

U.S. Senate (SENATE)

*Discussing Party
Interference in
Electoral Precincts and
the Implementation of a
Centralized Electoral
Agency*

Director: Natalia Rodríguez Lecona

Moderator: Valentina Sunderland Nuñez

I. INTRODUCTION

The United States Senate (U.S. Senate) is the upper chamber of the U.S. Congress, part of the legislative branch of power of the United States of America's government. At the same time, it is complemented in this duty by the U.S. House of Representatives as the lower chamber. The U.S. Senate is located in the United States Capitol in Washington D.C.

The integrity of elections is a cornerstone of any democracy, and the United States has long prided itself on maintaining free and fair electoral processes. However, the decentralized structure of election administration—where states and local jurisdictions hold the primary authority—has led to significant disparities in election practices and vulnerabilities. These differences have raised concerns about party interference in electoral precincts, undermining public confidence in the democratic process. Partisan actors have, at times, influenced or attempted to manipulate election outcomes through actions such as gerrymandering, voter intimidation, and interference in ballot counting. In an era of increasing political polarization, these challenges threaten to erode the public's trust in the electoral system.

A growing debate within Congress and among the public revolves around the potential establishment of a centralized federal agency tasked with overseeing elections. Advocates argue that such an agency could provide uniformity, enhance election security, and ensure impartiality. Critics, however, raise concerns about federal overreach, the preservation of states' rights, and the risk of consolidating power in a way that could itself become partisan.

The Special Senate Committee on Election Integrity and Administration has been convened to address these pressing issues. The committee's mandate includes investigating instances of party interference in electoral precincts, assessing the effectiveness of existing state-run election systems, and evaluating the feasibility of creating a centralized federal agency to oversee elections. By engaging with experts, stakeholders, and existing models from both domestic and international contexts, the committee aims to develop a comprehensive framework to protect the integrity of elections while respecting the principles of federalism that underpin the U.S. Constitution.

This paper seeks to provide an in-depth exploration of the topic, beginning with a historical analysis of election administration and interference in the United States. It will then examine the current state of electoral systems and their vulnerabilities, propose potential

solutions for reform, and discuss the roles of key stakeholders. Ultimately, the committee's goal is to foster bipartisan collaboration to safeguard democracy and restore public confidence in the electoral process.

II. HISTORY OF THE PROBLEM

Election administration in the United States has been decentralized since the nation's founding, with the Constitution granting states the primary authority to determine the "times, places, and manner" of holding elections. This system of federalism has allowed states to tailor their electoral processes to local needs, but it has also created significant disparities in how elections are conducted. Throughout history, this decentralization has occasionally left the electoral process vulnerable to partisan interference and manipulation.

One of the earliest examples of party interference dates back to the 19th century, during the rise of political machines such as Tammany Hall in New York City. These organizations exerted significant influence over local precincts, often using intimidation, bribery, and voter fraud to secure election outcomes favorable to their interests. Such practices not only undermined the democratic process but also marginalized disenfranchised groups, particularly immigrants and racial minorities.

The 20th century saw the introduction of reforms aimed at curbing these abuses, such as the establishment of secret ballots and voter registration systems. However, challenges persisted, particularly in the South, where Jim Crow laws effectively disenfranchised millions of African American voters. Despite the passage of the Voting Rights Act in 1965, efforts to suppress voter participation continued, often under the guise of maintaining election integrity. For instance, gerrymandering became a widely used tool to manipulate district boundaries and dilute the voting power of specific demographics.

More recently, the advent of electronic voting systems and the increased use of mail-in ballots have introduced new vulnerabilities. Allegations of foreign interference in the 2016 and 2020 presidential elections highlighted the risks associated with decentralized election systems and the lack of uniform security standards. The proliferation of misinformation and disinformation during these elections further exacerbated public mistrust in the electoral process.

Internationally, countries such as Canada and Germany have adopted centralized election agencies to standardize processes and reduce the risk of interference. These models provide valuable insights into how the United States might address its own challenges while preserving the balance between federal and state authority. By examining historical patterns of interference and the evolution of election reforms, the committee can better understand the root causes of current vulnerabilities and explore potential solutions that strengthen the democratic process.

III. CURRENT SITUATION

The current state of election administration in the United States reflects a complex and often fragmented system, where significant variations exist between states and even within counties. While this decentralized model allows for localized control and adaptability, it also opens the door to inconsistencies in election security, accessibility, and transparency. These discrepancies have become increasingly evident in recent election cycles, raising concerns about vulnerabilities to both domestic and foreign interference.

One pressing issue is the role of partisan influence in election oversight. In many states, election officials are either elected directly by the public or appointed by partisan bodies, leading to potential conflicts of interest. Instances of voter suppression, such as restrictive voter ID laws, purges of voter rolls, and reductions in polling locations, disproportionately affect marginalized communities and have drawn significant criticism. Moreover, concerns about the impartiality of election administrators have fueled debates over the need for nonpartisan oversight.

