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Beyond the End of the Beginning

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Beyond the End of the Beginning

Doug Chapin and Daniel J. Palazzolo

The chapters in this volume contain detailed analyses of election reform politics in eleven states from 2001 to 2003. Over this three-year period, the states and Congress passed legislation that was designed to address the many serious problems with election administration that came to light during the 2000 presidential election. Each of the case studies revealed important insights about how the individual states responded to the 2000 presidential election and the requirements and incentives of the HAVA. The common framework of nine key factors for analyzing reform politics enables us to compare the results of the individual studies and determine the extent to which each of the factors helps to account for the three major types of outcomes: leading major reform states, incremental change states, and late-developing reform states. Taken together, the findings provide the raw materials for developing general conclusions about policy adoption in the area of election law, and insights into the future of election reform.

GENERAL FINDINGS

Table 14.1 organizes the results of the eleven state-level studies on the basis of the different factors contained in the analytical framework. The summary measures are not intended to be substitutes for the detailed research found in the individual chapters, but to identify certain patterns and anomalies in the politics of election reform. We find, for instance, that unified party control, commission recommendations, and effective leadership are the most important factors that distinguish major reform states from late-developing reform states. Other factors in the framework provide useful partial explanations for the reforms adopted by the states.

Table 14.1. Summary of Results

	<i>Leading Major Reform States</i>			<i>Incremental Change States</i>					<i>Late-Developing Reform States</i>			<i>Median</i>
	<i>FLA</i>	<i>GA</i>	<i>MD</i>	<i>CA</i>	<i>ID</i>	<i>MO</i>	<i>PA</i>	<i>VA</i>	<i>AZ</i>	<i>IL</i>	<i>NY</i>	
Unified Party Control	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	
Commission Report Date	Yes (03/01)	Yes (01/01)	Yes (03/01)	No	No	Yes (01/01)	Yes (11/01)	Yes (11/01)	Yes	No	Yes (04/02)	
Leadership Margin of Victory	Yes 0.01	Yes 12.00	Yes 16.90	No 12.40	No 41.70	Yes 3.42	No 4.30	No 8.29	No 6.70	No 12.40	No 26.20	No 12.66
Capacity of Election Law	2.95	3.99	0.70	1.59	2.91	1.59	1.38	1.91	1.76	3.85	2.01	1.65
Political Culture*	T	T	I	M	M	I	I	T	T	I	I	
Fiscal Situation	92.25	90.63	97.46	103.29	106.75	106.6	89.12	84.97	90.35	104.8	105.48	99.40
Stakeholders	Neutral	Favor	Mixed	Neutral	Oppose	Mixed	Mixed	Neutral	Mixed	Mixed	Mixed	
9/11 Terrorist Attacks	Minor	Minor	Minor	Minor	Modest	Minor	Minor	Modest	Minor	Minor	Major	
HAVA	Minor	Minor	Minor	Minor	Modest	Minor	Minor	Minor	Major	Major	Minimal	

*T=Traditionalist, M=Moralist, I=Individualist **AZ never reported the results of the commission report.

Unified party control appears as a major factor in explaining election reform in the states. All of the major reform states and none of the late-developing reform states had unified party control in the period of 2001 to 2002. The incremental states are mixed. While unified party control did not by itself produce major reform, it was certainly associated with it, as was the absence of unified party control in the case of late-developing reform states. It is worth noting that gridlock was broken in Illinois after the passage of HAVA *and* after the Democrats gained control of both branches in the 2002 elections.

Commission studies and recommendations also had a major effect on election reforms, and commission recommendations underscore the importance of sequence in the process. Commissions that reported to their governors and state legislators in a timely fashion clearly influenced policy outcomes. The bulk of policy reforms in the three major reform states came from commissions that recommended major changes and reported early in the 2001 legislative sessions. Policymakers in incremental reform states either did not establish commissions, or received their reports after the 2001 legislative session was completed. (Missouri was the exception.) Two of the late-developing reform states did not have commission recommendations, and in New York the commission did not issue a final report until April 2002, after the fiscal situation had deteriorated.

