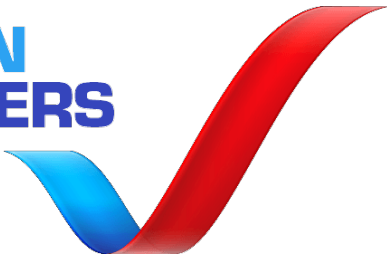


**ELECTION  
REFORMERS**  
NETWORK



# **Increasing nonpartisanship in election governance**

*Presentation to the Virginia Electoral Board Association*

Kevin Johnson; March 25, 2026

## ABOUT US

# Election Reformers Network



### Mission

Fortifying U.S. election governance against polarization

### Background

Global democracy perspective combined with U.S. reform skillset.

### Nonpartisanship & Expertise

- Strict political neutrality. Politically diverse board, advisors and staff, and coalition partners.
- Experience with prominent organizations including **The Carter Center, Commission on Presidential Debates, Common Cause, Denver City and County Elections, Election Integrity Council, Gerald R. Ford Presidential Foundation, International Republican Institute, National Democratic Institute, and the National Task Force on Election Crises.**



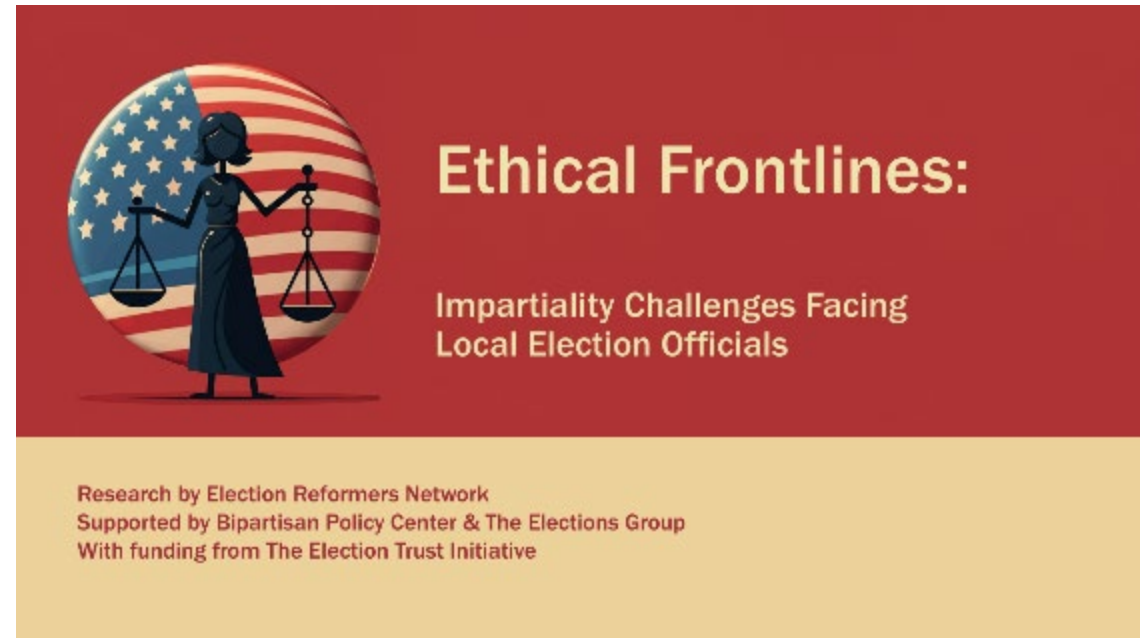
## **TODAY'S AGENDA**

# **Increasing nonpartisanship in election governance**

- 1. U.S. election administration in historical and international context; the problem of partisan conflicts of interest**
- 2. The impact of polarization**
- 3. VEBA's exemplary response to challenges**
- 4. Public opinion data on impartiality topics**
- 5. Reform developments and an idea for Virginia's electoral boards**

## BACKGROUND TO THIS TALK

# ERN research opened a growing relationship with VA elections



- ERN has been assessing **ethical and political challenges for LEOs** in 5 states – AZ, CO, FL, VA, WA, with support from BPC and the Elections Group
- Confidential **interviews with GRs and electoral board members**, coordinated through VRAV and VEBA
- VA participants on ERN’s panel last week: *“Options for protecting LEOs from Polarization & Political Pressure protection”*
- **Upcoming report to highlight VEBA** ethics case study, strength of VA appointment model.