Technological vulnerabilities also pose a significant challenge. The use of outdated voting machines, many of which lack paper trails, increases the risk of cyberattacks and technical malfunctions. Despite efforts to modernize election infrastructure, funding constraints and political disagreements have hindered progress. The 2016 and 2020 presidential elections underscored the threat of foreign interference, with evidence of attempts to hack voter registration systems and spread disinformation campaigns designed to sow distrust and confusion among voters.

The proliferation of misinformation and disinformation further exacerbates these challenges. Social media platforms have become battlegrounds for the dissemination of false information, ranging from misleading claims about voter fraud to conspiracy theories that undermine confidence in the electoral process. While some platforms have taken steps to flag or remove harmful content, the effectiveness of these measures remains limited, and the rapid spread of false information continues to outpace fact-checking efforts.

Despite these challenges, there are notable efforts to improve the integrity of U.S. elections. Several states have adopted measures such as automatic voter registration, expanded early voting, and the implementation of risk-limiting audits to ensure accuracy in vote counts. At the federal level, legislation such as the For the People Act and the John Lewis Voting Rights Advancement Act has sought to address issues of voter access and election security, though these proposals have faced significant partisan opposition.

The committee must carefully evaluate these existing efforts and identify gaps that require urgent attention. By examining the current landscape of election administration, the committee can better understand the systemic weaknesses that allow for party interference and consider whether a centralized federal agency could provide a more consistent and secure framework for managing elections across the nation.

IV. POSSIBLE SOLUTIONS

Addressing the challenges of party interference and election vulnerabilities requires a multifaceted approach that balances the need for greater uniformity with the preservation of state sovereignty. The following solutions represent potential pathways for reform:

1. Establishing a Centralized Federal Election Agency:
 - A dedicated federal agency could oversee key aspects of election administration, including standardizing voting technologies, setting security protocols, and managing voter registration databases. By creating a single entity responsible for nationwide election standards, the risk of partisan influence and inconsistencies could be significantly reduced.

- However, this proposal must consider the constitutional limitations of federal authority over elections and ensure that states retain a role in implementing policies that align with local needs.
2. Enhancing Election Security:
 - Federal and state governments must invest in modernizing voting equipment, particularly by adopting systems with verifiable paper trails. Risk-limiting audits should also become a standard practice to ensure the accuracy of election outcomes.
 - Cybersecurity measures, including partnerships with federal agencies like the Cybersecurity and Infrastructure Security Agency (CISA), should be prioritized to protect election infrastructure from hacking and foreign interference.
 3. Implementing Nonpartisan Oversight:
 - Establishing independent, nonpartisan election commissions at the state level could help minimize the influence of political parties on election administration. These commissions should be composed of experts in election law and public administration to ensure impartiality.
 - Clear guidelines should also be established to prevent conflicts of interest among election officials and administrators.
 4. Promoting Voter Access and Education:
 - Policies such as automatic voter registration, same-day registration, and expanded early voting can increase accessibility and reduce barriers to participation. Public education campaigns should also be implemented to counter misinformation and inform voters about their rights and responsibilities.
 5. Regulating Social Media and Combating Disinformation:
 - Social media platforms must be held accountable for the content shared on their platforms, particularly during election cycles. This could involve requiring greater transparency in political advertising, flagging false or misleading information, and collaborating with fact-checking organizations.
 - Federal regulations should strike a balance between combating disinformation and upholding freedom of speech to avoid undue censorship.
 6. Strengthening Federal-State Collaboration:

- A cooperative framework that enhances communication and resource-sharing between federal and state governments could help address challenges in election administration. Federal grants could be provided to states that demonstrate efforts to modernize infrastructure and improve election security.

By implementing these solutions, the committee aims to foster a more transparent, secure, and equitable electoral system. Ensuring bipartisan support for these measures will be critical to their success and to rebuilding public trust in the democratic process.

V. STAKEHOLDERS

The discussion around party interference in electoral precincts and the potential implementation of a centralized election agency involves a variety of stakeholders, each with unique perspectives and interests. Understanding their roles and concerns is critical to ensuring any proposed reforms are both effective and equitable.

1. Federal Government

The federal government plays a significant role in the debate, particularly through institutions such as the Department of Justice (DOJ) and the Federal Election Commission (FEC). These entities are tasked with enforcing existing election laws and protecting the integrity of federal elections. A centralized agency for elections would likely fall under federal jurisdiction, making the federal government a primary stakeholder in determining its scope, structure, and authority. Key concerns include respecting states' rights while ensuring consistent election standards nationwide.

2. State Governments

State governments have traditionally managed elections, with each state having its own rules, procedures, and oversight mechanisms. Many state officials may resist the creation of a centralized agency, viewing it as an infringement on their autonomy. However, some may also recognize the benefits of federal support, such as enhanced cybersecurity measures and access to standardized resources. Striking a balance between federal oversight and state control will be a crucial point of contention.

