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WHY IS IT SO HARD TO RUN FOR OFFICE IN VIRGINIA?

ADMINISTRATIVE BURDEN AND ITS EFFECTS ON
MINORITY CANDIDATES



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AND REVIEW COMMISSION

JLARC
JOINT LEGISLATIVE AUDIT
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FRANK BATTEN SCHOOL
of LEADERSHIP and PUBLIC POLICY

Acknowledgments, Disclaimer, and Honor Statement

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To quote a famous son of a plumber, "Get a dream, hold on to it, and shoot for the sky."

Disclaimer

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, by the University of Virginia, or by any other agency.

Honor Statement

On my honor as a student, I have neither given nor received unauthorized aid on this assignment.

Magin Misael Sanchez

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Acronyms

COMET – Committee Electronic Tracking System
 ELECT – Virginia Department of Elections

JLARC – Joint Legislative Audit and Review Commission

Executive Summary

Running for elected office can be costly, requiring significant resources to mount a successful electoral campaign. Costs imposed by a range of motives, from campaign finance law to incumbent protection, can serve as a significant barrier for first-time candidates to overcome to apply to run for office. ***Therefore, the current candidate application process adversely burdens candidates desiring to run for public office in Virginia, particularly candidates of color and other minority groups, making it difficult for them to make it onto the ballot in the first place.***

These costs can be summarized within three categories:

1. Learning Costs – Resources necessary to collect information regarding running for office.
2. Compliance Costs – Resources required to follow requirements to apply to run for office.
3. Psychological Costs – The stigma attached to interactions with election officials.

To address this problem, this paper will evaluate the following policy alternatives to resolve the burdensome candidate application process:

1. The state can create **digital candidate education training modules**, walking candidates asynchronously through the application process to run for office in Virginia with the support of pre-existing programs, such as the University of Virginia's Sorensen Institute.
2. The state could digitalize the collection and submission of candidate application documents within a **centralized digital portal**. Using the pre-existing digital finance portal COMET, this could allow for the prefilling and streamlining of forms within a singular application module.
3. The state could **standardize primary-filing fees** by requiring party-ran primaries to use the state standard of no more than 2% of one year of the office's minimum salary.
4. In addition, the **status quo**, where no additional action is taken, was considered.

These alternatives will be evaluated on the following criteria in conjunction with the held values of JLARC based on a low, medium, and high scale.

- **Effectiveness:** How well does the proposal reduce the associated learning, compliance, and psychological costs imposed by the administrative burden?
- **Political Feasibility:** How likely is this policy to be adopted by the General Assembly and implemented by the Department of Elections?
- **Financial Feasibility:** How costly is this intervention for the state to implement in terms of budgetary and time costs?

After careful evaluation and analysis, I recommend Alternative 2, creating a centralized digital portal to submit all campaign forms. Should the COMET system be revised to accept such forms, this policy would provide the greatest reduction in candidate burdens at an acceptable financial cost with a viable path toward legislative adoption. Although JLARC itself would not seek to lobby or implement such a policy, it can recommend the policy if called upon by the General Assembly, for which a state legislator can pursue through the implementation process.

Introduction

Problem Statement

The current candidate application process adversely burdens candidates desiring to run for public office in Virginia, making it difficult for them to make it onto the ballot in the first place. In addition, these administrative burdens result in discouraging and differential impacts upon candidates of color and other minority groups, serving as a barrier to access for such subgroups.

In 2020, when comparing the percentage point difference in racial representation within the state legislature to the state's overall demographics, Virginia stands remarkably less representative than other states (National Conference of State Legislators, 2020; US Census Bureau, 2021). Virginia had the 11th most overrepresentation of white state legislators of any state, at 20 percentage points higher than the white state population. In comparison, Virginia had the 7th worst underrepresentation of Asian state legislators (-5 percentage points), 10th worst underrepresentation of black state legislators (-5 percentage points), and 23rd worst underrepresentation of Hispanic state legislators (-8 percentage points). Hence, there is a barrier to access for various subgroups within the commonwealth to gain political access to government relative to their representativeness of the state population.¹

Causes

Running for office is a resource-intensive process, actively discouraging candidates from running for office. This is particularly true for candidates from backgrounds with less resources, such as those of color and low socioeconomic status. The root causes of this occurrence include political gatekeepers, limited assistive programs, and historically institutionalized racism within Virginia.

When considering political gatekeepers, the State Board of Elections is structured to reward the victorious party of the Gubernatorial election, allowing the party to appoint sympathetic board members of their causes (Virginia Legislative Information System, 2022c). Hence, parties are incentivized to control the Board, the sole political arbitrators of election rules disputes, for their own benefit. Thus, through board control, parties can increase the resources required to run for public office, preserving party control by protecting incumbents.

Similarly, the lack of available resources to fund assistive programs to assist first-time candidates in navigating the candidate process preserves burdens such candidate face. Such processes require 7 different forms related to campaign finance and election administration and security concerns. For example, in 2021, amidst confusion regarding post-COVID election policies, the Commissioner of Elections agreed that the filing process for candidates was

¹ See Appendix A for Author's Calculations

“convoluted” (Mirshahi, 2021).

Lastly, implicit racism and the legacy of Jim Crow-era restrictions on the exercise of political power by minorities remain embedded within the political systems established within the state decades prior. Racial disparities within the campaign prompted the NAACP to raise concerns regarding multiple minority candidate disqualifications in 2021 (Virginia NAACP, 2021).

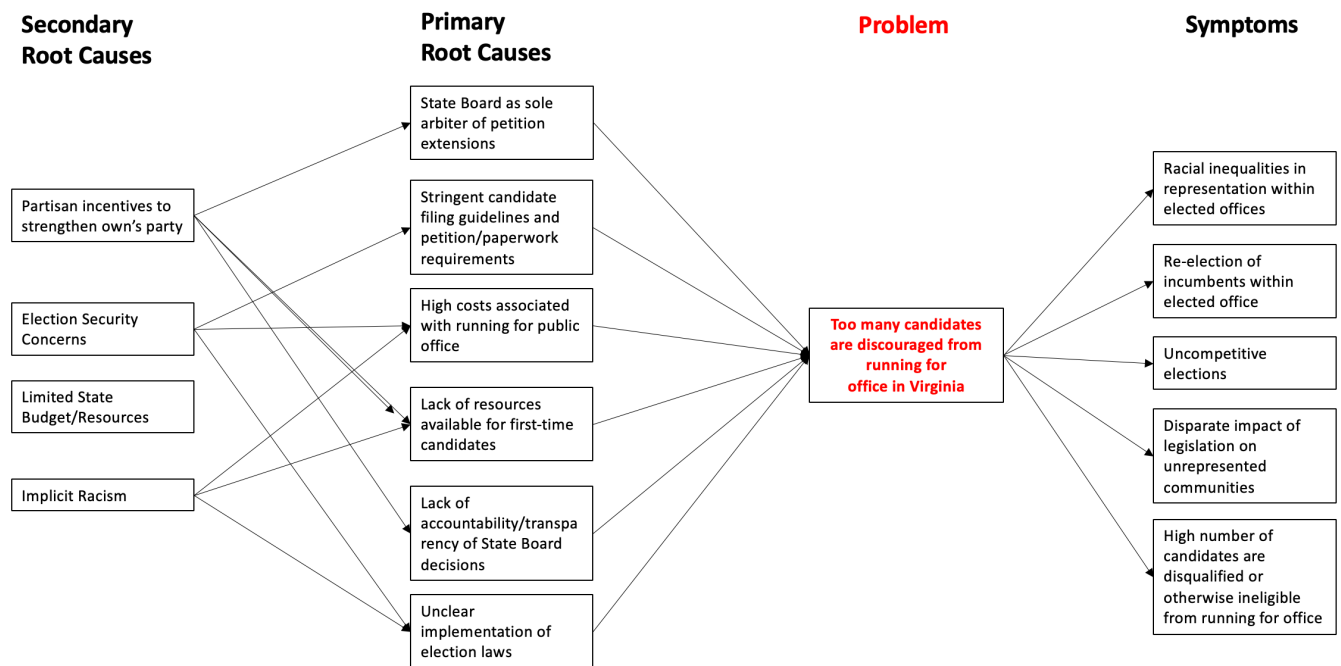


Figure 1 Root Causes Analysis of Administrative Burden on Electoral Candidates in Virginia

