

Bipartisan Working Group Issues Ethical Standards for Election Administration

Last year, the leadership of The American Law Institute convened a group from across the political spectrum to assemble a proposed set of universal Ethical Standards for Election Administration (Report). In January 2024, this group issues its recommendations regarding the set of ethical standards for the professional community of election officials. At a time of contentious debate about our voting system, the Report offers a clear articulation of the role of ethical standards in guiding the conduct of elections and contributing to public confidence in the process by which Americans select their leaders.

Explaining the goal behind the project and its timing, the Report states: “Even if the times were not so challenging, it would be appropriate to encourage those who conduct elections to consider the principles that undergird their work, inform the public of those principles, and hold each other accountable to them.”

Led by Charles Stewart III, Kenan Sahin Distinguished Professor of Political Science at MIT and founder of the MIT Election Data and Science Lab; Bob Bauer, Professor of Practice and Distinguished Scholar in Residence and Co-Director of the Legislative and Regulatory Process Clinic at NYU; and Ben Ginsberg, the Volker Distinguished Visiting Fellow at the Hoover Institute, the report was drafted by a working group consisting of:

- Bill Gates, Supervisor, Maricopa County, Arizona
- Dean Logan, Registrar-Recorder/County Clerk, Los Angeles County, California
- Justin Roebuck, County Clerk/Register of Deeds, Ottawa County, Michigan
- Molly Fitzpatrick, Clerk & Recorder, Boulder County, Colorado
- Ricky Hatch, County Clerk/Auditor, Weber County, Utah
- Sarah Ball Johnson, City Clerk, Colorado Springs, Colorado
- Scott Schwab, Secretary of State, Kansas
- Tahesha Way, Lieutenant Governor and Secretary of State, New Jersey

Throughout the process, this drafting committee received feedback and guidance from an advisory group comprising individuals with deep and varied experience in law and government.

In assembling the Report, Stewart noted “the drafting committee recognized that election officials already adhere to a variety of ethical principles and codes of conduct. These include general ethics laws, oaths of office, and ethical principles associated with other professions to which they may belong. However, there is no unified set of ethical principles to which all jurisdictions can turn and to which the public can refer when assessing the work of election administrators. This report represents an effort to do that.”

As explained in the report’s Executive Summary, “[a]ssembling ethical guidelines for all jurisdictions at the state, county, and local levels offers many advantages. It provides a shared vocabulary to communicate the moral basis for election conduct

to voters, aids in training new officials by reinforcing the broader purpose of election administration as a profession, and also helps internalize values to guide officials when facing external pressures or unclear election laws.”

The principles set forward in the Report are intended as a starting point for the development of standards of conduct for election administrators, which provide more concrete guidance on how to behave in specific professional settings. For example, to implement the principle of adherence to the law, a county election director might be directed to seek legal counsel when the law is ambiguous; a polling place officer might be directed to seek guidance from the local election office when the official is uncertain how to handle a situation at the polls.”

“State and local election officials are the people that U.S. citizens trust to run fair and lawful elections,” said Bauer. “Shared, clearly articulated ethical standards help election officials to do their jobs and train those who assist them, but also set public expectations of performance and transparency.”

“In our work, we found that many states had ethical standards in place, but many did not,” added Ginsberg. “Yet, everyone we spoke to, told us that they would welcome the input from a document like this one. Having a set of ethical principles, that all use the same language and require the same moral compass will help assure our voters that our elections are conducted fairly. This shared language will also help election officials when they need to speak to explain any portion of the election process to the public.”

The issued Report include seven core principles for adoption by the profession:

1. **Adhere to the law.** Election officials have a duty to administer the law as written and interpreted by the relevant authorities.
2. **Protect and defend the integrity of the election process.** Election officials have a duty to safeguard against unfounded attacks on the integrity of the election process.
3. **Promote transparency in the conduct of elections.** Election officials have a duty to make election administration transparent to the public.
4. **Treat all participants in the election process impartially.** Election officials have an obligation to treat all participants in the electoral process impartially, including voters, candidates, citizens, and political committees.
5. **Demonstrate personal integrity.** Election officials have a duty to conduct themselves honestly and forthrightly in all interactions with superiors, peers, candidates, campaign officials, and the general public.
6. **Practice the highest level of ethics and stewardship.** Election officials have a duty to expend public funds carefully and foster respect among employees and volunteers.
7. **Advance professional excellence.** Election officials have a duty to stay informed about election laws and new developments in election management.

“This is the second time that The American Law Institute has sought to bring together a bipartisan group of extraordinarily distinguished thinkers and practitioners to find common ground on a critical and urgent issue,” said ALI President David F. Levi. “Like the work that was done on the Electoral Count Act reform recommendations, this project also required quick action. Although this work did not go through

the typical ALI bicameral process, which requires approval by both our Council and membership, and therefore cannot be considered the official work of the Institute, we are proud to have been a convener and supporter of this project. It is my hope that the thoughtful and detailed document that this team produced will contribute to the rule of law, will increase citizens’ trust in elections, and will ultimately help protect

democracy, all of which are well within the law reform mission of the ALI. We would like to extend our deepest gratitude to Charles, Bob, Ben, and the entire working group for producing this product. We also thank ALI Legal Fellow Will Tadros for providing valuable support to the team.”

Download the complete Ethical Standards for Election Administration at www.ali.org/eseo. ■