Leadership in favor of major reform was also a critical factor in explaining the degree of reforms. Effective leadership was a necessary condition in major reform states, while it was absent in the incremental and late-developing reform states. Leadership in Florida came from the governor and was a natural outgrowth of the disaster that had occurred in November 2000. The more interesting examples of leadership occur in Georgia and Maryland, where two individual secretaries of state effectively framed the problem, overcame the obstacles to reform, and gained support within the legislatures. Missouri was the only state among the eleven in which evidence of strong leadership did not culminate in major reform. With a combination of administrative policy decisions and coalition building tactics Secretary Blunt ultimately played a key role in the formation of election policy.

We hypothesized that states that were at risk of having a close election would be more likely to move quickly to enact major reforms. The threat of a close election can, of course, be measured in various ways; as a summary measure, we selected the margin of victory for the winning presidential candidate in the 2000 election. To determine the effects of the threat of a close election, we compare the margins in each state with the median margin of victory for all fifty states (12.66 percent). States far below the median should be the most likely to adopt reforms; states near the median might be expected to engage in incremental reforms; and states above the median would most likely be late-developing reform states. On the basis of this measurement, the threat of a close election had a mixed, and therefore modest, impact on the

degree of election reform. Certainly Florida was the prime example of a state that was propelled by the reality, not merely the threat, of a close election. Yet, neither of the other two major reform states came close to Florida in terms of the threat of a close election. The problem here may lie in part on the crudeness of the measurement index. In Georgia, which Bush won handily by a margin of 12 percent, the 2000 election probably understates the degree of electoral competition. As Strahan and Gunning point out, Georgia has experienced much closer presidential elections in 1996 and 1992 and several close Senate elections. Thus, in spite of the fact that the margin of victory in Georgia was near the national median, policymakers did not have to search far to conclude that the state remained highly susceptible to a close election. The same, however, cannot be said of Maryland, which is a state in which the Democratic presidential candidate normally wins by a large margin. As Dyck and Gimpel note, Secretary of State Willis pushed for reforms by means of trying to create the *perception* that a close election was possible in Maryland.

Still, the threat of a close election, real or perceived, does not have the intended effects on all the states. If the threat of a close election is a major factor in explaining election reform, Missouri and Pennsylvania, both battleground states in 2000, should have adopted major reforms. Though Pennsylvania adopted numerous reforms, most were passed in 2002 and the state fell short of appropriating new funds for election equipment. Arizona, and perhaps Illinois, might also have been propelled at least to engage in incremental reforms, and Idaho, with virtually no threat of a close election, might have joined New York as a late-developing reform state.¹ We conclude, then, that the threat of close election only partially explains the degree of reform.

The capacity of election law can be defined by the extent to which each state had in place prior to 2000 minimal “goods” in its election law—provisional voting, statewide registration database, procedures for allowing voters to change their vote, and standard recounting procedures. An additional element that defines and can be used to measure capacity is the residual vote rate, the percentage of uncounted or spoiled ballots per state. Table 14.1 lists the residual vote rates for each state in this study. The hypothesis here is that states above the median residual vote rate (1.65) would be more likely to enact reforms, states near the median would take incremental steps, and states below the median would be less likely to enact reforms. The results indicate that this factor only partially explains reform outcomes. Among major reform states, Florida and Georgia had very high residual vote rates, but Maryland had a very low rate compared to the median. Aside from Idaho, the residual vote rates in the incremental reform states were near or below the median. The residual vote rates in all three of the states in the late-developing reform category were above the median; and, although the rates in Arizona and New York were near the median, the rate in Illinois was well above the median.

Moreover, Arizona and Illinois lacked the minimal requirements for election law prior to 2000. Thus, the residual vote rate offers only a partial explanation for the degree of reform. The late-developing states did not meet expectations of the hypothesis; given their relatively high residual vote rates, these three states should have passed more election reforms.

To assess the effects of political culture we identified the dominant subculture of each state in terms of the tripartite scheme developed by Elazar (1984), in which states are classified as individualist, traditionalist, or moralist. We began the study with an expectation that a state's political culture might influence its proclivity to embrace reforms, but without any clear hypothesis about the precise nature of the linkage. On the one hand, it seemed plausible to argue that traditionalist states, which are inclined toward elite decision-making structures, would be the least inclined to enact reforms, while moralistic states that value citizen participation and democratic governance would be most likely to adopt reforms. Reform in individualist states would be contingent on the level of public support for reform.² On the other hand, it was equally as plausible to think that traditionalist states—given their historical tendency to discourage voter participation—might be the most likely to be in need of reform, whereas moralistic states might have greater capacity to administer elections and would require minimal reforms after 2000.