Client Orientation & Goals

The Joint Legislative Audit and Review Commission (JLARC) is a state organization that conducts program evaluation, policy analysis, and oversight of Virginia state agencies. Reporting to the Virginia General Assembly, JLARC is driven by integrity, rigor, objectivity, and nonpartisanship principles. Its three main goals are to ensure an informed legislature, compliance with legislative intent, effectiveness, efficiency, and cost savings within programs (JLARC, 2022).

Considering the salience of elections to the functioning of a democratic government, this problem corresponds with JLARC's duty of overseeing the state agency of the Department of Elections (ELECT) and its goal to ensure compliance with legislative intent and effectiveness. Should there be an inherent issue as to how the Board exercises its discretion to grant extensions to candidates, such an issue would be contrary to the legislation's intent for fair and open election processes, as stated within the mission statement of the department (Virginia Department of Elections, 2023).

Thus, within this project, JLARC's goals would be to ensure that the matter in which elections are run in Virginia meets the process equity standard of accurate, fair, open, and secure elections established within the Department of Elections mission statement. In doing so, any solution should be effective, efficient, and cost-conscious.

Background

Elections in Virginia

Election Governance in Virginia

Virginia elections are governed by Title 24.2 of the Code of Virginia (Virginia Legislative Information System, 2022b). The 5-person State Board of Elections is appointed by the Governor, with the majority being members of the Governor's party. The Board is empowered to supervise and coordinate the local electoral boards in every city and county of the state. The Governor also appoints the Commissioner of Elections, who serves as the key administrator of elections within the commonwealth through the Department of Elections. The Attorney General is empowered to enforce election laws and prosecute law violations (Virginia Legislative Information System, 2022b).

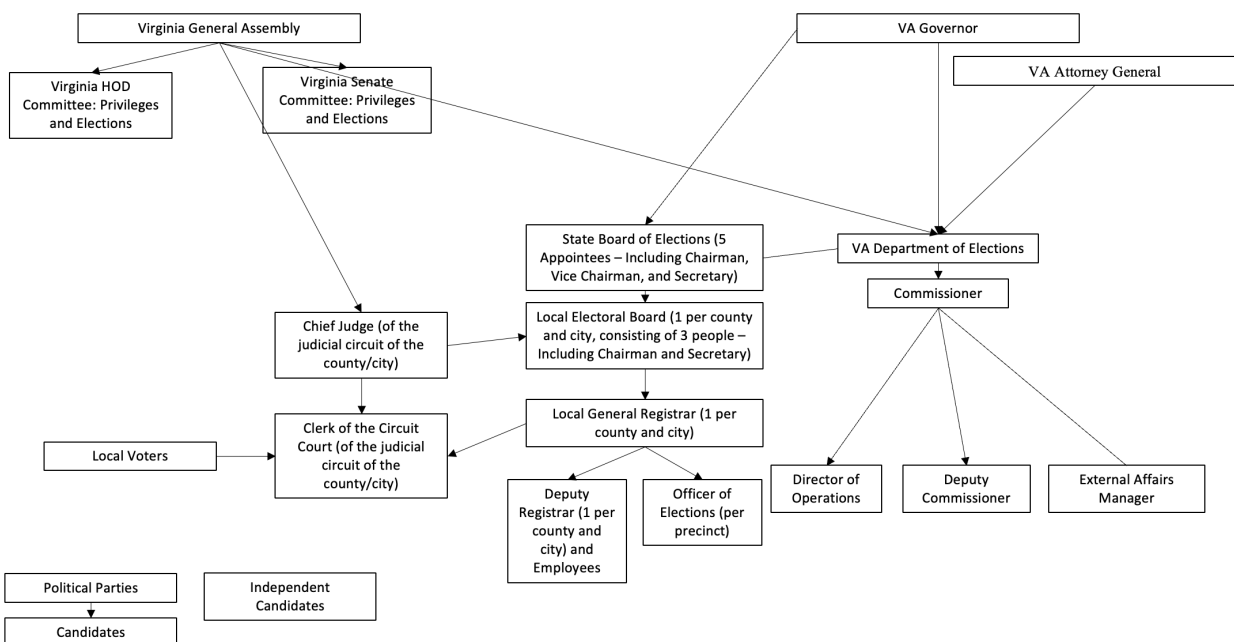


Figure 2 Governance Map of Elections in Virginia (Virginia Legislative Information System, 2022b)

Through the local boards, elections are overseen by three-member panels appointed by the local Chief Judge of the Circuit Court. The Judges of the Circuit Court themselves are appointed by the state legislature, the Virginia General Assembly (Virginia Legislative Information System, 2022b). These local electoral boards appoint a General Registrar, who handles the administrative needs of the electoral board and submits documents to the Clerk of the Circuit Court, whom local voters elect. The Registrar may appoint a Deputy if the election district is large enough and helps coordinate the Officers of the Elections who operate the elections.

within each precinct.

The Virginia Department of Elections is funded by the state budget approved by the Virginia General Assembly. Both chambers of the state legislature have a Privileges and Elections committee that oversee electoral law within the state. Local government bodies fund the compensation of the election system's registrars, officers, and other local workers.

Additionally, candidates that desire to run for office as part of a political party must go through the primary processes established by their party. On the contrary, independent candidates can get on the ballot per the petition process established by Virginia state law.

Virginia Candidate Filing Process

Candidates in Virginia must meet office-based qualifications and file documents to qualify to appear on the ballot. Generally, candidates must be qualified to vote for the office sought and have been a resident within the state for the year immediately preceding the election (Virginia Department of Elections, 2022a). Candidates must then file a Certificate of Candidate Qualification form, Campaign Finance Documents, Statement of Economic Interest, Declaration of Candidacy form, and Petition of Qualified Voter form. Likewise, candidates within a state ran primary must pay a primary filing fee of two percent of one year's minimum salary for the elected office (Virginia Legislative Information System, 2023a).

Form	Recipient	Physical Submission?	Digital Submission?
Certificate of Candidate Qualification	Department of Elections (ELECT) via Registrar	Yes	No
Statement of Economic Interest (SOEI)	Department of Elections (ELECT) via Registrar	Yes	No
Primary Filing Fee Receipt	Local registrar with copy sent to Party Chair	Yes	No
Declaration of Candidacy	Local Party Chair	Yes	No
Petition of Qualified Voters	Local Party Chair	Yes	No
Statement of Organization for Candidate	Department of Elections (ELECT) via Local Registrar	Yes via Registrar	Yes via COMET
Campaign Finance Reports	Department of Elections (ELECT)	No	Yes via COMET

Table 1 Virginia Campaign Application Forms for General Assembly (Virginia Department of Elections, 2022b)

These forms must generally be filed with either the General Registrar or the Chairman of the local political party for which the candidate runs within their primary (Virginia Department of Elections, 2021). Such forms must be filed via certified mail or in person by the established deadline. Specific office requirements, including the required number of signatures for the Petition of Qualified Voter form, are published by the Department of Elections through their Candidate Bulletin.