# Focus on “election governance”

We use “**election governance**” to mean the positions responsible for election oversight and decision-making. These include:

- Secretaries of state
- Election boards
- Entities that certify results
- Redistricting bodies
- Officials managing *ballot initiatives* & ballot access



*Compared with election administration, election governance has far more discretion and far more impact on results, trust, and voters' choices.*



# Election governance positions are filled mostly through partisan processes.

- 33 states have partisan-elected **secretaries of state**.
- 16 states have party-nominee-dominated **election boards**.
- 25 states elect **county clerks** in partisan-elections.
- All states involve party nominees or partisan-elected officials in **results certification**.
- All states **ballot measure** state give control to partisan-elected officials.
- In most states the majority party in the legislature controls **redistricting**.

*These officials all face potential **conflicts of interest** between private benefits if their party wins and public duty to serve all sides neutrally.*



## IMPACT EXAMPLE

# How partisan governance derailed reform in Ohio

Deeply **misleading ballot language** backed by the Secretary of State and the state Supreme Court stopped a critical, citizen-supported independent redistricting reform.

*“The proposed amendment would ... eliminate the longstanding ability of Ohio citizens to hold their Representatives accountable ...[and] establish a new taxpayer-funded commission of appointees **required to gerrymander...**”*

Polling showed large bipartisan majorities support independent redistricting, but Issue 1 lost 54-46.



Photo credits: Jeremy Pelzer, cleveland.com

*Campaign signs reflect the confusion created by the Secretary of State LaRose’s ballot summary. During much of the process LaRose was a candidate for U.S. Senate.*

## GLOBAL PERSPECTIVE

# The US is the only major democracy that:

1. Elects election officials in **partisan elections**.
2. **Staffs polling stations** with representatives of the two major parties.
3. Has election **boards comprised of only party nominees**
4. Relies on **party representatives to certify** election results.
5. Allows **legislatures** to set nearly all election rules.
6. Allows election officials to **campaign** for candidates running in elections they manage.
7. Allows legislators to **draw their own districts**.

# Background: How the U.S. diverged from other democracies on the role of parties in elections



## *US approach: “mutual policing”*

- The major parties are represented in the actual administration of elections.
- Dates back to the need for parties at polling stations before voter registration and government-printed ballots.
- Also shaped by the unwillingness of courts to police election fraud before the 1960s.\*

See: Edward Foley, *Ballot Battles: The History of Disputed Elections in the United States*, 2015.

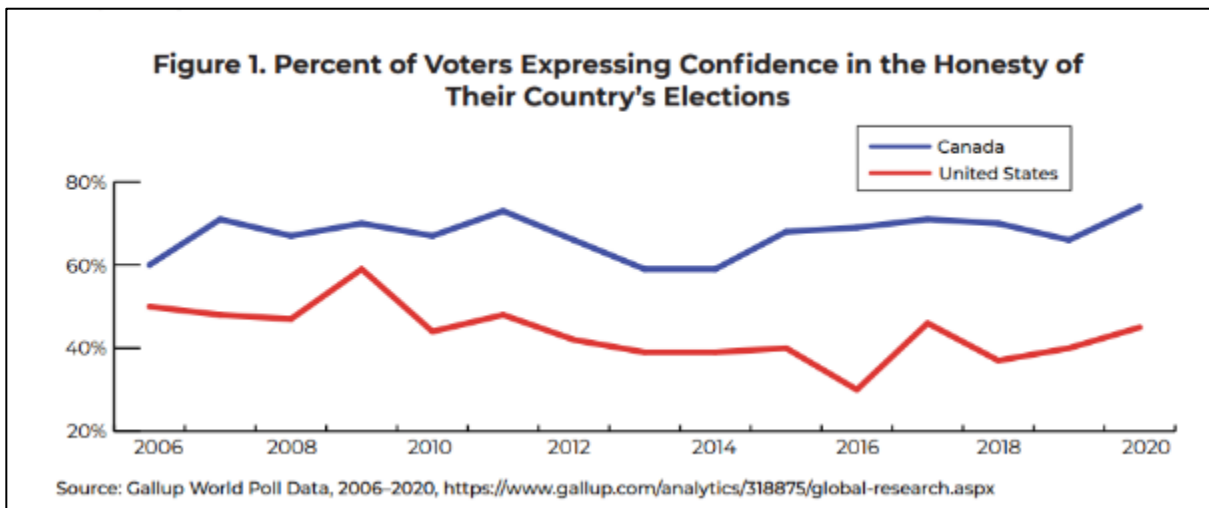


## *International norm: “observation-plus-recourse-to-courts”*

- Parties observe all election phases but are not directly involved. Courts provide recourse if problems arise.
- Reflects election control at the national level and less impact of pre-modern voting.
- Reflects clearer path to election courts (eg through 1868 U.K. Parliamentary Elections Act)

