

Ethical Standards for Election Administration

Charles Stewart III

Virginia Electoral Board
Association

March 24, 2025

NEWS

Bipartisan Working Group Issues Ethical Standards for Election Administration

January 29, 2024 | *Press Release*

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The Institute employs a careful, deliberative process in the drafting of its projects and the approval of drafts for publication. The primary projects and publications are Restatements of the Law, Principles of the Law, the Model Penal Code, and the Uniform Commercial Code (with the Uniform Law Commission).



NEWS

ALI-Convened Group Issues Principles for Electoral Count Act Reform

April 4, 2022 | [Press Release](#)



At the invitation of the leadership of The American Law Institute, a group whose members span a range of legal and political views came together to consider possible Electoral Count Act (ECA) reforms. Despite holding diverse legal, political, and ideological commitments, the group is united by the belief that Congress should reform the ECA before the 2024 presidential election. The group has agreed on several general principles that should guide ECA reform, as well as specific proposals as to what ECA reform should seek to accomplish. [Read the group's complete set of principles](#)

NEWS

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January 29, 2024 | [Press Release](#)



NEWS

Guidance for Insurrection Act Reform Issued by Bipartisan Group

April 8, 2024 | [Press Release](#)



Today, a bipartisan group led by Bob Bauer (NYU School of Law and former White House Counsel to President Obama) and Jack Goldsmith (Harvard Law School and former Assistant Attorney General in the George W. Bush administration) issued "[Principles for Insurrection Act Reform](#)." The distinguished group, convened at the invitation of The American Law Institute, is made up of persons with a range of legal and political views who have a rich variety of backgrounds in constitutional law, national security law, and military law, and have held senior positions in government. A complete list of group members can be found below.

Writing Team Members



Molly Fitzpatrick
(Boulder County, CO)



Dean Logan
(Los Angeles County, CA)



Bill Gates
(Maricopa County, AZ)



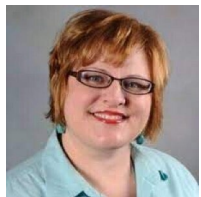
Justin Roebuck
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(Kansas)



Sarah Johnson
(Colorado Springs, CO)



Tahesha Way
(New Jersey)

Advisory Committee

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- + Bob Bauer (co-chair)
- + David Becker
- + *Molly Fitzpatrick
- + *Bill Gates, Supervisor
- + Ben Ginsberg (co-chair)
- + Trey Grayson
- + Kathleen Hale
- + *Ricky Hatch
- + *Sarah Ball Johnson
- + Neal Kelley
- + John Lindback
- + *Dean Logan
- + Matt Masterson
- + Nathaniel Persily
- + *Justin Roebuck
- + *Scott Schwab
- + *Charles Stewart III
(research director)
- + Chris Thomas
- + *Tahesha Way
- + Matt Weil

*Writing committee



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Report

- + Introduction
- + Chap. 1: Existing Ethical Expectations
- + Chap. 2: From the General to the Specific: Ethical Principles and Standards of Conduct
- + Chap. 3: The Special Issue of Elected Election Officials
- + Chap. 4: Ethical Principles to Guide Election Officials
- + Chap. 5: Whose Ethical Principles?
- + Chap. 6: Conclusion

Ethical Standards for Election Administration

This report was prepared by a bipartisan group of government officials, and election professionals, lawyers, and scholars, convened at the invitation of The American Law Institute. This effort was led by the project's Research Director Charles Stewart III of the Massachusetts Institute of Technology, and Co-Chairs Bob Bauer of New York University School of Law and Ben Ginsberg of the Hoover Institution. A complete list of the participants can be found on page 2 of this report.



Introduction

- + Ethical codes aren't the only safeguard of the electoral system, but they can help...
 - ..communicate to the public why they do what they do.
 - ..internalize values for officials for when they are pressured or laws are unclear.
- + Ethical codes are the hallmark of professions—which election administration should be seen as being.
- + The electoral environment of election officials can complicate the development and implementation of ethical principles.
- + Ethical principles are timeless, but the present moment makes ethics more salient.