Comparison with other States

Virginia varies with other states on several requirements for running for office and implementing such policies. Compared to other states, Virginia requires major party candidates to submit more forms than any state except Wisconsin (National Conference of State Legislators, 2015).

When considering petition signature requirements for upper-state legislative seats, Virginia requires 250 signatures (Virginia Legislative Information System, 2023c). In comparison, other states, such as North Carolina and Pennsylvania, only require 100 signatures (North Carolina General Assembly, 2022; Pennsylvania Department of State, 2022).

Likewise, nearby states empower bodies other than the Governor to elect the chief election administrator. Maryland and North Carolina entrust such power to the State Board of Election, while West Virginia and Kentucky elect a Secretary of State (National Conference of State Legislators, 2022). Virginia is also one of 16 states and the only one among its neighbors to share power across various offices rather than entrust a uniform agency or governing body.

Recent Incidents of Burden Candidates Face within Virginia

In April 2021, it was announced that eight candidates would not appear on primary election ballots for Virginia General Assembly races (Jarvis, 2021). Amidst complaints of unclear directions from the Department of the Elections, the Commissioner of Virginia Elections conceded that the filing process for candidates was convoluted (Mirshahi, 2021). Nevertheless, the Commissioner noted that plenty of notice was offered to the candidates regarding filing requirements, following previous COVID-19-impacted election cycles where similar confusion has arisen. Candidates, in particular, noted that unlike in previous races, extensions for clerical errors were not granted (Mirshahi, 2021). Of the eight candidates, the four white candidates eventually were returned to the ballot by the general election due to running unopposed within the primaries or competing within convention-style nomination systems (VPAP, 2022a). The three black candidates, all running against Democratic incumbents, could not make it to the ballot. The incident sparked concerns of racial disparities by the NAACP, which requested additional accountability and transparency from the State Board of Election, which failed to issue a motion on the matter during a public hearing (Virginia NAACP, 2021).

Likewise, filing fees may vary dependent on the type of primary process used within an election. Although state law indicates that filing fees within primaries run by the state shall be

based on a percentage of the office's salary, it offers no explicit guidance regarding party-run elections (Virginia Legislative Information System, 2023c). Hence, parties determine their fees for party-ran nomination contests such as conventions and caucuses (VPAP, 2022b).

In November 2022, former state delegate Cheryl Turpin filed a lawsuit against election officials and the Democratic Party after failing to qualify for the 7th Senate District Special Election due to refusing to pay the \$5,000 filing fee (Woods, 2022). In contrast to the \$350 filing fee that would have been mandated by state law had the election been run by state officials, Turpin claims that the party-ran filing fee was unconstitutional and a barrier to entry. A tweet of past party-ran filing fees by VPAP shows that such high fees were not unusual, often above \$1,500 within State Senate Democratic nomination contests (VPAP, 2022b). Notably, within the mentioned dataset by VPAP, all three black candidates paid at least twice the amount that the sole white candidate paid within their respective races since 2014. Turpin herself is white and is not claiming racial bias within her lawsuit.

Administrative Burden

Evaluating the candidate application process through the lens of administrative burden provides insight into policy design's effects on who runs for elected office. Applying this social service policy framework to candidate application processing, a service provided by the government, offers a framework for understanding the costs imposed upon candidates, particularly those of minority populations.

Administrative Burdens in Public Policy

Administrative Burden is defined as the onerous experience felt by individuals through implementing a policy (Burden, Canon, Mayer, & Moynihan, 2012). Regardless if the burden is real or merely perceived, such burdens can impact citizens' experiences with the state (Moynihan et al., 2015). As a result, such burdens can increase the costs associated with retrieving the policy offering in question.

Three costs are associated with administrative burdens: learning, psychological, and compliance (Moynihan et al., 2015). Learning costs involve the resources necessary to collect information about public services and access their relevance to the individual's needs. Psychological costs involve the stigma and association loss of power or autonomy due to interactions with the state and the stresses of engaging within an administrative process. Compliance costs involve the burdens felt by following a program's administrative rules and requirements.

Administrative burdens unfold within three primary spheres, waiting, communication breakdowns, and administrative errors (Holler & Tarshish, 2022). The temporal experience of waiting for the deployment of a policy can induce power dynamics over access to a program, inducing psychological and compliance costs (Seefeldt, 2017). Communication breakdowns generally involve failing to communicate general information between the citizen and the administering agency, inducing learning costs (Holler & Tarshish, 2022). Administrative errors involve implementing a program that can create compliance and psychological costs. Thus, the matters upon which administrative burdens exist within public policy all create varieties of the three main associated costs that hinder an individual's ability to access a policy.

Racialization of Administrative Burdens in Public Policy

Considering that administrative burden imposes costs upon those accessing public services, a natural inquiry can be extended if such burdens are equally imposed across society or selectively worsen on specific subpopulations. An answer can be found within the extension of racialized organization theory to administrative programs, in which institutions and programs are organized with racial meanings and further codify racial inequalities (Ray et al., 2022). If policies consider the implementation of such organizations' initiatives, then inherently, such policies are racialized. Hence, racialized administrative burdens and the control of resources can disparately disadvantage racial and other marginalized groups from accessing public

services.

Within the take-up of social programs, vulnerable target groups were found to have lower-level take-up of such programs, higher levels of drop-out and exclusion, and more negative interaction with the state than non-target groups (Chudnovsky & Peeters, 2021). Hence, administrative burdens can subject minority populations to more significant learning, compliance, and psychological costs than non-minority populations, preventing them from accessing necessary programs. Thus, administrative burdens can amplify and worsen social inequalities, regardless of the program's original intent (Peeters, 2020).

Candidate Filing Process and Administrative Burdens

Inherently, filing to be a political candidate for office is engaging with the government to procure a public service. The government serves to register and verify legitimate candidates running for office. A political candidate must request such services to be placed on the ballot to run for office. Hence, the candidate must engage in a bureaucratic encounter, which would define their ability to obtain access to the service of ballot access, subjecting the candidate to the administrative burdens that arise from such an encounter (Peeters, 2020).

The impacts of administrative burdens upon candidates and society through the candidate filing process can be seen within the various costs imposed upon the candidates. The cynicism of electoral politics by minorities can be attributed to the encounter of such administrative burdens. Within young people, 9 in 10 will not consider running for office due to the perception of a broken and ineffective political system (R. Fox & Lawless, 2015). Likewise, the associated psychological costs are imposed by engagement in politics and the limited representation of women. Despite women turning out at higher rates than men, such costs have led to an internalized belief that they consider themselves less qualified to understand political issues (Koch, 1997).