# Case study: How nonpartisanship works for Canada's "secretaries of state"

Regulation	US Secs of State	Canadian Provincial and Territorial chief Electoral Officers
Explicit impartiality requirement in oath or statute	10/40	13/13
Official prohibited from running for office	0/40	13/13
Official barred from voting	0/40	7/13
Selection: Elected vs appointed	33/7	0/13



Canada's lawmakers have **delegated substantial discretion to chief electoral officers**, illustrating the Increasing recognition of their *de facto* neutrality.

From the Election Law of Manitoba:

*The chief electoral officer may:*

- (a) extend the time for doing anything under this Act*
- (b) increase the number of election officials;*
- (c) increase the number of voting stations*
- (d) omit or vary a prescribed form to suit existing circumstances; and*
- (e) generally, adapt the provisions of this Act to existing circumstances.*

# Polarization is making everything you've just seen much worse.

**Toxic polarization has profoundly changed the way Americans think about elections.**

- Both parties see the other as an *existential threat*.
- Both are willing to use any leverage to win.
- American ranks highest in the percent thinking their fellow citizens are immoral.



**The result:** Intensified political pressure on election officials and worsening risks of partisan election manipulation.



## VIRGINIA CASE STUDY

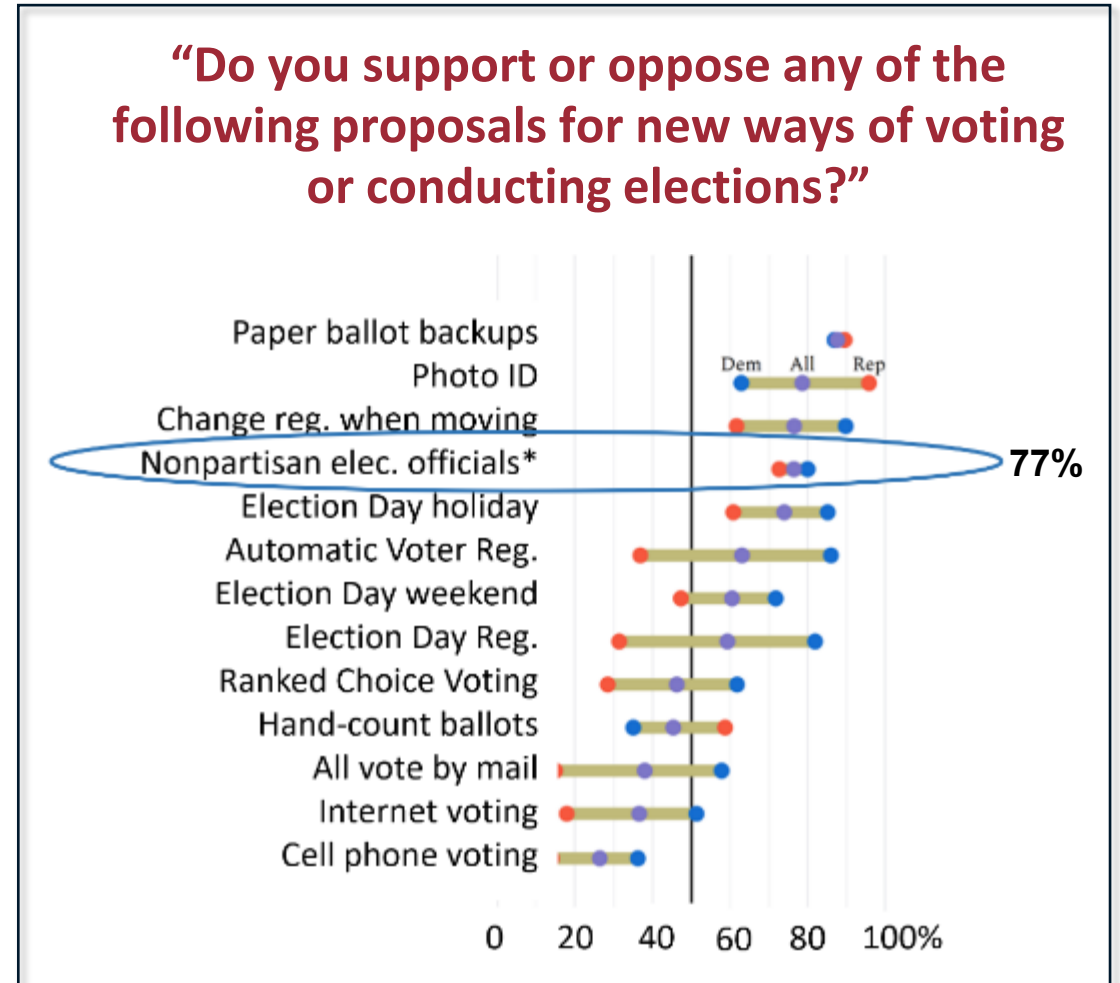
# When polarization meets a partisan structure...