The results presented in table 14.1 do not provide a clear answer to this puzzle. Two of the three major reform states have traditionalist subcultures and the other is classified as an individualist state. On the other end of the reform continuum, two states are individualist and one is traditionalist. The incrementalist states have a mixed bag of cultural tendencies. Thus, this scheme does not provide a clear interpretation of the effects of culture on election reform.

Several studies of individual states suggest that political culture, understood in a slightly different way, had an impact on the degree of election reform. Using a definition of "culture" that accounts for the dominant political ideology in the state, we find nontrivial effects of culture on reform in Idaho and Maryland. Though Idaho is conceived as a "moralist" state in Elazar's scheme, Lochner and Moncrief suggest that the prevailing cultural trait in Idaho is "individual responsibility," which puts an important qualifier on the importance of citizen participation as a cultural norm. In a culture that values individual responsibility, state officials were reticent to enact legislative reforms to solve problems incurred by voters. In Maryland, on the other hand, the longstanding dominance of the Democratic Party created a culture of state responsiveness to public problems, and helps to explain why Maryland enacted major reforms. Thus, although political culture is not a major explanation for the degree of election reforms in the states, it contributed to reform politics in certain states.

In several states, authors noted that the fiscal situation limited reform efforts. In some states, a general lack of resources was complemented by concerns voiced by local officials that election reforms would impose unfunded mandates on local governments. Yet, when we use an objective standard of the state's fiscal condition to compare the eleven states in this study, we find that the fiscal situation was not a decisive factor in explaining reform efforts. The standard used here is the percentage of revenues to expenditures for the fiscal year 2001.³ In all three of the major reform states, the percentage of revenues to expenditures was less than 100 percent, meaning that the states had a shortage of revenues. Moreover, the proportion of revenues to expenditures was below the fifty-state median (99.4 percent) in all three major reform states. On the other hand, the proportion of revenues to expenditures in two of the late-developing reform states (Illinois and New York) was above 100 percent. Five states out of eleven had revenues in excess of expenditures for 2001, and only one of them, California, added new funds for election administration. And, in California, the new funds were authorized by a ballot initiative, not through legislation passed by the Assembly. Illinois eventually experienced a revenue shortfall at the end of 2001, and New York suffered financially as a result of the September 11 terrorist attacks. But the deteriorating fiscal situation in these states came after the first session of the legislature, and after Florida, Georgia, and Maryland committed resources to improve elections. Thus, while fiscal constraints may have discouraged policy makers from spending more on elections in some states, the fiscal situation did not prohibit states from enacting major reforms and available revenues did not facilitate reforms immediately after the 2000 election.

The roles of stakeholders in election reform politics took a variety of forms. We summarize the effects of stakeholders described in each chapter as neutral, favorable, opposed, or mixed. States where the effects were "neutral" included those in which the stakeholders did not lobby hard either to support or oppose reforms. In only one state, Georgia, do we find that most interest groups clearly "favored" major reforms. Idaho was the only state in which groups generally "opposed" reforms. In most states the effects of groups were "mixed," meaning that groups were involved in the process, though some favored major reforms, while others did not. The classic mixed case is Missouri. Here we see that county clerks opposed major reforms that would require local funding, but they generally supported modest improvements in the election system. Later, the League of Women Voters emerged an important supporter of reforms and lobbied on their behalf.

There is also evidence that in decentralized electoral systems—Pennsylvania, Arizona, Illinois, and New York—reforms requiring new funds with matching contributions from localities were opposed by local officials. But in the case of Maryland, a more centralized system, resistance from local officials did not block progress. In general, local election officials and state election adminis-

trators had subtle effects on election reform politics, as they provided valuable information to policy makers and often shaped the details of incremental reforms. Advocates of reforms, such as civil rights groups, Common Cause, and the League of Women Voters played supportive, though not decisive, roles in advancing election reforms. Overall, stakeholders were relevant where they were active, though the effects elude neat and tidy generalizations about group influence in the legislative process.

Two external forces—the September 11, 2001, terrorist attacks and the prospect and ultimate passage of federal legislation—affected election reforms. The September 11 attacks were most influential in New York, where the damage weakened the economy. There is also evidence that the September 11 attacks slowed momentum toward reform in Virginia, though other factors probably would have limited reform efforts in any case.