Furthermore, the competitiveness of elections can be directly affected by the compliance costs imposed on candidates to complete the requirements to run for office. For example, a last-minute decision to move the Pennsylvania presidential primary to early March discouraged challengers from running due to a shorter recruitment period, narrower fundraising window, and compressed petition drive deadlines (Vike, 2003). Increasing such compliance costs protects incumbent candidates from electoral challengers, preserving the status quo. This is further compounded by the necessary knowledge required to run for office. Candidates with greater exposure and opportunities to engage as activists and officeholders within their party and the public were more likely to run for office than those who did not (Maisel & Stone, 1997). Information learned through past experiences curtailed learning costs imposed by administrative burdens. Therefore, there exist incentives for incumbent elected officials to impose greater administrative burdens to prevent the rise of challengers.

Legitimization of Administrative Burdens within the Candidate Filing Process

Reflective of the impacts of administrative burdens, such costs imposed within the candidate filing process can likewise reflect purposeful usage to balance other electoral system needs, such as accountability and transparency. Inherently, the operation of elections requires using finite resources that may require the imposition of disincentivizing administrative burdens. For example, in a 1976 U.S. District Court case in Michigan of *Hudler v. Austin*, it was found that states could strengthen ballot requirements to reduce the number of candidates running for office where otherwise there would be too many candidates for the voting machines to handle (Elder, 1979). Hence, administrative burdens can be used to ensure that election infrastructure can successfully handle the number of candidates running for office, as an otherwise low barrier of entry may overwhelm the ability of election officials to operate the election.

Similarly, imposing campaign finance oversight requirements inherently creates administrative burdens within elections. For example, disclosure statements of campaign contributions have been used since the 19th century to impose transparency and accountability while reducing the burdens imposed by more restrictive campaign finance restrictions (Jiang, 2019). However, through doing so, candidates still endure a learning and compliance cost imposed by attempts to fulfill such requirements. In addition, the transient nature of elections requires short-lived and limited-budget staff, indicating a reduced level of resources available to candidates to tap into (Garrett, 2019). As a result, creating additional documentation requirements for initiatives such as campaign finance further stretches such limited resources.

Costs to Society

The direct cost to society of such burdens is the failure to have an adequately representative government those accounts for the interests and needs of minority populations. Issues specifically related to sub-group populations can boost the ambition of individuals to run and represent the policy within the government (R. L. Fox & Lawless, 2005). Thus, excluding such people would result in such issues failing to be heard within the government, decreasing the descriptive representation of the government.

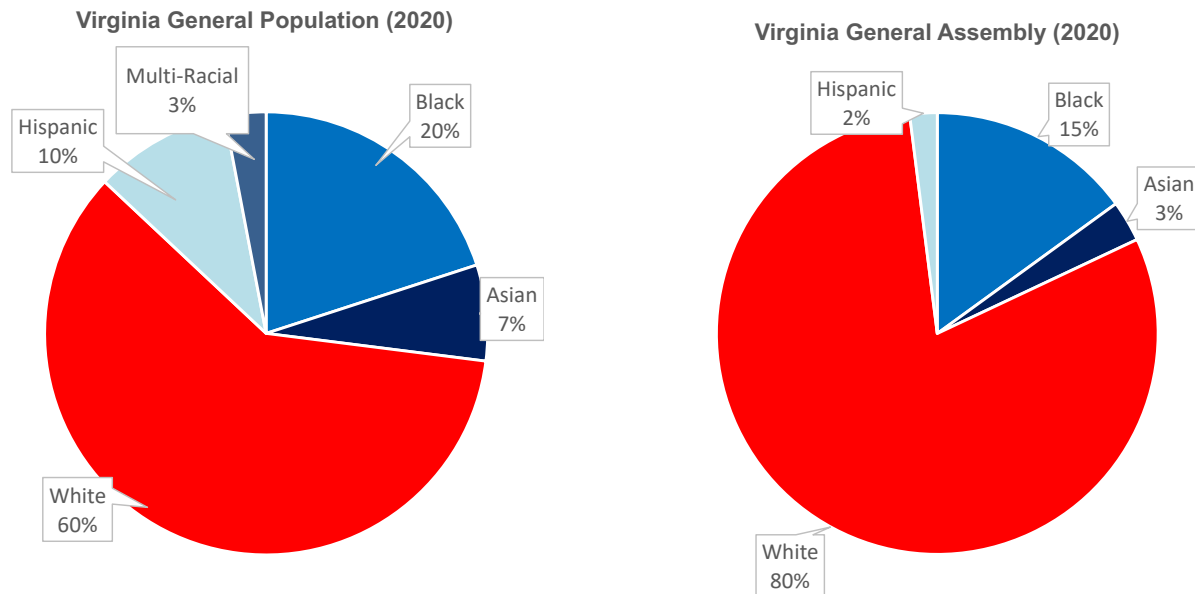


Figure 3 Racial Composition of Virginia General Population 2020 (U.S. Census, 2022) and Virginia General Assembly 2020 (VPAP, 2022a)

For example, the Virginia General Assembly underrepresents black people by 5% and Hispanics by 8%, compared to the Virginia at-large population (VPAP, 2022a). In contrast, white people are overrepresented by 20%. Therefore, this problem has already decreased the descriptive representation of the Virginia state legislature across both chambers.

The indirect cost to society of this burden is the reduction in the faith of the institutions held by affected subpopulations of the state. A 2007 study of women found that when there is less representation within a government body of women legislators, this subpopulation tends to have less external efficacy or trust that the government represents their interest (Atkeson & Carrillo, 2007). On the contrary, when such representation increases, that subgroup's engagement in political systems increases. A 2013 study of women in sub-Saharan Africa found that when women's representation in political bodies increases, the gap between men versus women's political engagement decreases (Barnes & Burchard, 2013). A previous 1997 study in the United States saw a similar effect (Koch, 1997). Thus, the exclusion of candidates results in the indirect cost of the increased disinterest in politics that accompanies a lack of

representation.

The opportunity cost to society of this burden is the future costs incurred in not resolving problems facing minority populations within the present. If by choosing to continue a system by which such sociodemographic concerns are not represented within the government, then further increases in this problem, such as growing racial tensions, would be felt by society.

Existing Evidence of Alternatives

Any policy solution addressing the administrative burdens imposed through the candidate filing process would address and curtail the learning, compliance, and psychological costs by reducing the resources necessary to overcome such burdens. Acknowledging the lack of literature specifically focused on administrative burdens directly related to the candidate filing process, solutions must be sought in related areas of study on administrative burden and candidate recruitment.

Reducing Learning Costs

Sorting through the necessary information needed to run for political office has been an avenue upon which past interventions by governments and nonprofits have intended to correct informational asymmetries affecting marginalized populations. Recognizing experience running for office is held by those who have done so previously and won; such training programs attempt to share such information with candidates without such experience. The focus of transferring past political activism to an understanding of campaign politics can help encourage candidates to consider running, as most candidates otherwise self-select themselves away from running for office (Rozell, 2000). Such efforts assist candidates by focusing on campaign techniques and issue presentations through seminars, videos, and advisory support.

The 2008 Citizen Political Ambition Panel Study discovered that such recruitment and emphasis on minority candidates such as women results in a greater likelihood to react positively to such recruitment, closing the gap in the political ambition (Lawless & Fox, 2008). Hence, creating state-provided resources replicating training programs such as those offered by organizations such as Emily's List may reduce the information asymmetries preventing minority groups from running for office.

The University of Virginia's Sorensen Institute for Political Leadership is an example of such a program. Specifically, their Candidate Training Program offers a bipartisan campaign training program that elected two State Senators within their initial run for office (Sorensen Institute, 2022). Targeted at first-time campaigners and with available financial aid, further expansion of such a program within a statewide public university with an emphasis on minority candidates can further replicate such success.

