

American University Center for Democracy and Election Management
Nonpartisan Election Administration Model Legislation
Executive Summary

1. This bill establishes a State Independent Election Commission to conduct all primary, general and special statewide and legislative elections. The election-related responsibilities of all offices, including that of the Secretary of State, would be transferred to the Commission (1).
2. The Chief Elections Officer supervises the conduct of elections; develops and implements uniform training programs for election officials; maintains an accurate and integrated registration list; establishes standards for voting equipment; aggregates, certifies, and announces election results; reports to the legislature and the public on the state of the electoral process and ways to improve it; certifies voting technology; prepares voter education materials; among other duties (2).
3. The Chief Elections Officer should be nonpartisan and of demonstrated integrity, independence, and public credibility. The procedure for selecting and confirming the individual is designed to assure that the person is viewed by the major political parties as nonpartisan. The person is nominated by the Governor from a list of candidates developed by the leadership of the major parties of the legislature, which must then confirm the nominee by a super-majority (three-fourths) vote. Provisions are made for filling the position temporarily in the case of gridlock. (3).
4. The Chief Election Officer appoints a staff director and general counsel for the commission, both of whom should be nonpartisan (4 and 5).
5. The bill establishes an Advisory Committee to meet quarterly with the Chief Elections Officer in public to provide technical advice and assure the transparency of the electoral process. The Committee is composed of representatives of the political parties, election administrators, law enforcement agencies, community and civil rights groups, and experts in different elements of election administration and technology (6).
6. Any person may file a complaint with the State Election Commission. In order to assess the complaint, conduct investigations, and enforce the law, the Chief Election Officer (CEO) has the power to subpoena witnesses (7) and the authority to impose a civil monetary penalty and/or issue a cease-and-desist order if a person has violated or is about to violate a state election law (8). The CEO may prescribe rules and regulations to implement the election law and assure uniform voting in the state, and has litigation authority to bring or defend an action under this act. (9 and 10).
7. Partisan activities of election officials are restricted (11).
8. Election observers are guaranteed access to the electoral process (12).
9. A funding formula is established to provide for uniform elections across the state (13).

[Link to full text Nonpartisan Election Administration Model Legislation.](#)