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# Election Data Transparency: Obtaining Precinct-Level Election Returns

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Election data transparency, accessibility, and usability constitute key dimensions of electoral integrity, as they allow for an additional accountability check on how states and localities run elections. Yet, it is an understudied topic, because of challenges in systematic data collection. Lack of data transparency has important implications for a democratic election process: It can reflect non-compliance with federal and state election laws, discriminatory practices, or lack of capacity in modernizing the conduct of elections. Thus far, there is no standard way for states to report election data, and there is no standard way to request, collect, and disseminate them. This paper presents the various ways state and local governments make official precinct-level election results publicly available, based on an OpenElections collection effort that covered primary and general elections in 2016 and 2018 in every U.S. state. We describe methods for obtaining official precinct results, ranging from formal records requests under state law, photographing pages in-person, to results sent by fax, and the benefits and costs of those methods. Using this information, local and state officials could adopt processes and policies to promote public access to official precinct-level election results.

**Keywords:** data transparency, election integrity, election results, voting precinct

Election transparency is extensively discussed in the literature of electoral institutions, election administration and voter behavior in the context of vote counting (Hall & Wang 2008), Election Day observation (Vanka, Davis-Roberts, & Carroll, 2019), campaign finance (Briffault, 2010; Holman & Stern, 2001), and redistricting (Green, 2017; Halberstam, 2014). As a metric of election performance, it adds to assessments of electoral integrity (Burden & Stewart 2014; Holman & Stern 2001; Norris, Cameron, & Wynter, 2019). In the United States, where election meltdowns appear idiosyncratic, yet observed in every election

(Hasen, 2020), researchers, legal scholars and practitioners note that transparency should be redefined to include the accessibility of election data to assess the quality, fairness, and integrity of the election process (Green, 2014).

Election returns, or the number of votes cast and counted before and on Election Day, are a primary data source for researchers, practitioners, journalists, as well as any private citizen interested in voter turnout.<sup>1</sup> The availability and disclosure of such data may seem intuitive, considering that as public information they are subject to public records requests (Worthy, Peter, & Matia, 2017). If publicly available, they reflect norms of governmental openness and accountability, and can build citizen trust in electoral institutions (Janssen, Charalabidis, & Zuiderwijk, 2012; Piotrowski & Van Ryzin, 2007). In the United States, there is no centralized Election Management Body (EMB) to oversee elections (James, Garnett, Loeber, & van Ham, 2019), nor a centralized system where all state election returns are reported. Because the conduct of elections is highly decentralized, the challenges of obtaining election returns are immense, starting with when states complete counting votes, certify the final tally, and make them publicly available.

While statewide and local-level election returns, reported in states' election websites or bi-annually to the Election Administration and Voting Surveys (EAVS), may suffice for aggregate analyses of voter turnout, they underscore patterns and variation in how voters behave, and how elections are managed within local jurisdictions. A very important level of measurement is the precinct, as voters are assigned to one, where they must vote so that their vote counts. Unless a jurisdiction operates vote centers where precinct assignment is removed, if a voter turns out on Election Day at a wrong precinct, she will have to vote provisionally, and it is very likely that her vote will be invalidated at least partially (Merivaki & Smith, 2020).<sup>2</sup>

Official precinct-level election results are a valuable component of political science research and journalistic inquiry, but in the United States there is no national effort to collect and disseminate them from all jurisdictions and across all the states. With diverse state public records request regulations, it is often necessary to contact multiple jurisdictions, such as counties, municipalities, and townships. In many cases, official results are only available on paper or as scanned image files, requiring additional work to turn them into usable data. On top of data availability, therefore, the usability of election returns is a persistent challenge. Furthermore, efforts to contact every local jurisdiction is time-consuming, as there is no up-to-date registry of all local election officials in the U.S. (Adona, Paul, Paul, & Sarah, 2019).