Although such a program may help to reduce learning costs inflicted upon minority candidates, it may not resolve further systematical obstacles for running for office, which hinder the effectiveness of such programs (Piscopo, 2019). Likewise, the intersectionality of numerous marginalized identities may further undercut the effectiveness of such programs. White women who were not the primary income-makers of their households were more likely to run than other groups of women after engaging in the Ready to Run and Emerge program (Piscopo, 2019).

Reducing Compliance Costs

As aforementioned, accurately filling candidate declarations and petition forms require significant capital resources amidst short-living staffing, indicating compliance costs for the candidates (Garrett, 2019). As a result, creating additional documentation requirements for initiatives such as campaign finance further stretches such limited resources.

Scholars focusing on administrative burdens have highlighted the usefulness of a reduction strategy by simplifying and streamlining the number of required documents. Reducing administrative paperwork can improve a candidate's willingness to go through the candidate filing process (Chudnovsky & Peeters, 2021). Considering the reduced take-up of programs by minority groups, such a reduction of required resources to complete paperwork and reduce the chances of bureaucratic errors successfully can directly assist such groups.

The discussion of active access restriction is missing from reducing compliance costs imposed by passive bureaucratic leeway (Peeters, 2020). Considering the incentive of political elites and parties to protect incumbent party members from outside challengers, administrative burdens may be the result of deliberate political strategy. As most of the Virginia Board of Elections are members of the Governor's party, which holds the power to determine assistance to compliance costs, such an intervention must consider the role these incentives may prohibit their implementation (Virginia Legislative Information System, 2022c).

Similarly, imposing expensive filing fees, particularly within party-ran primaries, places a financial compliance cost on candidates. With fees expanding to multitudes of state-ran requirements, party-ran primary races may become out-of-reach for first-time candidates challenging incumbents or those supported by the party which sets the filing fee. Extending state-ran primary filing fee requirements as a percentage of a year's salary of the position would prevent the usage of the fee as a deterrent by political parties upon challengers to incumbents with lesser wealth (Elder, 1979).

Reducing Psychological Costs

The held psychological inhibitions by minority populations prevent consideration of such groups from running for office. A lack of representation of women and minority groups in the office contributes to the reduction of the political ambition of candidates. Past literature has revealed that the fewer women present in a state legislature, the less well women feel about their government and democratic society. Further, the belief in having a reduction of the resources required to make a difference in a policy initiative reduces the likelihood of participating politically on an issue (R. L. Fox & Lawless, 2005).

The creation of informational resources highlighting the success of minority candidates can improve the perception of the ability of such identified groups to run successfully for office, reducing the attached psychological costs. Such a matter may provide the support necessary to overcome the perception of the monopolization of political power, which prohibits entry into

politics (Tullock, 1965).

Akin to creating information resources, tackling psychological engagement may not reduce the structural challenges of engaging subgroup populations within elections. Party leaders favor male-centric traits even when qualifications are equivalent between a man and a woman candidate (Piscopo, 2019). Thus, candidates may still face perceived risk, reducing their willingness to overcome the associated administrative burden.

Criteria

Policy alternatives will be evaluated on the following criteria in conjunction with the held values of the Joint Legislative Audit and Review Commission (JLARC), based on a low, medium, and high scale.

Criterion 1: Effectiveness

How well does the proposal reduce the associated learning, compliance, and psychological costs imposed by the administrative burden?

Any proposal to address the impacts of candidate filing processes must address the administrative burdens candidates feel by reducing learning, compliance, and psychological costs. Likewise, should such burdens disproportionately impact minority candidates, then any effective reduction of such burden would address equity concerns raised within this problem. Hence, effectiveness will be evaluated based on what burdens the policy remove. For example, party-ran filing fees would be evaluated on how effective the policy is at reducing the filing fees candidates pay to run for office, reducing compliance costs. A highly effective alternative would be able to reduce multiple types of costs for first-time candidates.

Proposals will be evaluated on their effectiveness per the following rubric.

- Low (1): The policy achieves a small reduction in such costs.
- Medium (3): The policy achieves a measurable reduction of such costs.
- High (5): The policy is anticipated to reduce numerous costs.

Criterion 2: Political Feasibility

How likely is this policy to be adopted by the General Assembly and implemented by the Department of Elections?

It is essential that the policy proposed must be doable by the parties involved. It must gain approval from the General Assembly, as JLARC oversees and recommends initiatives to the legislature but does not itself conduct the policy change. Thus, a politically feasible policy must gain support from a coalition of supporters that would ensure its proposal and passage within the political system.

Political feasibility will be evaluated on the likelihood of various stakeholder groups advocating for and sponsoring such policies, in addition to the willingness of the Governor and executive agencies to implement the policy. For example, candidate training modules would be evaluated on the likelihood that majorities within the General Assembly and the governor's support would be found for such a program. A highly politically feasible policy would have a clear coalition of

support within the General Assembly and be palatable to the Governor, and the Department of Election, which would be entrusted to implement and enforce the policy.

Proposals will be evaluated on their political feasibility per the following rubric.

- Low (1): The policy is unlikely to pass be implemented within the near future.
- Medium (3): The policy will likely receive a concerted effort for passage soon.
- High (5): The policy has a strong likelihood of passing soon.

Criterion 3: Financial Feasibility

How costly is this intervention for the state to implement in terms of budgetary and time costs?

Ensuring efficient and cost-conscious programs are critical to JLARC's goals in serving the General Assembly. Thus, a financially feasible policy would ensure the greatest reduction in administrative burden felt by candidates at the lowest possible monetary cost. This can be evaluated by analyzing the costs of the policy. The monetary value of such costs can be determined through the capital costs required to implement the policy. For example, candidate form centralization can be evaluated on how much it costs to create and maintain the infrastructure of the software relative to how much the economic cost of underrepresentation would do to minority communities. A highly financially feasible policy would increase the representation of minority communities while requiring the least amount of necessary capital.

Proposals will be evaluated on their financial feasibility per the following rubric.

- Given a range of costs, how much would it take to implement the legislation, with no financial costs being awarded a 5.

Alternatives

This report evaluates these three alternatives throughout aimed at resolving the burdensome candidate application process. These interventions focus on tackling learning, compliance, and psychological costs during the initial stages of running for office, where candidates are most dependent on the proper filing of their paperwork to get on the ballot.