The prospect of federal legislation was used as a rationale for delay in several states, but it was not enough to stifle reform efforts across the board. The major reform states moved quickly and well ahead of congressional action on election reform. The urgency to act, either because of the obvious problems in Florida, or the result of effective leadership, overcame uncertainties of federal legislation. The passage of HAVA itself had a major effect on two late-developing reform states. Arizona and Illinois responded positively after two years of gridlock and moved swiftly to enact major legislation to bring the states' laws into compliance with HAVA. New York has had a more difficult time reaching a legislative consensus, in spite of HAVA.

In sum, party control, commission recommendations, and leadership were the most decisive factors in explaining the variety of reforms passed by the states prior the passage of HAVA. Only the major reform states had all three of these factors working together. Among the late-developing reform states that experienced gridlock for two years after the 2000 election, none of these conditions was in place.⁴ Several other factors in the framework had mixed effects on election reform. The capacity of election laws had its expected effects in most states, while the threat of a close election and political culture played out in fewer cases. The fiscal situation was not a decisive factor across the states in the 2001 legislative sessions, though revenue shortages were used the following year as a rationale for delaying major reforms. The roles of stakeholders are difficult to generalize, though we observed their effects on specific policy changes in a variety of states. As for federal legislation, states that had already passed major reforms were relatively unaffected by HAVA, whereas two states that experienced gridlock were prodded into action by the federal mandate.

Consequences for Theories of Policy Innovation

In addition to providing important insights into the politics of election reform in the states, this study offers an opportunity to reflect on the general

topic of policy innovation.⁵ The term “policy innovation” refers to “a program or policy that is new to the state that is adopting it” (Walker 1969, 881). Walker points out that the earliest studies in this area measured policy innovation by the amount of expenditures for various programs and sought to explain variations in state spending with a variety of socioeconomic, demographic, and political variables. In an effort to offer a more valid and reliable measure of innovation and explain how policy ideas spread from state to state, Walker used the speed with which states adopted new programs to measure the diffusion of policy innovations. Walker found that the most innovative states had populations with high per capita incomes, high levels of education, and high levels of urbanization, and that political variables (such as party competitiveness and legislative apportionment) were not significant correlates of policy innovation.

In his extensive review of the literature, Savage (1985) identifies numerous state-level demographic, socioeconomic, and political indicators that scholars have found to be determinants of policy adoption. The effects of affluence, population size, industrialization, urbanization, education levels, party competition, public opinion, and religion have been applied to various policy issues.⁶ Berry and Berry (1990 and 1992) took the study of policy innovation on a different path by testing the combined effects of “internal determinants” (e.g., the state’s fiscal situation, income levels, proportion of religious fundamentalists, electoral variables, and party control) and “regional” factors on the diffusion of lottery and tax policy adoptions over time. Using event history analysis and pooled regression, Berry and Berry estimate the probability of when a state will adopt lotteries and new taxes. They find evidence that both fiscal and political factors as well as pressure from neighboring states affect the timing of states’ adoption of lottery and tax policies.

Savage (1985) points out that understanding the influence of political culture and group activities on policy adoption—two of the factors in our framework—is more complex than estimating the effects of the relatively accessible aggregate level indicators used in most studies. In his groundbreaking article, Walker (1969) also called for more research on the “process” of policy innovation and the “behavior of the men who actually make the choices in which we are interested” (Walker 1969, 887). Heeding Walker’s advice, Mintrom (1997) and Mintrom and Vergari (1998) studied the effects of policy entrepreneurs operating in policy networks on whether states considered and ultimately adopted school choice initiatives. Using data from survey education experts in the states, Mintrom and Vergari find that the activities of policy entrepreneurs positively affect agenda setting and policy innovation in the states.

The framework used in this study to explain election reform takes into account some of the traditional aggregate state-level variables used in previous studies of policy adoption, but it also incorporates several factors related to

the policy process. With the exception of party competition, fiscal conditions, unified party control, and perhaps public opinion, most of the determinants listed above were not included in this framework because they are not theoretically relevant to the issue of election reform.⁷ The framework also considers the effects of more complex variables that relate to political culture and the process of policy innovation, particularly the role of leaders, vested interests, and commissions. The remaining factors in the framework—the capacity of election law in the states and effects of federal legislation and the September 11 terrorist attacks—are unique to the issue of election reform.