Variation in the disclosure, usability, comprehensiveness, and cost of accessing precinct-level election returns can create significant barriers for the transparency and integrity of elections. Such data are valuable in uncovering challenges in the election process, and are used to inform scholars, policy makers and practitioners on how to improve the conduct of elections. They also increase government transparency and allow for the public to engage with state and local administrators (Piotrowski & Van Ryzin, 2007). This paper discusses the processes, obstacles and costs from efforts conducted by OpenElections, a non-profit, volunteer-run project whose mission is to promote election data transparency, to collect and publish official precinct-level election results from the 2018 elections. After reviewing the multiple approaches to request, obtain, and make publicly available precinct-level election returns, we illustrate the challenges of this data collection effort by comparing New York,

Oregon, and Texas. We then provide applied recommendations to improve the availability and usability of precinct-level election returns.

## THE INTEGRITY OF ELECTIONS AND ELECTION DATA TRANSPARENCY

In the United States, states are constitutionally responsible to manage elections, yet the actual conduct of elections takes place at the local level. After every federal election, states are evaluated based on a series of metrics, from the number of registered voters, problems with disability, military and overseas voters, early and provisional ballots, as well as wait times (EPI).<sup>3</sup> Based on these indicators, states are evaluated on how they perform compared to their peers, and over time.

Evidence from the Department of Justice and litigation from voting rights groups showcase the challenges states experience in making election data available, either because they are unwilling to do so, or lack local capacity to collect, maintain, and report them (Kanter Cohen, 2014). Since 2002, when the Help America Vote Act (HAVA) was adopted, states took meaningful steps to modernize the administration of elections, including how election data are recorded and stored (Hale, Montjoy, & Brown, 2015; Merivaki & Smith, 2020). Statewide election websites are essentially data depositories, including information on upcoming elections, candidates and parties, how to become a poll worker, or how to file a complaint (Garnett, 2020). Election websites store primary and general election results, totals of registered voters, and some disclose reports on early, mail, and provisional voting.

The availability and comprehensiveness of election data are hardly uniform across and within the states, despite their public records status. States vary in how much oversight they exert over localities, the manner with which public records can be requested and local administrative capacity to handle such requests (Merivaki, 2020; Montjoy, 2008; Worthy et al., 2017). As a result, non-reported election data from local jurisdictions in statewide sources as well as the EAVS is a common phenomenon for those who attempt to systematically collect them (Merivaki & Smith, 2015; Stewart, 2019). With the number of local jurisdictions ranging from one in Alaska to over 1,500 in Wisconsin (at the municipal level), the variation in state oversight and local administrative capacity often explain issues in accessing election data, despite the existence of state rules on making them publicly available.

From an election integrity perspective, disclosing election data allows for a comprehensive and transparent evaluation of the quality of the electoral process (Gronke & Caudell-Feagan, 2008). Discrepancies in the number of votes cast and counted, for example, often raise concerns as to whether vote tally mismatches indicate fraud, voting technology issues, undervoting, or any combination (Kropf & Kimball, 2013; Levin & Alvarez, 2012). Precinct closures and consolidations also have a significant impact on voter turnout and confidence in elections (McNulty, Dowling, & Ariotti, 2009).<sup>4</sup>

When election data are not publicly disclosed by states and localities, it raises questions of transparency and electoral integrity. States often argue that all data are available, but must be requested via public record requests, and that some information is protected under privacy laws (Merivaki, 2020). Researchers find that the submission of formal records requests yields positive results both for the acquisition of data and for citizens' satisfaction with government

(Piotrowski & Van Ryzin, 2007; Worthy et al., 2017). However, it is not always clear from states' election websites which election information should be subject to a formal public records request, aside from voter records, which are costly to procure (McDonald, Licari, & Merivaki 2015). A common approach is to contact state or local election officials directly, who can determine whether one is required, and at what cost. Often election officials are wary to communicate with researchers and journalists seeking election information, due to fears of litigation for violating federal and state disclosure laws. That said, there are distinct differences between making election data publicly available, disclosing them after a records request, or not disclosing them at all, and all have implications about the transparency of elections.