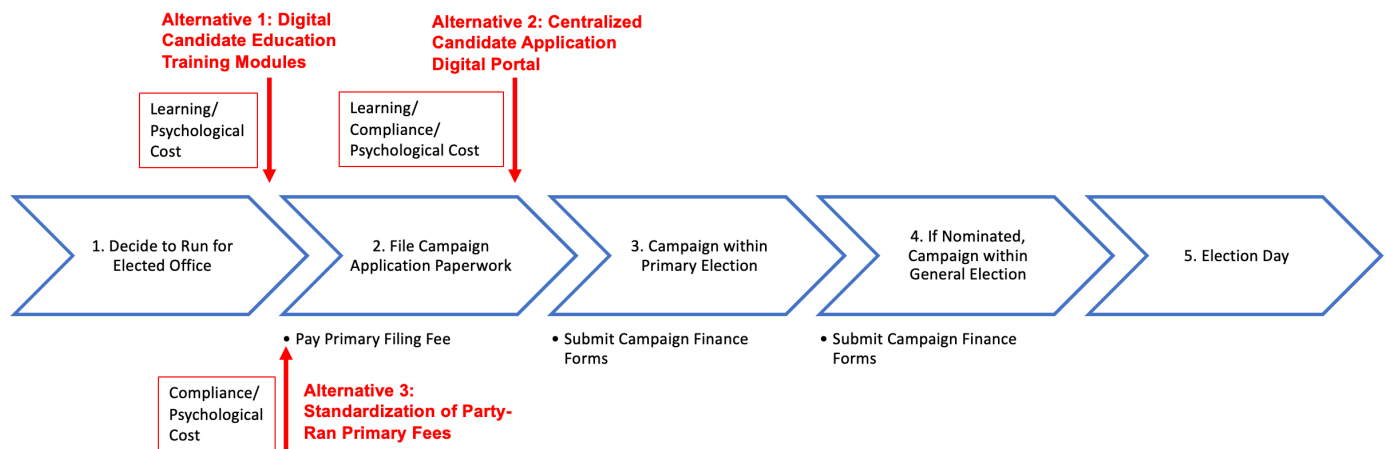


Figure 4 Candidate Campaign Process Map with Policy Interventions and Targeted Costs

Alternative 1: Digital Candidate Education Training Modules

Under this proposal, the Department of Elections would partner with an institution like the Sorensen Institute to create digital candidate education training modules. These modules could use pre-existing Sorensen content regarding the application process to run for office in Virginia. The modules could be offered at a low sign-up cost to entice completion, although fee waivers can be provided. Such modules can be specified to specific positions, such as school board, city council, or state legislature. Candidates can register themselves to work through such modules in an asynchronous setting, allowing scheduling flexibility for them to work at their own pace without requiring the resources required for in-person sessions that may constrain the number of users. Sections of the module could include fillable forms, allowing the candidate to easily download a completed candidate application to submit directly to the registrar. Through completion of the modules, candidates would understand the requirements necessary to run for office and have forms completed to begin the application process.

Effectiveness

This alternative scores as **medium** effectiveness for directly reducing learning costs for those running for office. The modules would walk a candidate through various aspects of the electoral process, for which similar in-person programs such as those at the Sorensen Institute have produced successful candidates who won electoral office (Sorensen Institute, 2022)

Although such a program may help to reduce learning costs inflicted upon candidates, it fails to resolve further costs for running for office, which hinders the effectiveness of such programs (Piscopo, 2019). For example, the time required to go through such modules may impose greater compliance costs than the learning costs reduced by the initiative. Likewise, the intersectionality of numerous marginalized identities may further undercut the effectiveness of such programs. For example, white women who were not the primary income-makers of their households were more likely to run than other groups of women after engaging in the Ready to Run and Emerge program (Piscopo, 2019).

Political Feasibility

This alternative scores as **medium** for political feasibility, as although parties already provide some version of candidate training, it may be in the best interest of legislators to approve a statewide training program. Since 2013, the Department of Elections has provided some form of training for local poll workers explaining the electoral process related to voting through a series of literature and quizzes (Department of Elections, 2020). Such a program would extend training toward the candidate-facing side of the electoral process, indicating an avenue for acceptance of an initiative within the Department and the General Assembly. However, should the modules rely on a third party to produce content explaining the department's functions, it may deter the Department's support, depending on how much control they have regarding creating these modules.

Likewise, both parties presently have appointed state-level directors to lead their candidate training program; thus, although a state-ran initiative would be unlikely to replace a partisan effort fully, it may reduce some of the content parties would need to cover, reducing their costs (VA Dems, 2023; Virginia GOP, 2023). However, should electoral races be considered zero-sum, whereas an increase in qualified candidates would produce viable challengers to incumbents, lowering the barrier to entry for office could disincentivize party elites and incumbents to approve training modules.

Financial Feasibility

This alternative would cost around **\$100,000**, as, in addition to upfront costs, it carries additional annual costs for maintaining the program of at least \$15,000 a year.

Assuming the initial infrastructure of the modules would be created within the Department of Elections, a similar training module program designed by the Department for Aging and

Rehabilitative Services (DARS) for Guardian training costs \$50,000 in the initial development (Department of Planning and Budget, 2023b). Furthermore, oversight and customer support for the modules require at least one staff member at full salary and benefits (\$50,000) (Department of Planning and Budget, 2019). Hence, the initial cost of creating the modules would be \$100,000.

In addition, maintenance and upkeep of the modules for DARS were evaluated as costing \$15,000 a year, of which a similar cost can be assumed for such Election modules.

Alternative 2: Centralized Candidate Application Digital Portal

Under this proposal, submission of all paperwork to the Department of Elections should be made through a digital portal rather than requiring physical submission of forms. Although campaign finance forms can already be filed digitally, Certificate of Candidate Qualification, Statement of Economic Interest, Declaration of Candidacy, and Petition of Qualified Voters forms must all be turned in by mail (Virginia Department of Elections, 2022b). By extending the capability of COMET, the campaign finance portal, to accept these other forms, candidates will more easily comply with all filing requirements. Likewise, such forms can be combined into a singular application module on the portal, eliminating repeated questions across forms and thus streamlining the application process. Rather than keeping track of multiple forms, candidates can complete the singular application on COMET, thus reducing the items candidates must keep track of to run for office successfully. In addition, candidates would have the ability to save their progress and return to complete sections of the form as needed. Currently, COMET is provided free of charge to candidates. Likewise, local registrars and party officials would be granted access to forms they are legally required to accept, creating one central location for the submission and retrieval of such information.

Effectiveness

This alternative scores as **high** for reducing compliance and learning costs attached to the competition of paperwork needed to run for office. Digitalization would allow candidates to reduce the time spent filing paperwork and ensure proper delivery to the corresponding election official. Hence, rather than keeping track of multiple forms, candidates can complete the singular application on COMET, thus reducing the items candidates must keep track of to run for office successfully. In an April 2023 conversation with the City of Charlottesville election registrar, it was noted that the digitalization of campaign forms significantly reduced late submissions and penalties.

Literature has indicated that digitalization can increase the take-up of social programs. For example, a 2021 study regarding cervical cancer screenings in Uruguay doubled the take-up of the program through application digitalization which reduced compliance costs (Cuesta, Delgado, Gallegos, Roseth, & Sánchez, 2021). Furthermore, within the electoral sphere, the provision of electronic registration resulted in a statistically significant increase in voter turnout (LeRoux, Fusi, & Brown, 2020). Thus, increased take-up by prospective candidates due to a digital application would be considered likely to occur due to the centralized candidate application digital portal.

Political Feasibility

This alternative scores as **medium-high** for political feasibility, as both incumbents and challengers would benefit from such digitalization, helping to circumvent potential incentives that would prevent its implementation. Considering the frequency of incumbent legislators being disqualified due to paperwork issues, such as Delegates Nick Freitas and Rep. Bob Good, incumbents would find initiating their own re-election campaigns easier due to such a policy (Kutner, 2020).

Likewise, the state has already approved the digitalization of campaign finance disclosures, providing a similar implementation pathway for other campaign registration forms. However, there may arise the necessity to amend sections of the state code that specify physical submissions; meanwhile, local registrars or party chairs may oppose such digitalization if it curtails their access to information. In addition, despite incumbents benefiting from digitalization, they may not agree that such benefits completely outweigh the costs of lowering the barrier of entry for opponents.

