, California, Missouri, Pennsylvania, and Virginia—either did not see the need for immediate, wholesale reforms because the capacity of their systems was generally sound and they did not face the threat of a close election, or they were deterred by economic conditions, partisan differences over key issues, or a lack of strong leadership. They did, however, make modest, steady improvements in various areas of the electoral process such as absentee balloting, provisional voting, recount procedures, and registration guidelines.¹¹ Several factors required for major reform were absent in these states, though the conditions were suitable for modest changes in particular aspects of their electoral systems.

In late-developing reform states (Arizona, Illinois, and New York), partisanship, political culture, and a failure of leadership resulted in gridlock for the first two years following the 2000 presidential election. Yet, the HAVA requires states to adopt specific reforms, if they have not already done so, including: upgraded voting equipment, voter identification rules and provisional ballots, and a statewide registration list. HAVA also creates incentives for policymakers to accept federal guidelines in exchange for federal funds to upgrade their voting systems. Arizona and Illinois responded affirmatively to the requirements and incentives of the HAVA, whereas New York has delayed passing legislation to bring the state’s laws into compliance with the HAVA.

In the concluding chapter, we draw general conclusions from our study of the individual states by a comparative analysis of the key factors that affect

reform and we use these results to look ahead at the next stage of election reform—implementation. We define the period of reform from the 2000 election to the passage of the HAVA as the “end of the beginning” of the process of election reform, and we suggest how key factors in the framework are likely to affect the future of election reform in the states.

NOTES

1. Debates over election reform encompass a wide range of topics, including major institutional issues like the Electoral College, campaign finance, and campaign practices. While those topics are worthy of close analysis, this study focuses on reforms associated with the administration of elections. For links to the major national commission reports, see www.electionline.org. See Crigler, Just, and McCaffery (2004) for studies and essays of various reform issues.

2. Though the eleven states chosen for this study are not a perfect sample of all fifty states, they represent the various patterns of reform politics that occurred across the states. The three leading major reform states (Florida, Georgia, and Maryland) were easy to choose because they were the only ones to meet the criteria. The most difficult task was selecting states that had made incremental changes, the pattern that fit the largest number of states. We estimate that thirty-eight states fit into the incremental change category. The five that were selected for this study offer a nice blend of key defining characteristics: size, regional location, population demographics, political characteristics, and election reform outcomes. One could have made a strong case for choosing several other states in the incremental change category, including Colorado, Indiana, Minnesota, North Carolina, Oregon, South Dakota, Texas, and Washington. Resource and space constraints prohibited us from including more states in the study. We encourage others to extend the analysis and apply the framework to those states. Finally, the three late-developing reform states were selected from nine states in this category. These states also offer a mixture of the key defining characteristics we used for selecting the incremental change states.

3. King's (1994) study of the effects of political culture on registration rules is an important exception to the general lack of attention to studies on the formation of election law. Most studies on elections at the state level have focused on campaign finance (see Thompson and Moncrief 1998) and (Ramsden 2002), candidate recruitment (e.g., Hogan 2001), redistricting (e.g., Lublin and Voss 2000), and voting behavior, including the effects of ballot design (Hamilton and Ladd 1996; Schaffner, Streb, and Wright 2001; Wand et al. 2001), candidate status (e.g., Carey, Niemi, and Powell 2000; Squire 2000), early voting (Stein 1998; Stein and Garcia-Monent 1997), motor voter (e.g., Franklin and Gwen 1997; Knack 1995), party control and fiscal conditions (Lowery, Alt, and Ferree 1998), and registration and voting laws (e.g., Burden and Greene 2000; Oliver 1996).

4. There is an extensive literature on policy innovation, policy diffusion, and policy adoption, and the findings of those studies have been organized in a variety of ways. Walker's (1969) frequently cited study contains a conceptual discussion of policy innovation and a review of the early literature. For a good review of literature on

the various dimensions of policy diffusion and innovation studies, see Savage (1985). For a review of studies that account for the various determinants that explain policy innovation and diffusion across space and over time, see Berry and Berry (1990) and Berry (1994).

5. Others might expect the opposite effect, suggesting that political competition—measured here in terms of the closeness of the 2000 presidential election—would be more likely to limit election reforms. Greco (2002) argues that the more competitive the state, the less likely elected officials would be to take the chance of passing reforms that might endanger their chances for reelection. Thus, policymakers in competitive states have more incentive to maintain the status quo than to adopt reforms. The trouble with this hypothesis is that it assumes the issues associated with election reform pose a major risk to incumbents or the majority party. The “rules of the game” certainly affect election outcome—especially rules associated with redistricting, campaign finance, and voter access or ease of voting. Yet this study will show that only a few of the issues associated with election reform evoke partisan differences, or cause politicians to worry about their electoral prospects.

6. It is worth noting the variety of registration systems and voter access laws, even among those states that have statewide registration databases and provisional ballots (see electionline.org and the Constitution Project 2001; and electionline.org and the Constitution Project 2002a). In some states with a statewide registration database the lists may be controlled either locally or centrally. The types and ways of administering provisional ballots vary among the thirty-seven states that have some form of provisional ballot. And recount procedures can be classified in several ways, including: whether the law has a trigger for automatic recounts, whether requests for recounts are permitted, who pays for the recount, whether partial recounts are permitted, and whether the recount is done manually or by a machine (National Conference of State Legislatures 2001a, 92–94).

7 For a survey of residual vote rates, see Edley et al. 2002.

8. Two states, Michigan and Florida, formed two separate commissions. For a complete list of states and commission reports, see www.electionline.org.

9. For a fifty-state review of administrative coordination, see electionline.org and the Constitution Project (2002c).

10. In his study of consideration and approval of school choice in the states, Mintrom (1997) finds that policy entrepreneurs make a difference in the diffusion of policy innovation.

11 California was the only state in this group that committed funds for election equipment, though the funds were created through an initiative in March 2002.