

The Devil's (Advocate) is in the Details: Challenges to Collecting a Scientifically Valid Democracy Index¹

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A Democracy Index that meets scientific standards as a valid and reliable indicator of the quality of election administration must:

- Rely on a subject or respondent pool who are willing (and ideally enthusiastic about) participating.
- Use commonly agreed upon categories and definitions for key concepts.
- Develop indicators and indices that are valid over diverse jurisdictions and remain valid over a number of election cycles.
- Rely on a data collection instrument or set of data collection procedures that have been subjected to pilot testing.
- Employ appropriate statistical methodology to analyze the index so that spatial and over-time variability that may be due to, for example, demographic variation is not incorrectly attributed to variations in election laws or administrative procedures.

These data collection issues are generic, but they are made substantially more complicated for the Democracy Index because of America's radically decentralized institutions of election administration; widely disparate levels of expertise among the "street level" bureaucrats who actually conduct elections and would be the source of much of the Democracy Index's key data items; and the concomitant low quality data available from many jurisdictions.

This memo argues that the "Democracy Index" project faces fewer issues in theory than it does in practice, and that much of the discussion of the Democracy Index must focus on questions of implementation. In short, the project managers must give sufficient time and energy to issues of reliability and validity; measurement, and pilot testing.

¹ I am indebted to many individuals who have helped me cement the ideas contained in this document. Most importantly, I would like to thank Karen Lynn-Dyson of the Election Assistance Commission, and the commissioners of the EAC, who have supported and encouraged me to reflect upon my experiences working with the 2006 Election Administration and Election Day Survey. I have benefited tremendously from the wisdom and experience of Kimball Brace of Election Data Systems, Inc. and Clark Benson of PoliData. Finally Michael McDonald of GMU—who warned me that I'd spend many hours frustrated with the quality of the data provided by some states and localities—has been a regular source of advice and guidance. Finally, I want to acknowledge Geri Mannion and the Carnegie Corporation of New York who funded part of my work. Responsibility for all content and interpretations lie with the author.

The evidence for the memo is drawn from experiences working with the 2004 Election Day Survey and the 2006 Election Administration and Election Day Survey, both conducted by the Election Assistance Commission.² These surveys are mandated by Congress,³ and presumably Congress could provide the EAC some sort of enforcement power and financial resources to make sure that states respond to the survey. As it stands, non-response is such a problem with some portions of the survey that is nearly impossible to monitor compliance with NVRA, UOCAVA, and likely other essential components of our constellation of laws that protect voting rights.⁴

Issue #1 - Information Sources

Who will provide the information?

The Democracy Index must collect its information from somewhere—presumably, websites maintained by state, county, and local jurisdictions. The problem is that the key stakeholders for the officials who maintain these sites are other elected officials, candidates for office, political parties, and get out the vote organizations in their states.

It is not at all clear the kind of information necessary for the Democracy Index is or will be made available. What incentive would these officials have to participate in a data collection effort that will inevitably make some of them look bad—after all, not everyone can be first, on the democracy index; someone is going to have to be last.

Furthermore, state and local election officials are already balking at HAVA and the mandated requirements of the EAC to collect election administration information. It is not clear why the Democracy Index would not be viewed as a well-intentioned but ultimately costly data collection initiative that will only place elections officials under additional scrutiny.

The EAC Experience:

1. One state and two territories did not respond at all to the NVRA portions of the 2006 EAC survey.⁵

² The information contained in this memo is publicly available in “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2005-2006” (June 30, 2007) and “The Uniformed and Overseas Citizen Absentee Voters Act UOCAVA: US Election Assistance Commission Survey Report Findings” (September 2007), both released by the EAC.

³ For example, HAVA Section 703(a) amended section 102 of UOCAVA by adding a data reporting requirement: “Not later than 90 days after the ... election ... each state and unit of local government shall ... submit a report to the EAC ... on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election...”

⁴ My work with the 2004 survey was supported by the Carnegie Corporation of New York. I am one of three contractors working with the EAC on the 2006 survey, preparing reports for public release.

⁵ One additional state provided no information for this section of the survey because it was exempt from the NVRA. However, this meant we could make no statements about the number of registered voters, number of inactive voters, etc.

2. Data collection was extended more than four months beyond the original target date (which was three and a half months after the November election), yet there remains major sections with incomplete or missing data.
3. Many states provided incomplete information. Only 45 states and 2 territories reported the total number of voter registration applications received from 2004-2006. In those 45 states, data was provided for only 65% of the jurisdictions.
4. Response rates on key items in the UOCAVA portion of the survey ranged from a high of 65% to a low of 41%.

Issue #2: Data Prioritization

What will you ask them to provide?

In social science jargon, operationalization is the process whereby we move from a theoretical construct to actual measurement. The move from theory to measurement is simple in some cases, such as *education*. By *education*, we generally mean the amount of time an individual has spent in educational institutions, and it is usually operationalized as *years of education*.⁶

Consider another seemingly simple case: *voter turnout*. Perhaps shocking to some, we still do not know how many voters turned out in 2004. 900 counties in the United States (almost one-third of the nation) do not report voter turnout to be the number of people who showed up at the polls, but instead report the number of votes for the highest office on the ballot.

Michael McDonald has shown that an incorrectly calculated voter turnout figure can fundamentally change our interpretation of the trends in voter turnout in the United States over the past quarter century. The numerator may include “the number of voters who showed up at the polls in 2006” or “the number of voters for the highest office”. The denominator may include “the total number of citizens”, “the total number of citizens over 18”, “the total number of citizens who are eligible to register to vote,” or “the total number of citizens who are actually registered to vote.”