Financial Feasibility

This alternative would cost around **\$162,400** and would be significantly less than other informational digitalization efforts conducted by the Department of Elections, which can cost up to \$36 million. Although this policy has a much higher upper bound, the on-par comparison for the most likely form of implementation would be the lower-bound estimate.

Presuming it would be cheaper to use the pre-existing COMET platform would be used as the foundation for this project, based on rates set in the previous digitalization of campaign contributions, such an effort would cost the state a one-time cost of \$62,400 (120 contracted development hours * \$130 per hour * 4 forms) (Department of Planning and Budget, 2019). Likewise, at least two additional staff members would be required to sort through the newly created database at a rate of \$50,000 each. Hence, the total estimated cost of this policy is \$162,400.

These costs presume significant time savings within localities through digitalizing such forms. Similarly, as the state already accounts for the maintenance of COMET within its expenditures, an additional maintenance cost is not presumed.

In comparison, creating a brand-new digital information management system would cost the state millions, such as the nearly \$36 million spent on developing a new voter registration system in 2022 (Virginia Legislative Information System, 2022a).

Alternative 3: Standardization of Party-Ran Primary Fees

Under this proposal, party-ran primaries would be required to charge the same filing fees as mandated for equivalent races within state-ran primaries through an adjustment to the corresponding Virginia State Code. Such a change would require state legislation enacting the mandate by the General Assembly. This would prevent local parties from artificially inflating filing fees to prevent lower-income challengers from arising against preferred wealthier candidates. In addition, the Department of Elections could enforce the measure by publishing a table with filing fees for all races within the state, both state and party-ran, to ensure uniformity and ease of access to such information by candidates.

Effectiveness

This alternative scores as **medium** effectiveness as it would reduce compliance costs, albeit within a limited nature.

Within the elections for which this policy does have an impact, it could reduce filing fees by as much as 75% within recent Democratic State-Senate races (VPAP, 2022b); however, without a record of the total party-ran versus state-run primaries, it is difficult to access the widespread effects of party-ran fees within Virginia elections. Moreover, such standardization would only reduce the financial burden on candidates for these primaries. Hence not all candidates would benefit from such a policy.

Political Feasibility

Presently, this alternative has **low** political feasibility, as it was passed indefinitely by Democrats within a 9-6 party-line vote within the Senate Privileges and Voting Committee during the 2023 Legislative Session (Virginia Legislative Information System, 2023b).

Considering no further action was taken on the bill within the general session, it appears to need more political support amidst the current political makeup of the General Assembly to progress within the legislative process. This could alter in the future should Republicans take control of the State Senate in the 2023 elections or Democrats move to support the bill in future legislative sessions. Still, such an effort would contend on future changes within the political support of the legislation. Furthermore, party-ran primary fees appear to serve as a key barrier to entry for non-party incumbents, given their tendency to appear within recent Democrat State-Senate races (VPAP, 2022).

On the contrary, party leaders may oppose such a measure if the corresponding fees fail to cover the financial costs of running party-held primaries. When asked if a party-ran primary could function with the state-based fee, a Henrico Co Democratic ²official stated that it would

² Henrico Co was one of four localities involved within the Special Election for the 9th Senate District in February 2023.

be infeasible. As such elections are run across numerous localities, such fees cover the printing of ballots, location rentals, and staffing support, of which otherwise would reduce funding for the campaigns themselves.

Financial Feasibility

This alternative would score as **high** for implementation costs per a 2023 Fiscal Impact Statement on a similarly proposed bill; such a policy was estimated to have no fiscal impact (Department of Planning and Budget, 2023a).

Alternative 4: Status Quo

Under this proposal, no additional policy or program would be implemented. Rather, pre-existing election laws and resource offerings would remain in place.

Effectiveness

This alternative scores as **low** effectiveness, as it would maintain rather than reduce the existing costs attached to running for office in Virginia.

Political Feasibility

This alternative scores as **high** political feasibility. It would maintain high entry barriers for opponents who could challenge and dispose of the incumbents who would need to sign off on any reductions to such barriers.

Financial Feasibility

This alternative scores as **high** for financial feasibility, as, in effect, it would implement no changes to the pre-existing budgetary requests to run the Department of Elections.

Outcomes Matrix

<u>Criteria</u>	<u>Alternative 1: Digital Modules</u>	<u>Alternative 2: Digital Portal</u>	<u>Alternative 3: Streamlined Primary Fees</u>	<u>Alternative 4: Status Quo</u>
Effectiveness	Medium (3)	High (5)	Medium (3)	Low (1)
Political Feasibility	Medium (3)	Medium-High (4)	Low (1)	High (5)
Financial Feasibility	\$100,000 upfront costs and \$15,000 annual costs (3)	\$162,400 – \$36 Million* upfront costs (3)	\$0 (5)	\$0 (5)
Total Scores	<u>9</u>	<u>12</u>	<u>9</u>	<u>11</u>

* Total cost for creating a new digital platform, should optimization of the pre-existing COMET platform not be technically feasible. This is based on the creation of a new voter registration platform by the Department of Elections in 2022 (Virginia Legislative Information System, 2022a).

Recommendation

It is recommended that the state embarks on the centralization of candidate applications through a digital portal (Alternative 2). This alternative best decreases the administrative burden upon candidates running for office amongst the proposed alternatives while standing with the highest chance of implementation due to its across-the-board benefits for both challengers and incumbents. Such digitalization does bear the greatest upfront financial costs imposed on the state, which could increase significantly should the optimization of the current COMET platform not be viable for such an endeavor. However, unlike Alternative 1, it would not create significant new time costs for incumbents, and unlike Alternative 3, it has not been met with substantial partisan opposition within recent legislative history.

The Status Quo scores remarkably close to the recommendation, as it is a highly politically and financially feasible alternative. However, this feasibility is tied to maintaining barriers meant to protect incumbents, who inherently would prefer such protections. Nevertheless, the effectiveness of campaign digitalization efforts in the past was so significant that Alternative 2 was able to surpass the Status Quo.

Implementation

Stakeholders

Implementing the recommended digitalization of applications alternative requires the consideration of various involved stakeholder groups and their stances towards such efforts.

- **Department of Elections** – As the main government agency involved, the policy's success would depend on how it implements the recommendation, given its other mandates and resource constraints, regardless of attached funding to the project. This would include funding and support staff to implement and maintain the digital portal in the long run. However, considering the transition to digital submissions for campaign finance disclosures, it appears the Department has successfully navigated such a digital transition in the past.
- **Electoral Candidates** – Regardless of incumbency or first-time candidate status, all candidates would have to transition to the digital portal simultaneously, altering the matter by which these candidates apply to run for office. As such, candidates would prefer a system that eases the compliance costs imposed by the current application process and thus seek a process that maximizes such easement.
- **Election Officials** – As those responsible for processing candidate applications, officials such as local registrars would require a digital portal to fulfill their duties with the same oversight abilities as they held within the current physical submissions. Therefore, any digital portal that undermines the ability of officials to access the same forms within a timely matter could drive resistance from such officials to the recommended policy.
- **Party Officials** – As those overseeing and maintaining partisan support for its candidates, party officials would desire the ability to have timely access to the current state of the election. Thus, maintaining the same access to the information within the current system must be kept gaining the support of party officials, who ultimately support their respective nominees in the general election.
- **Electorate/General Public** – As those voting on the candidates who successfully register to run for office, the choices offered to voters should not be reduced due to a poorly implemented digital application portal. Otherwise, should the administrative burden upon candidates worsen. Thus, if more potential candidates get deterred from running, voters would be worse off by having fewer choices to vote and select upon.