### OBTAINING PRECINCT-LEVEL ELECTION RETURNS: ISSUES IN AVAILABILITY AND ELECTION DATA USABILITY

Election returns are the most common metric to estimate how many voters cast a vote on Election Day. While official totals are published on state election websites, challenges arise when it comes to disaggregating returns at the smallest unit of measurement. Precincts are smaller jurisdictions where registered voters are assigned to vote. Because every precinct differs in socio-demographics, poll worker capacity and accessibility (Barreto, Cohen-Marks, & Woods, 2009; Burden & Milyo, 2015), precinct-level returns are equally important a metric to thoroughly assess Election Day dynamics. Every election year, thousands of votes are not counted because voters show up at the wrong precinct, affecting even frequent voters who arguably are more informed about elections than infrequent voters (McNulty et al., 2009).<sup>5</sup>

When systematically collecting complete precinct-level election returns for federal elections, the following challenges arise: whether they are publicly available by the state Chief Election Officer (CEO), the localities themselves, or a combination of both; the disclosure of data in machine-readable formats; availability of such data by voting mode and type of election (early, absentee, Election Day, provisional; primary, General Election; contested, unopposed races) and date; whether a formal public records request (FOI) is required, or a request by phone/email/fax suffices, and whether the state and/or localities can charge for the production and dissemination of the data. States that require the collection of precinct results from local jurisdictions after the election is certified can take longer to make them available.<sup>6</sup> While some states have a formal process specifically for requesting election results, others handle such requests under existing state public records statutes. Even within those states, however, local practices vary widely, with local election officials sometimes requiring no formal request and other times requiring a written request and/or payment.<sup>7</sup>

Michigan and Florida publish statewide precinct election data in a text format on their statewide election websites.<sup>8</sup> In Mississippi, precinct election returns are uploaded on the state website in non-machine-readable formats.<sup>9</sup> Texas publishes precinct results, but does not include unopposed races. Obtaining complete precinct results involves contacting about 10–30% of the state's 254 counties and requesting the data, which often are produced in a non-machine-readable format.<sup>10</sup> In California, New Jersey and New York, such data are not available on statewide websites and have to be collected from all localities. In fewer than

half of the states are precinct-level election returns made available in machine-readable formats, such as ASCII text or spreadsheets.

## REQUESTING AND OBTAINING PRECINCT-LEVEL DATA FOR THE NOVEMBER 2018 ELECTION

There are several public efforts to compile precinct-level election returns from all the states, who share the goal of obtaining the most complete and accurate set of official election results. For the 2018 general election, one of the groups engaged in this data collection effort was the OpenElections project. OpenElections is a non-profit, volunteer-run project that attempts to convert and publish official precinct-level election results in a usable format (CSV text). The project's core mission is promoting election data transparency, by making available election results at every jurisdiction level. The project collects and publishes both official source files and converted text data on the Internet. These data are widely used by researchers, journalists, practitioners, as well as students who specialize in elections.<sup>11</sup>

After the November 2018 elections, states completed certifying election results between late November and December. Official precinct-level results were publicly available in 41 states plus Washington D.C and ranged from single-file downloads to separate files for individual races at no cost to anyone who wishes to access them. Most of the states provided data in tabular text formats, while others use private vendors that make data available in XML or posted Excel spreadsheets. For these states, Open Elections recruited volunteers to visit every state election website, download the results and convert them into a consistent format. In many states, volunteers had to contact state or local election officials to request complete precinct election returns if they were missing from the downloaded files.<sup>12</sup>

Compared to previous federal elections, never have so many states provided official precinct results in machine-readable formats. Mississippi, Oregon, South Dakota, Indiana, Utah, and Kentucky—provided results as image files, substantially increasing the work involved to make them usable. OpenElections contacted county election officials in six states to request and obtain precinct-level election results from at least some counties.<sup>13</sup> However, the remaining states' results can only be collected by contacting multiple jurisdictions. For those states—California, New Jersey, and New York—converting results into usable data can take several weeks or months after an election. Indicatively, obtaining and converting precinct-level election returns across California's 58 jurisdictions took nearly five months. These examples demonstrate that despite the overall accessibility of these data in most of the states, even a handful of states can create notable hurdles for systematic election data collection.