- Virginia faced challenges when the 2022 change of local electoral boards coincided with a high-water moment in suspicion of election fraud.
- In a few localities, disputes, “bad behavior,” and legal disputes occurred. “Now it’s our turn” a few members of the new majority may have thought.
- VEBA responded by putting in place ethical reinforcements for members:
  - Code of ethics and conduct
  - Scenario-based ethics training
- VEBA’s response distinguishes the Association as a first mover on a path many other states are exploring.

# Americans support nonpartisanship reforms

# Large bipartisan majorities support impartiality

- 77% of voters in 2022 and 76% in 2024 support “only selecting election officials on a nonpartisan basis.”
- Only one reform, paper ballot backups, has more bipartisan support. Almost all other reforms have a major “party spread” between Democratic voters (blue dots) and Republican voters (red dots.)



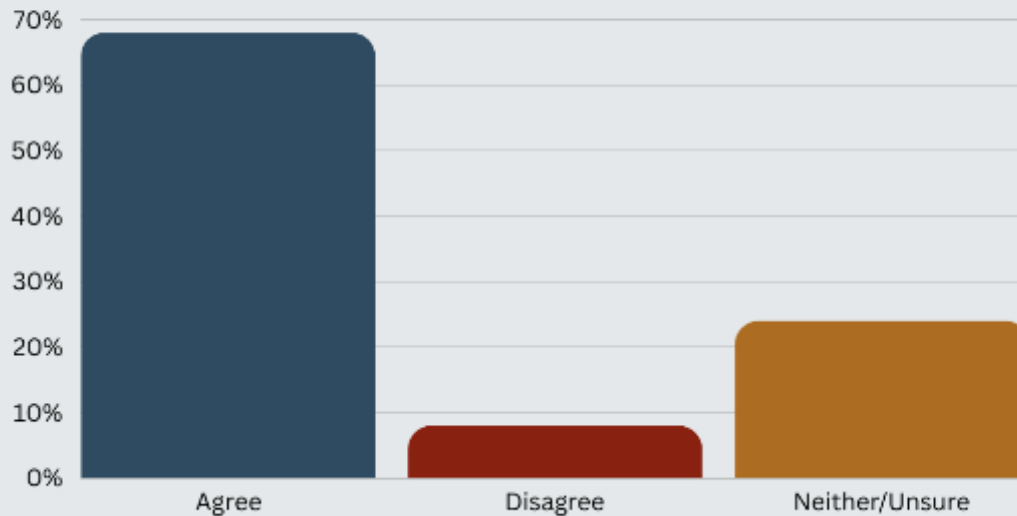
\*“How We Voted in 2022: A Topical Look at the Survey of the Performance of American Elections,” Charles Stewart III

## *Public Opinion:*

# Partisan election admin is a growing source of distrust.

It is difficult to trust the impartiality of an election official elected with the support of a political party.