Existing Ethical Expectations

- + General state ethics laws
- + Oaths of office
- + Ethical principles of professions to which election officials belong
- + Ethics laws and rules specifically for election officials



From the General to the Specific: Ethical Principles and Standards of Conduct

- + Distinction between *ethical principles* and *standards of conduct*
 - Ethical principles -> aspirational and limited in number
 - Standards of conduct -> answer the “so what?” question
- + Our attention has been on identifying *ethical principles*
- + *Standards of conduct* will depend on the level of election administration (state, local, precinct) and legal context



The Special Issue of Elected Election Officials

- + Lots of people have called for appointed, non-partisan election administration.
 - In fact, the great majority of election administrators are appointed and non-partisan
- + Elected and partisan election administration are core features of American election administration.
- + The same ethical principles apply to election officials regardless of their selection method.
- + Conflicts may be most acute at lower levels of election administration and smaller jurisdictions.



Ethical Principles to Guide Election Officials

American Society for Public Administration (1984)

1. Advance the public interest
2. Uphold the Constitution and the Law
3. Promote democratic participation
4. Strengthen social equity
5. Fully inform and advise
6. Demonstrate personal integrity
7. Promote ethical organizations
8. Advance professional excellence

National Association of Election Officials (Election Center)* (2024) Standards of Conduct

1. Uphold the Constitution & laws of the U.S. & states
2. Maintain highest level of knowledge & expertise
3. Conduct elections fairly, efficiently, and accurate; maintain public confidence in honest and impartial elections
4. Provide equal opportunity to participate
5. Accessible and receptive to individuals and groups
6. Protect against manipulation for personal/partisan gain
7. Flexible and innovative within the framework of the law
8. Fiscal responsibility
9. Maintain a productive and efficient operation
10. Maintain the highest level of integrity

*Condensed



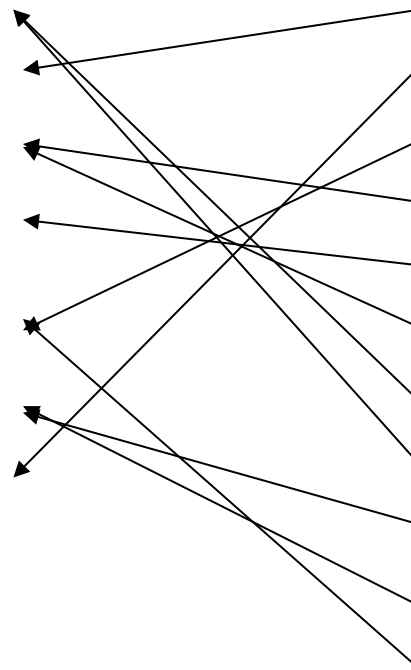
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9. Maintain a productive and efficient operation
10. Maintain the highest level of integrity



*Condensed



Ethical Principles to Guide Election Officials (ALI Report)

1. Adhere to the law
2. Protect and defend the integrity of the election process
3. Promote transparency in the conduct of elections
4. Treat all participants in the election process impartially
5. Demonstrate personal integrity
6. Practice the highest level of ethics and stewardship
7. Advance professional excellence



Adhere to the Law

Election officials have a duty to administer the law as written and as interpreted by the relevant authorities.

General discussion

- + First principle for a reason
- + The legitimacy of elections rest on the law being followed, even when officials disagree
- + Appeals to “higher law” illegitimate

Standards of conduct

- + General Registrar
 - Follow the law
 - Seek and follow authoritative advice
- + Poll workers
 - Follow instructions of polling - place officers
 - Seek advice from county office



Whose Ethical Principles?

Certification
Bodies

State
Associations

State Law

Articulation

Acceptance

Enforcement



Whose Ethical Principles?

	Certification Bodies	State Associations	State Law
Articulation	✓	✓	?
Acceptance	✓	✓	?
Enforcement	?	?	?





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