## DATA COLLECTION EFFORTS EXAMPLES: NEW YORK, OREGON, AND TEXAS

To illustrate the variation in accessibility, usability, and comprehensiveness of precinct-level election returns, we present the data collection process from OpenElections in New York, Oregon, and Texas. These examples provide a range of experiences and election results formats that are broadly applicable to many states.

## NEW YORK

Obtaining official precinct results in New York started with browsing the websites of all 62 county boards for election returns available to download in any format. For the 2018 election, 47 counties (75%) posted official “election districts” results, the equivalent of precincts in New York, on their county board of elections websites. The remaining 15 counties’ data were obtained mostly by email or phone calls to local election boards and, in two cases, through Freedom of Information Law (FOIL) requests. One county, Nassau, charged \$6 to mail results via a CD. Most of those results were electronically generated PDF files, although a few counties produced HTML or spreadsheet files.

The relative availability of results on websites obscures some variation in how localities report election data, even within the same state. Niagara County’s precinct returns, for instance, only include candidate totals, excluding candidates who run on multiple party lines (as is common in New York).<sup>14</sup> Results with party registration are available, but only after a request by email. Monroe County published its official precinct results in June 2019, roughly seven months after the results were certified.<sup>15</sup> It is possible to collect official precinct results from all but a handful of counties in New York within a month after certification, but the remaining counties could take months. For Monroe County, the wait for primary election results could take more than 10 months since they are published along with general election results in the same data file.

## OREGON

In Oregon, for every general election prior to 2018, the Secretary of State’s (SoS) office posts a PDF file with county-level results but no precinct-level results. To obtain precinct-level results for the 2018 election, OpenElections contacted election officials in each of the state’s 36 counties. The most-populous counties in the state (about 30% of all counties), provided electronic results files, mostly PDFs, for free on their websites. OpenElections contacted the remaining 24 counties to request precinct-level results.

During the county-level results collection process in Oregon, which started as soon as the state certified the election results on December 6, 2018, OpenElections discovered that the SoS maintained a centralized file sharing (FTP) server containing PDF files of official precinct results submitted to the state by counties, and were given access to that server after emailing the SoS’s office. Soon after, the state began posting precinct results files—mostly PDF files—on its website and created an archive dating back to 2010.<sup>16</sup> The files posted by the SoS are submitted by county clerks in non-data format and still need to be converted into usable data, but the centralized repository has drastically reduced the time and cost of obtaining precinct results in Oregon.

To illustrate how this administrative change facilitates the data collection process, we present our efforts to collect election returns before 2018. For precinct-level returns requested in 2015 and 2016, OpenElections was asked to pay a fee for the production and distribution of the election results, ranging from \$37.50 (Union County) to \$222.75 (Tillamook County, just for 2010–2014). Most counties in Oregon were unable to provide precinct results for

elections prior to 2008. In one case, Crook County, the precinct results from the 2010 general and 2012 primary elections were not in the possession of the county clerk. That initial effort took many weeks and cost more than \$1,000 in copying fees.<sup>17</sup>

## TEXAS

Most requests for precinct-level election results in Texas utilize the Texas Legislative Council (TLC), which posts data files for elections dating back to 2012.<sup>18</sup> Those files include voting tabulation districts, making the data useful for mapping applications. But TLC data do not include results for uncontested races, and do not contain any totals for registered voters, ballots cast or the mode of vote (e.g., early votes versus Election Day). More than 4.8 million Texas voters cast their ballots during early voting for the 2018 general election, which makes knowing early voting breakdowns important for campaigns and those attempting to understand them.<sup>19</sup>