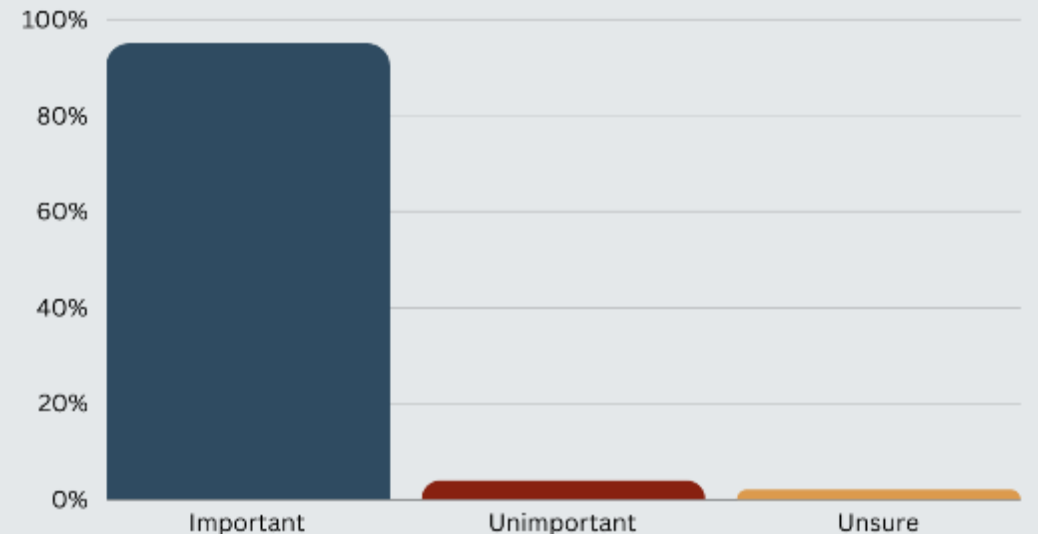
AGREE OR DISAGREE? N=1498



Election Reformers Network: National poll of likely voters, 2022

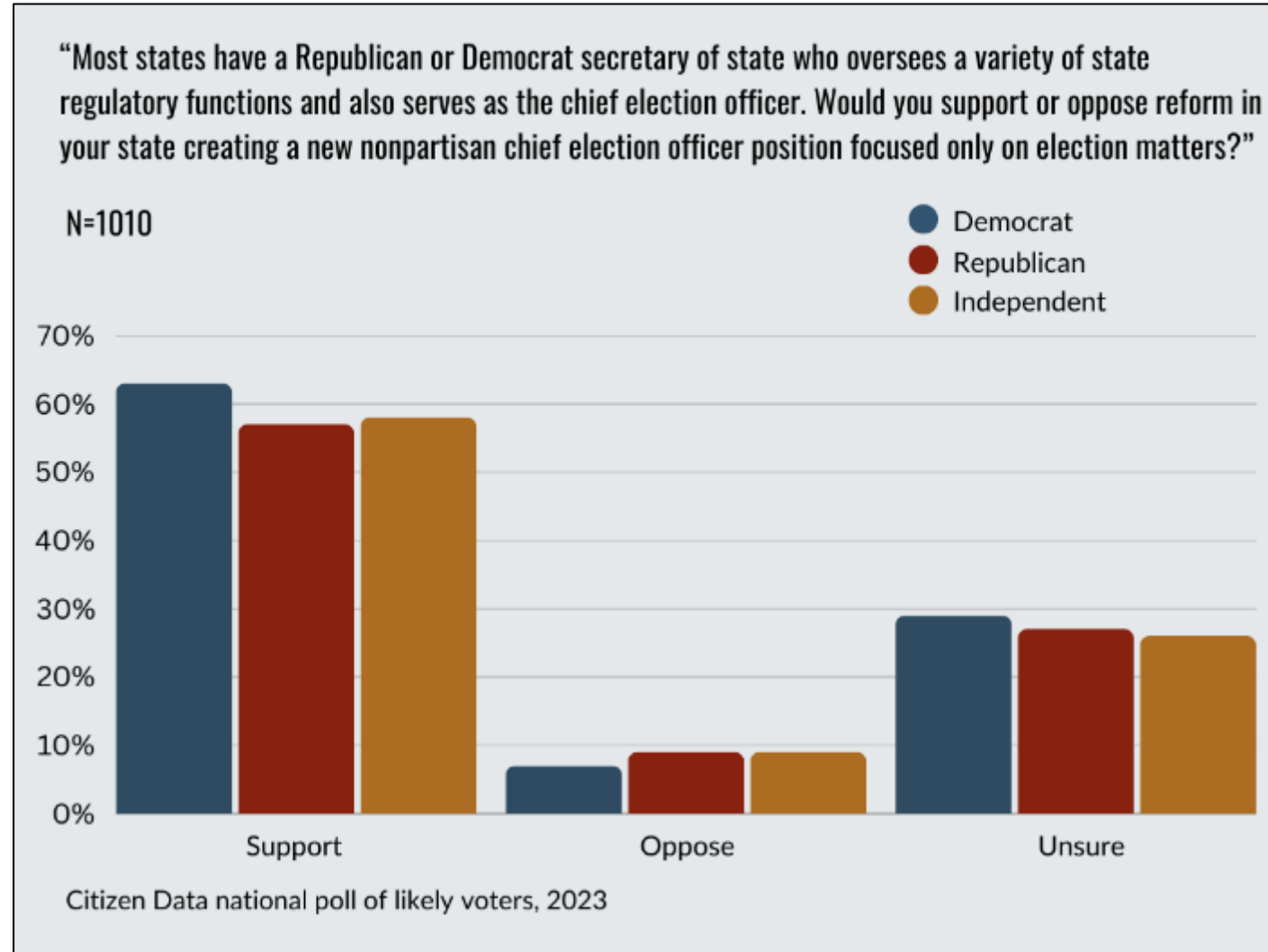
How important is it that state and local election officials act in an impartial manner?