The problem faced by the Democracy Index is twofold. First, it must not only pay close attention to issues of operationalization for its own purposes, but the terms used must be understood in same way by hundreds if not thousands of elections officials around the country. Past experience with the NVRA and UOCAVA indicate that this could be a significant barrier.

Second, the measures must be practicable: they must be quantities that can actually be collected from the states. This will require important attention to prioritization, not asking just what data do you want to collect, but what data can you collect. Past experience with the NVRA and UOCAVA demonstrate that even though HAVA

⁶ These seem straightforward, but note that we really would like to know *how much did an individual learn* in those years. For some of our students, lots of hours of classroom exposure seems to translate into very little learning! This is why we give tests and we don't rely on attendance as our measurement of learning.

mandates certain election information be collected, many states are ignoring the mandate. And even if the data are there, it may be stored in such a fashion that it is nearly impossible to produce the desired information.

The EAC Experience:

1. Problems with inconsistent definitions:

- a. Active and Inactive Voter Registration: There is no consistent rule applied across the states, or even across counties within a single state, as to whether “reported registration” numbers should include or exclude inactive” voters. This makes it difficult to produce any cross-state comparable measure of the percent registered or percent turnout.

In a few states, the reporting method actually changed from 2004 to 2006, resulting in what appears to be a massive decline in registration, but is in reality simply a different definition of a registered voter.

- b. Balloting modes: There is no common understanding of the meaning of “early in-person” or “absentee” balloting. Some states report as “early in person” ballots ones that were cast by filling out an absentee ballot in person at an election jurisdiction, while other states lump these in with “absentee” ballots.
- c. Early votes: Some states, because they physically count ballots on election day, consider *all* ballots as cast on election day. Other states adopt precisely the opposite definition, reporting all absentee ballots as “early” even if the ballots were physically filled out on election day.

2. Asking for data that is not being collected

- a. The most common reason provided as to why a state or jurisdiction did not answer a question in the NVRA was “We do not collect this information.” Only 34 states reported how many voters were removed from the voter rolls because they moved from the jurisdiction, and only 33 states reported whether voters were removed from the rolls because of felony convictions. Both pieces of information are supposed to be collected under Federal law.
- b. The EAC asked for, but seven states reported that they do not track, how many ballots are cast separate from the number of ballots that were counted.
- c. The EAC asked for, but many states did not track, the reasons why an absentee ballot was rejected (e.g. missing signature, missing postmark,

arrived late, returned as undeliverable).

- d. Some states and local jurisdictions do not separate out UOCAVA ballots from absentee ballots, as required by UOCAVA.

Issue #3: Data Collection and Input

Who will enter the data and how will it be entered?

The next consideration is fundamentally practical. Let's assume the first two issues have been resolved—the project obtains buy-in from state and local officials and settles upon a common set of categories, definitions, and measurements. How will the data actually be collected?

The first question to ask is whether the instrument is designed for data entry and data reporting or whether it is designed as sample survey?

If it is a data reporting instrument, that the principal investigators need to do everything possible to make it easy for information that is already being collected by the states (e.g. in their statewide voter registration database) to be entered into the system. If it is a survey that does not aspire to comprehensive coverage for each election, but instead randomly samples precincts at each election, then the whole data collection task is very different.

The second question to be asked is: who will enter the information?

To the degree that it is possible, all data entry should be managed by the Democracy Index staff. The Democracy Index faces an almost insurmountable challenge if it plans to rely on state and local officials to fill out a data entry form or survey. By relying on graduate or undergraduate research assistants who will input the data, at least the Index can be assured that the “respondent” understands what is being asked for and how the “survey logic” operates. If the project intends to rely on state and local officials, I think the practical hurdles in the way of a successful effort are insurmountable. If the EAC can't do it with the power of Congress behind them, how can the Democracy Index?

The third point is not a question but simply a plea: the data collection instrument must be piloted or tested in a real-world setting.

The EAC Experience:

The 2006 EAC survey relied on a web-based data collection instrument; state and local officials were asked to enter their own data. The survey was presented multiple times to state and local officials, but an official “pilot” test does not seem to have been run. Some protections that, in hindsight, should have been built into the system were not, and as a result, some inconsistent, improbable, and impossible responses were collected. Many of the problems listed below may have been identified in a pilot run while others could

have been avoided if careful programming logic had been used in the data collection system.

1. Discrepancies were found between information that many states report in its official election compilations and the information provided in the survey. This is most apparent in discrepancies between “reported registration” and “registration: survey response” in the NVRA report.
2. Even though they were told multiple times, as well as reminded on the data entry screen, many officials did not understand the difference between a “blank”, a “zero”, and “We do not collect this information” This created great difficulties in tracking response rates and determining the total numbers of voters that fell into some categories.
3. Even though a web-based instrument was provided, many states chose to send spreadsheets or other formatted data back to the EAC, necessitating expensive and time-consuming data entry.
4. Programming logic should have disallowed illegal survey responses but did not. For example, seven states allow same day registration, but far more than seven states put a number in a response category “Number of same day registrations.”
5. When states or jurisdictions did not collect the right information, they tended to rely on “catch all” categories. For example, in the UOCAVA portion of the study, a number of states reported all UOCAVA votes were “uncategorized.”