Texas does not produce a comprehensive set of precinct results broken by voting mode. All 254 counties are required by law to submit official election results to the state after certification.<sup>20</sup> Under Texas' Public Information Act, OpenElections requested those submissions for primary and general elections in 2012, 2014, 2016 and 2018 at different points during the data collection process. For \$5 each, the results were delivered via mail on CDs and contained precinct files for more than 200 of the state's counties.<sup>21</sup>

The variety of formats used to publish election results by Texas counties represents the diversity of the state itself. More than 100 of the counties who reported precinct-level election results for the 2018 general election submitted PDF files, both electronic and images, while even more were Microsoft Excel files. Many counties produced multiple files, one for each mode of voting.<sup>22</sup> Other formats included ASCII text generated by reporting software and even Microsoft Word. In addition, a handful of counties sent OpenElections results on paper, some appearing to be hand-written.<sup>23</sup> It is clear that for these counties, the time to process the files and convert them to usable data formats exponentially increased.

For counties that were not included in the Secretary of State's set of submissions, OpenElections contacted local election officials by email, telephone and mail. In many cases, local officials sent precinct results via email, although some required formal records requests and payment to do so. In several cases, county clerks asked for a signed affidavit, which some counties require when asking for voter history records, not election results.<sup>24</sup> This example suggests that localities have discretion on how to respond to requests for public information.

San Saba and Sherman Counties provided extreme examples of the difficulties of obtaining precinct results. Neither had their results among the state's collection. San Saba County, with a population of approximately 6,000 residents, has yet to respond to multiple mailed requests despite asking specifically for them, since the initial request on March 1, 2019. Sherman County, with a population of approximately 3,000 residents, elected a new county clerk in 2018. The defeated incumbent participated in certifying the results but turned over no records to the incoming clerk, who told OpenElections by email that she did not possess previous precinct results.<sup>25</sup>



## BARRIERS TO ELECTION DATA TRANSPARENCY

For the overall availability of official precinct results, there are common practices and policies that hinder efforts to collect them, particularly when it comes to elections prior to 2016. Among these are inconsistent retention of records, varying formats for official results (as opposed to election night results), and a default to providing images of results even when they are generated as data.

The record retention policies and practices of some less populous counties often make official precinct results unavailable to the public. In Jackson County, Colorado, a request made in May 2016 for precinct results from elections from 2008 to 2012 yielded results for only one election: the 2010 Republican primary.<sup>26</sup> As of late 2019, the county clerk's office has not posted any election results on its website.<sup>27</sup> In another case, an OpenElections volunteer traveled to Park County, Colorado, to copy precinct results printed on paper and was told that she could not bring a computer or phone with a camera into the room where the ledger book was. She copied them by hand, an unnecessary step that increases the possibility of error.<sup>28</sup> Record retention laws or policies are not unusual, and many states have them, but individual jurisdictions can be inconsistent in how they administer them. For example, Texas law requires counties to maintain "precinct election records," including official returns, for 22 months, but the Saba and Sherman Counties examples are a clear violation of that requirement.<sup>29</sup>

Other policies seem to reflect an age before high-speed scanners and Internet access. In Missouri, the SoS produces a statewide precinct file for general elections but not for primary elections. Although official precinct results for both general and primary elections are required by state law to be sent to the SoS's office, they are not kept there but sent to the Missouri State Archives.<sup>30</sup> To obtain 2018 precinct-level primary election results, OpenElections had to request results for 60 out of the state's 116 counties (52%). Because those records are on paper, OpenElections paid \$264 for copies and needed to arrange pickup of those records in Jefferson City, Missouri. Incidentally, the state archives policy allows it to waive copy fees if the requester is a Missouri high school student; when OpenElections enlisted a student to make the request, the state archives denied the fee waiver.<sup>31</sup>