3. Political Parties

Political parties are directly affected by any changes to election administration, as they rely on precinct-level operations to mobilize voters and monitor results. Both major parties—Democrats and Republicans—have historically accused one another of interference or undue influence in precincts. While some party leaders may support measures to reduce partisanship in election processes, others may oppose reforms that could weaken their local influence.

4. Election Officials

Local election officials are on the front lines of administering elections. Their input is essential, as they are intimately familiar with the challenges of running elections at the precinct level. Many election officials are concerned about the lack of resources, training, and support, all of which could be addressed by a centralized agency. However, they may also fear increased bureaucracy and the potential for political interference in a federally controlled system.

5. Voter Advocacy Groups

Organizations advocating for voter rights and accessibility are critical stakeholders in this discussion. These groups often highlight disparities in election administration that disproportionately affect marginalized communities. They may view a centralized agency as an opportunity to create more equitable and standardized voting practices. However, they will also demand safeguards to ensure that federal oversight does not inadvertently disenfranchise voters.

6. Cybersecurity Experts

In an era where elections face growing threats from cyberattacks and misinformation campaigns, cybersecurity experts are vital stakeholders. A centralized agency could streamline efforts to protect election infrastructure from foreign and domestic threats. However, experts will likely advocate for robust protections to prevent centralized systems from becoming single points of failure.

7. The American Public

Ultimately, the American electorate is the most important stakeholder. Public trust in the electoral process has eroded due to allegations of interference and irregularities. Any

reform must prioritize transparency, accountability, and accessibility to rebuild voter confidence. Public opinion will shape the political feasibility of creating a centralized agency and influence how its goals are defined.

VI. RELEVANT U.S. LAWS AND PRECEDENTS

The U.S. legal framework governing elections provides crucial context for the debate on party interference in electoral precincts and the establishment of a centralized election agency. Key statutes and judicial precedents underscore the balance of power between federal oversight and state autonomy while addressing election integrity, voter rights, and related issues.

1. The Voting Rights Act of 1965 (VRA)

The Voting Rights Act is one of the most significant pieces of federal legislation in U.S. history, aimed at prohibiting racial discrimination in voting. The Act provided federal oversight in jurisdictions with a history of discrimination, requiring preclearance for changes to voting laws or practices. Although the 2013 Supreme Court decision in *Shelby County v. Holder* invalidated the preclearance formula, the VRA remains a cornerstone of election law. Any proposal for a centralized agency would need to consider the VRA's legacy and address concerns about protecting voter rights, particularly for historically marginalized groups.

2. The Help America Vote Act of 2002 (HAVA)

HAVA was enacted in response to controversies surrounding the 2000 presidential election, particularly issues with voting technology and election administration. The law established the Election Assistance Commission (EAC) to provide guidance and funding to states for improving election systems. While HAVA reaffirmed state control over elections, its creation of a federal agency to oversee aspects of election integrity provides a potential model for the proposed centralized agency. However, critics of HAVA have pointed to the EAC's limited authority as a cautionary tale for future reforms.

3. The National Voter Registration Act of 1993 (NVRA)

The NVRA, also known as the "Motor Voter Act," was designed to increase voter registration and streamline the process. It requires states to offer voter registration

opportunities at motor vehicle departments and public agencies, ensuring greater access to the electoral process. While the NVRA focuses on voter registration rather than election administration, its emphasis on federal standards for states underscores the possibility of federal involvement in elections without overriding state control.

4. Recent Supreme Court Decisions

The U.S. Supreme Court has played a significant role in shaping the legal landscape of elections. In addition to *Shelby County v. Holder*, cases like *Brnovich v. Democratic National Committee* (2021) have further refined interpretations of the Voting Rights Act. In *Brnovich*, the Court upheld Arizona's voting regulations, signaling a trend toward greater deference to state election laws. This precedent highlights the challenges a centralized agency might face in navigating states' rights and federal oversight.

5. Federalism and the Elections Clause

The U.S. Constitution grants states the primary responsibility for administering elections, with federal intervention allowed under specific circumstances. Article I, Section 4, known as the Elections Clause, gives Congress the authority to regulate the "times, places, and manner" of federal elections. This constitutional provision serves as the basis for federal election laws like HAVA and the NVRA. Any proposal for a centralized agency would need to operate within the boundaries of the Elections Clause while addressing potential challenges from states asserting their rights under the Tenth Amendment.

6. State-Level Election Laws

States have their own election laws, which vary widely in terms of voter access, election technology, and ballot security. Laws such as voter ID requirements, mail-in voting procedures, and precinct organization are key areas where partisan interference may occur. Harmonizing these laws under a centralized system could face significant legal and political resistance, requiring careful consideration of state interests.

7. The Role of Precedents in Shaping Reform

Past efforts to reform election administration, such as the introduction of the EAC under HAVA, demonstrate both the potential and the limitations of federal intervention. These

precedents provide valuable lessons for structuring a centralized agency, particularly regarding its authority, funding, and ability to build consensus among states.