The results of the individual state studies and the general conclusions of this book contribute to the scholarship on policy innovation in several ways. First, like some previous studies of specific policy issues, we find that leadership is a relevant factor for explaining policy adoption. A second, more distinctive contribution is found in the role of commissions and, to a lesser extent, party control. Commissions created the context for networks of diverse interests to interact and deliberate on the nature and extent of the problems within their states, and commission recommendations were a vehicle for policy change. Based on these findings, we concur with Mintrom (1997) and Mintrom and Vergari (1998) that more attention should be paid to the process of policy innovation, in which leaders interact with other actors in policy networks. Party control has had mixed effects on policy outcomes for lottery adoptions and tax policy (Berry and Berry 1990 and 1992). The effect we see here may be related to the particular issue of election reform rather than to policy innovation in general. Thirdly, using the case study approach, we were able to detect patterns in the sequence of structural and situational factors that led to election reform. Major leading reform states began with unified party control, which no doubt created a structural context for building consensus on election reform. Two of the key situation factors—commission recommendations and leadership—highlight the importance of sequence in the reform process. The earlier commissions reported their recommendations, the sooner leaders could use the recommendations as a platform for reform, which made the adoption of major reforms more likely. Further studies of policy innovation might pay more attention to the sequence of key variables in the policy process in addition to the relative weight of determinants that explain policy adoption.

Next Steps in Election Reform

Nearly four years after the extraordinary and excruciating photo finish to the November 2000 presidential election, and nearly two years after enactment of the federal Help America Vote Act (HAVA), policymakers across the country are already hard at work on the second phase of reform: implementation of the reforms required by HAVA's series of mandates and standards—or alternately, made possible by HAVA's promise of federal funds.

This extraordinary level of activity belies the common misconception that passage of HAVA marked the end of election reform as an issue. Rather, HAVA is better understood the same way British Prime Minister Winston Churchill once described an early Allied victory in World War II—merely the “end of the beginning.” Final enactment of federal election reform legislation brought to a close the first chapter of reform—born under the hot lights of Florida 2000—and set the stage for the heavy lifting of HAVA implementation at the state and local level.

And yet, just as it is a mistake to close the book on reform with passage of HAVA, it is equally wrong to think election reform began on October 29, 2002—the day President Bush’s signature made HAVA the law of the land. In other words, marking HAVA as the “end of the beginning” suggests the existence of a larger “beginning,” which in this case means the period immediately following the 2000 election up until enactment of HAVA in October 2002.

Is it possible to use states’ early election reform experiences to give us an insight into reform going forward? Can we engage in what we (somewhat awkwardly) call “retroactive prediction,” using prior experiences to answer the question if we knew then what we know now about the factors that shaped states’ reform efforts, could we have used that knowledge to predict what happened next—and then use that same knowledge to look forward to what’s yet to happen on the issue of election reform? More specifically, can we use states’ election reform experiences before the “end of the beginning” to tell us about the key factors influencing reform, and then use those same factors to forecast the future of reform? Using the lessons gleaned from those studies in this volume, can we make some predictions about the future of election reform in the states beyond the “end of the beginning”?

One potential obstacle to the exercise is the degree to which the issue changed with the “end of the beginning.” Without a doubt, enactment of HAVA has changed the election reform game by defining its basic rules, most significantly in the core bargain—described in Robert Montjoy’s study of HAVA (chapter 2)—federal funds in exchange for federal mandates and standards. Moreover, because of HAVA, the issue’s focus has shifted somewhat from policymaking—that is, deciding what to do, to implementation—that is, how it should be done. It is therefore undeniable that election reform is very different in the post-HAVA environment.

Yet upon closer inspection, while election reform is different in many ways with the passage of HAVA, its fundamental nature remains unchanged. We would like to suggest that with respect to states’ efforts to enact/implement election reform, HAVA is merely a waypoint rather than a beginning/endpoint in the process. If this is true, then we can use the lessons we’ve learned from before the “end of the beginning” to gain some insight into the future course of reform.

Consider, then, the election reform environment immediately after the November 2000 election. After two-and-a-quarter centuries on the sidelines, Congress and the rest of the federal government were weighing whether or not “Florida 2000” justified a federal foray into the arena of election administration—and if so, what effect it would have. States were eyeing the prospect of federal action warily, eager to avail themselves of federal funds but nervous about accompanying federal mandates—while at the same time looking to consolidate their authority over the local conduct of elections within their states. Local election officials were even more concerned, aware that any changes brought about by federal election reform—and any resulting increase in state authority over elections—would fall most heavily on them, the people with real day-to-day authority for managing elections within their jurisdictions. No one was sure what their role would be postreform and everyone worried that the reform cure might end up worse than the disease.