Next Steps

To enact the centralization of campaign applications through a digital platform, JLARC would need to recommend the policy to relevant stakeholders and policymakers. Importantly, JLARC itself does not directly propose or seek to lobby officials on policies. As an independent government agency, JLARC doing this process could threaten its objectivity amidst its other duties. Instead, a legislator would need to support the issue themselves and undergo the following implementation steps.

1. Firstly, legislation would be required to be proposed at the next legislative session to approve the budgetary requirements to digitalize such applications. In addition, such a bill would need to include corresponding alterations to the state code to replace references to physical submissions to forms. The legislation passed through the Campaign Finance Disclosure Act of 2006, and pursuant amendments, can serve as the basis for the legislation (Virginia Legislative Information System, 2020). When considering possible supporters, State Senator Jill Vogel (R-27), who proposed digitalization amendments to the campaign finance law in 2014, can serve as a patron for such an effort. Initiating dialogue with the State Senator's staff can provide insight into the political landscape for such an effort to ensure approval within the corresponding legislative chambers, dependent on the partisan makeup after the 2023 legislative elections.
2. Secondly, once approved by the General Assembly and signed by the Governor, the Board of Elections would need to create and approve regulations establishing the procedures governing the process upon which candidates, election officials, and party leaders access the digital portal. Establishing ranked-choice voting procedures in 2021 as a baseline for navigating the regulatory process can serve as a recent template for how such a digitalization process would occur (Moomaw, 2022). It is essential that the concerns of all stakeholders, including those not listed above, be captured within the regulatory process through public comment periods to ensure the enacted policy does not create unintentional harm to such stakeholders.
3. Thirdly, once procedures have been established, the Department of Elections would oversee the creation of the portal by hiring an outside contractor to amend the current COMET software to support the candidate applications. The Department must create literature to share with candidates and election officials, explaining the changes and methods to navigate the new system. Furthermore, the Department would need to be available for questions posed by candidates accessing the applications for the first time and be prepared for any related maintenance issues. The Department can look towards California, which recently transitioned to digital signature filings in 2023, for an example of the different questions and challenges that may be posed to the state by candidates (California Secretary of State, 2023).

Considerations

Despite the best intentions and executed implementation plan, this proposal should consider various challenges that may derail implementation.

- Firstly, the COMET system may be unable to handle the number of applications required through such digitalization, requiring the creation of new digital software that could cost the state millions, such as the \$36 million voter registration system (Virginia Legislative Information System, 2022a).
- Secondly, there could exist pushback by political leaders within the legislature or by Governor Youngkin, who could intend to keep the current paper-based system as a barrier of entry to political challengers. Seeing digitalization as a threat to power, these incumbents would be incentivized to prevent such efforts from passing should they consider such a threat to outweigh any benefits they would get from the project (Doron & Maor, 1991).
- Thirdly, the design itself of the redesigned COMET system must be user-friendly and easy to use, or it may otherwise make it harder, unintentionally, for candidates to apply to run for office. Poorly designed digital government offerings can result from gaps within the political agenda, affecting public opinion, such as the failure of the launch of [healthcare.gov](https://www.healthcare.gov) in support of the Affordable Care Act (Anthopoulos, Reddick, Giannakidou, & Mavridis, 2016).

Conclusion

Therefore, although adhering to the status quo and failing to implement the recommended digitalization of campaign applications would result in keeping in place a high barrier of entry into elected office, stakeholders and political implications must be considered to ensure the successful implementation of the policy. Therefore, undergoing the implementation process for this recommendation must be flexible and cognizant of such considerations or risk producing greater harm than intended.

Nevertheless, recognizing how the ease of administrative burdens would help all candidates, particularly candidates of color and minority candidates, successfully apply to run for office, such a recommendation should be implemented for its across-the-board benefits to the state. Doing so would create a fairer, more equitable candidate application process, upon which strengthen democracy and representation within the commonwealth.

Appendix

Appendix A – Racial Legislator Representativeness Relative to State Demographics Calculations

Summary Statistics

<u>Statistic</u> (Percentage Point Difference)	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian/Pacific Islander</u>	<u>American Indian/Alaskan Native</u>
Mean	10.598	-1.524	-7.62	-2.82	-1.01
Standard Error	1.213355913	0.41788154	0.57866137	0.366327611	0.33194848
Median	11.65	-1.2	-7.15	-2.4	-0.5
Mode	10.6	-2.8	-6.9	-1.6	-0.5
Standard Deviation	8.57972194	2.95486869	4.09175378	2.590327377	2.34723024
Minimum	-14.3	-11.1	-16.3	-10.2	-13.2
Maximum	30.6	3.9	-0.6	9	1.8
Virginia Difference	16.7	-3.6	-8.5	-5.2	-0.5
Virginia Rank Relative to Other States	10th Most Overrepresented	11th Most Underrepresented	23rd Most Underrepresented	7th Most Underrepresented	30th Most Underrepresented

(National Conference of State Legislators, 2020; US Census Bureau, 2021).

Calculation Methods

(Percentage of Racial Group Make-Up of State Legislators in 2020) – (Percentage of Racial Group Make-Up of State Population in 2020) = Percentage Point Difference

Using the 2020 State Legislators Demographics dataset created by the National Conference of State Legislators (NCSL), demographic information for the racial composition of state legislators was extracted for each state. Such data is provided within the racial categories of White/Caucasian, Black/African American, Hispanic/Latino, Asian/Pacific Islander, American Indian/Native American, Multiracial/Other, and No Data. Given as the percentage makeup of that state's legislative body, such percentages are compared to the 2020 Census demographic information for that specific racial group within the state.

Due to the inability to extract the specific makeup of multi-racial legislators from the NCSL database, only the specific census designation for the race was used for this calculation. The exception was in the calculation of Asian/Pacific Islander, where there were individual census data points for Native Hawaiian/Pacific Islander and Asian; thus, these numbers were combined.

A state perfectly representative of its racial composition within the state legislator should have a 0-difference calculation. Each state was then compared within each racial group to gauge Virginia's relative representativeness to other states.

Appendix B – Cost Calculations

Alternative 1: Digital Candidate Education Training Modules

<u>Item</u>	<u>Cost</u>	<u>Notes/Assumptions</u>
Staff - Annual	\$50,000	Hiring of 1 Additional Staff Member
Development – One-Time	\$50,000	Based on development of DARs modules
Maintenance - Annually	\$15,000	Based on development of DARs modules

(Department of Planning and Budget, 2023b; (Department of Planning and Budget, 2019)

Alternative 2: Centralized Candidate Application Digital Portal

<u>Item</u>	<u>Cost</u>	<u>Notes/Assumptions</u>
Staff	\$100,000.00	Hiring of 2 Additional Staff Members
Development – One-Time	\$62,400	120 contracted hours * \$130 per hour * 4 forms; based on previous COMET amendments

(Department of Planning and Budget, 2019)

Alternative 3: Standardization of Party-Ran Primary Fees

No new costs would be presumed, based on a 2023 Fiscal Impact Statement on a similarly proposed bill (Department of Planning and Budget, 2023a).

Alternative 4: Status Quo

No new costs would be presumed based on maintaining already in-place campaign administration policies.

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