N=1498



Election Reformers Network: National poll of likely voters, 2022

# Strong support for new nonpartisan state chief election officers



**A SIGN OF PROGRESS:**

# Utah establishes precedent-setting ethics guardrails.

## Senate Bill 194:

- Requires the Lt. Governor to conduct “**conflict-of-interest avoidance**” planning when running for office.
- Prohibits county clerks from taking actions “that show **partiality or discrimination for or against**” candidates or ballot measures.
- Requires clerks to **recuse from certifying candidacy signatures** of a potential opponent.
- Passed the Utah legislature in March with large margins: **23-2 in the Senate, 63-7 in the House.**

## OPTIONS FOR CHANGE

# There are many ways to reduce political party influence over election governance

Tools: Roles:	Ethics support	Incremental legal change	Deeper structural change
<b>Partisan-elected clerks (25 states)</b>	<ul style="list-style-type: none"> <li>Ethics component in regular training</li> <li>Code of conduct</li> <li>Voluntary conflict of interest (COI) prevention, when running</li> </ul>	<ul style="list-style-type: none"> <li>Repeal of laws that tighten party connection with clerks (examples from MI &amp; UT)</li> <li>Legal prohibitions against endorsements and active fundraising</li> <li>Required COI prevention when running for office</li> </ul>	<ul style="list-style-type: none"> <li>Local option for change to nonpartisan election</li> <li>State law requiring nonpartisan election</li> <li>Change to appointment (probably by a new board)</li> </ul>
<b>Party-nominated election boards (16 states)</b>	<ul style="list-style-type: none"> <li>Ethics component in regular training</li> <li>Code of conduct</li> </ul>	<ul style="list-style-type: none"> <li>Legal prohibitions against endorsements and active fundraising</li> </ul>	<ul style="list-style-type: none"> <li>Restructure with some neutral non-party members (eg former election officials)</li> </ul>
<b>Partisan-elected Secs of state (33 states)</b>	<ul style="list-style-type: none"> <li>Code of conduct</li> <li>Voluntary COI prevention, when running</li> </ul>	<ul style="list-style-type: none"> <li>Legal prohibitions against endorsements and active fundraising</li> <li>Required COI prevention when running</li> <li>Prohibition on running for higher office for some years after service</li> </ul>	<ul style="list-style-type: none"> <li>Nonpartisan election</li> <li>Role redefinition: responsible for elections only</li> <li>Change to appointment (probably by a new board)</li> </ul>

# What's ahead for Virginia Electoral Boards?

## Questions:

- How effective will the code of ethics and conduct be in a context of persistent polarization?
- If party control of the governorship changes regularly in the future, what's the impact of those electoral board personnel changes?
- If, in principle, elections need neutral referees, should the competing parties pick those referees? Does control of the boards by the major parties make sense when most voters nationally are unaffiliated with either party?

# What's ahead for Virginia Electoral Boards?

## Some policy options:

- 1. Change selection of one board member.** 1R and 1D nominee selected as currently and a 3<sup>rd</sup> member selected for election experience and nonpartisanship. Possible mechanism:
  - Circuit court judge announces opening and qualifications, reviews applications and shortlists 3-4 candidates.
  - The two party nominees review the list to agree on a selection. If they fail, the judge picks randomly from the list.
- 2. Keep existing structure but requiring agreement between local party committees on all new members.**
- 3. Legislative study bill to explore these and other reform options.**
- 4. Legislation reinforcing the “if practicable clause” re appointment of election officers.**



# Thoughts and Questions?

## LEARN MORE:

[www.electionreformers.org](http://www.electionreformers.org)

[democracyguardrail.substack.com](http://democracyguardrail.substack.com)

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ELECTION  
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# **America helped created the most important competition in the world.**

*...But we let only two teams compete.*

*...They're now determined to destroy each other.*

*...And they control the referees.*