Compare that with the state of election reform post-HAVA. Under the new law, the federal government has allocated itself an unprecedented role in election administration; not just the \$3.86 billion in federal funds for election improvements, but a new federal agency, the Election Assistance Commission (EAC), a four-member panel intended to serve as a national clearinghouse for election administration and sponsor of research on election reform topics.

But as of January 1, 2004, only \$1.5 billion of the \$2.1 billion authorized for election reform in fiscal year 2003 (which ends September 30, 2003) had been appropriated. Moreover, while pending appropriations for fiscal year 2004 (October 1, 2003—September 30, 2004) would add \$1.5 billion—which would bring appropriations to date to \$3.0 billion (roughly in line with the authorized level of \$3.1 billion)—only \$650 million has been released to the states—due to the federal government’s failure to follow through on establishing the EAC. The four members of the EAC were not confirmed by the Senate until December 2003, more than nine months after HAVA’s deadline for establishment of the agency. The delays were largely attributable to delays in the congressional leadership’s recommendation of candidates, the White House’s formal nomination process, and FBI and congressional background checks (a necessity in Washington, D.C.’s intensely personal political climate).

The absence of an EAC has hampered the federal HAVA role in two key ways. First, it has effectively turned off the flow of funds; other than the \$650 million already distributed by the General Services Administration (GSA) in early 2003 under HAVA Title I, the bulk of HAVA funding is to be disbursed by the EAC. Second, it has left key aspects of HAVA undefined; although the EAC has no rulemaking authority, it is tasked with providing states with guidance on key aspects of HAVA’s mandates, including provisional voting, statewide voter databases, and voting technology accessible to voters with

disabilities.⁸ The end result is that more than a year after enactment of HAVA, the election reform community is still waiting to see what the federal government's election reform role will be.

This uncertainty in Washington has had cascading effects at the state and local levels. States, exercising their HAVA-expanded authority over elections, have pressed on with HAVA's planning process, drafting and finalizing their plans—required as part of receiving HAVA Title II money—even though (1) funding remains uncertain and (2) the intended recipient, the EAC, was not created until late 2003. At the same time, the federal government has done nothing to lift HAVA's mandates, meaning that states are being held to their end of the HAVA bargain (mandates), without receiving its full benefit (funding). In some cases, these state efforts have provoked clashes with local officials, who question the need to cede their own authority, especially when the supposed benefit—federal funding—does not seem to be forthcoming.

In summary, the state of election reform one year after the “end of the beginning” looks a lot like the period that came before: uncertainty over the federal role, state struggles to meet federal requirements while expanding influence over local governments, local efforts to maintain authority in the face of expanding federal and state controls, and, once again, pervasive doubts about the wisdom of the current course of reform.

Given the striking similarities between the political and policy climates pre- and post-HAVA, then, it stands to reason that we can use states' experiences before enactment of HAVA to make some observations about the likely course of reform now and in the future. Here are just a few such observations.

- Notwithstanding other structural factors, individual initiative—whether or not it fits the traditional model of “policy entrepreneurship”—will be important. In the post-HAVA environment, where the lack of an EAC and decreased appropriations create rampant uncertainty about the pace and direction of reform, it would appear that entrepreneurship will once again prove important in the cause of reform. Presently, the lack of guidance from the federal government has paralyzed many states, which fear the political and financial consequences of guessing wrong on the proper course of reform. Yet even within this aura of uncertainty, there is a growing sentiment that some states will need to act decisively without federal guidance, especially in complicated areas like statewide registration databases and accessible voting equipment. In doing so, state and local officials may need to emulate the entrepreneurs, like Maryland's John Willis or Georgia's Cathy Cox, using uncertainty to their advantage to put plans into motion.
- Partisanship will continue to be an issue with inconsistent impact. Given that election reform usually involves a legislative component, it is not surprising that partisanship plays a role. And yet, as we have seen, partisanship's impact on election reform varies from state to state and from issue

to issue. Before HAVA, partisanship in Illinois acted as a near-total bar to progress on reform, while in Pennsylvania it worked to force a compromise on the narrow but controversial area of voter identification. Post-HAVA, the same range of outcomes continues to occur. In Mississippi and Kansas, the dispute over voter identification—a narrow issue in Pennsylvania pre-HAVA—completely derailed the HAVA implementation process. Similarly, partisan distrust on New York’s HAVA planning committee led to the submission of a plan that critics accused of being so vague as to be useless and which triggered an unusual minority dissent. Other states have acknowledged the potential for partisanship and reacted accordingly. In New Mexico, for example, recognition of the controversial nature of voter identification led policymakers to stay away from the issue entirely and focus instead on the simple “nuts and bolts” of HAVA implementation.

- External events will continue to have a profound impact on reform. As described in Susan MacManus’s chapter on Florida, external events often are the determining factor in forcing progress on the issue. The spectacular failure of elections in South Florida during the state’s September 2002 primary highlighted the need for better poll worker training and resulted in stepped-up state supervision of elections in that region. Indeed, the Florida primary gave a jolt to members of Congress, who suddenly restarted conference negotiations on the bill after the September 2002 controversy. Those negotiations produced the final version of HAVA less than a month later. The same phenomenon reappeared just a year later. After growing concerns about the security of the new breed of touch-screen voting machines, the elections community was rocked by a Johns Hopkins report that purportedly demonstrated serious flaws in the architecture of one vendor’s system. As a result, one state (Maryland) put its purchase of machines temporarily on hold pending an internal review, but then forged ahead following that review despite complaints from critics of touch screen voting. Other states have similarly slowed or halted their efforts to upgrade their voting technology until the security debate is resolved. It seems that, going forward, election reformers at every level should continue to expect the unexpected.

The bottom line is that several key factors in the framework used here to explain election developments pre-HAVA—that is, before the “end of the beginning”—are equally powerful in the post-HAVA environment. Once again, past is prologue.

On that note, we would like to make a final observation about one aspect of the contributors’ chapters that could have significance for election reform specifically in 2004. Several of the chapters reflect frustration with the incremental progress—or the lack of progress—as a failure of the election reform process to achieve its intended goals. Yet, as we have seen, the reform process is so complex—with so many different actors, stakeholders, and

contributing factors—that delays or lack of progress is not only unsurprising but completely understandable.

Nonetheless, given the heightened expectations for reform among the media and individual Americans, the scholars' implicit and explicit frustrations with the fact that more was not done before “the end of the beginning” may presage similar and broader public frustrations in 2004 when it is clear that the 2000 experience—and all of the reform activity in its aftermath—did not solve all of the problems with election administration. When that occurs, state and local election officials will need to be prepared to respond. As they do so, they may want to stress the argument that we have presented here: that since election reform is just past the “end of the beginning” (HAVA), the current work on reform is best seen not as the neat conclusion but the messy middle of reform.

NOTES

1. We should note that Idaho did not take major steps until after passage of HAVA.

2. Aside from public opinion data on Florida, we do not have data on public demand for reforms in the states, so it is difficult to define the expected legislative responses of individualist states, though we suspect they would be more inclined toward reforms than traditionalist states.

3. Since the reform period prior to passage of HAVA is two years long (2001 to 2002), we should recognize that the fiscal situation changed during this period; and in most cases revenue forecasts declined. On the other hand, most of the major reforms were approved in the 2001 legislative session on the heels of the 2000 election. Thus, the state's fiscal condition for the 2001 session is the best standard benchmark for determining the resources a state could devote to election reforms.

4. There was only one partial exception: a commission report in New York that came far too late in the process to make a difference.

5. As noted in the introductory chapter, there is a vast literature on policy diffusion studies. Rather than extensively review this body of work our goal is to highlight several of the most notable studies and reviews in order to provide a benchmark for evaluating the contributions of this study of election reform. (For good reviews, see Walker 1969; Savage 1985; Berry and Berry 1990; Berry 1994; and Mintrom and Vergari 1998).

6. Gray (1973) assesses the effects of these types of variables on a variety of education, welfare, and civil rights issues.

7. Though public opinion is not part of the list of factors in the framework, it does appear directly in the case of Florida and indirectly in the case of Idaho and Maryland, where election reform was affected by the state's political ideology, a typical measure of state public opinion (see Erikson, Robert S. Gerald, C. Wright, and John P. McIver 1993).

8. The U.S. Department of Justice has attempted to fill the void through a series of unofficial guidance letters authored by the Civil Rights Division's Voting Section, but these letters are not binding and carry even less weight than the EAC's promised “guidance.”