It is rare for local election officials to indirectly refuse to provide official results, but it does happen. Usually, this takes the form of unresponsiveness to phone calls, emails, and written requests. But de facto unresponsiveness occurs when local officials require in-person inspection of records, especially those generated electronically, or claim technical inability to produce electronic versions of results files. Such examples may further indicate inefficiencies in the formal public request process, or unwillingness by the local official to comply.

Delaware County, Pennsylvania, is known among journalists and election researchers as a difficult place to get precinct results. Typically, it requires an in-person visit to the election bureau's office. In December 2018, OpenElections requested precinct returns and was informed via email that "The Delaware County Bureau of Elections has the precinct level official election results here in the office. You may come in and view this report and if you wish for copies they are .25 a page and the report is 432 pages not including the write in report etc."<sup>32</sup> The election bureau did not respond to five emails requesting an electronic copy of precinct results, and only provided them after OpenElections found and wrote to the

bureau's director at her personal Gmail address, citing an advisory opinion from the state requiring electronically-produced records to be delivered in an electronic format.<sup>33</sup>

Similarly, Schuylkill County, Pennsylvania, asked for \$76.85 to print 250 pages of 2018 general election results that it acknowledged were generated by software. When OpenElections requested an electronic copy of the results, the county denied the request, saying that "there is no document that can be attached in electronic format." OpenElections appealed that decision to the state's Office of Public Records, at which point the county reversed its position and generated an electronic copy, which is provided free of charge.<sup>34</sup>

## HOW ELECTION DATA TRANSPARENCY CAN IMPROVE

Local election officials bear the responsibilities of conducting elections, satisfying demand for election night results and certifying official returns. They often do so without many resources, while fulfilling other constitutional responsibilities (Hale & Slaton, 2008). Making precinct results easier to obtain and use is likely a goal many would agree with, but one that requires changes in certain policies and resources both at the state and local levels. If adopted by state and local election officials, such policies would increase the availability of official precinct results and make them easier to collect.

For state election officials, making local jurisdiction submissions of official precinct results available to the public, as Michigan and Florida do, would be a big step forward.<sup>35</sup> In states where local officials do not submit precinct results to the state, state officials could invest in technical assistance, including providing a platform for uploading files or other technical help. Resource constraints may prohibit some from doing so, but the administration of elections has modernized tremendously in the last decades, and so have expectations about generating and retaining election data electronically. At the minimum, states could revise their record retention policies to make it easier (or possible) for local jurisdictions to use electronic archiving methods and to distinguish precinct results from election records that need to remain secure and undisclosed to the public.

In states that do not currently compile or publish precinct-level election results, such as New York and Pennsylvania, state legislatures could require such publication. This is the case in Kansas, where an OpenElections volunteer lobbied his state representative for a law to require the Secretary of State to publish precinct results soon after primary and general elections. That requirement is now part of Kansas law.<sup>36</sup>

Local election officials can also take steps to facilitate access to complete precinct-level election returns, such as preparing official results as machine-readable electronic data files (rather than scanned images or PDFs), and posting official precinct results in a consistent location on county websites (or use free tiers of commercial services such as Google/Dropbox/etc.). They can also treat these requests as exempt from copying fees, even when printed out, as the information they contain are in the public interest. Because the size of the electorate varies dramatically across local jurisdictions, the cost and time to produce such copies can skyrocket, making it essentially impossible for the public to access. For public records such as election returns, this is a major weakness for the transparency of elections.

Finally, localities can include documentation or record layouts in responses to requests and/or post them publicly, for precinct results that are generated by computers.

Online dissemination of data in machine-readable formats should be part of any jurisdiction's process for handling official results and should be mandated, and facilitated by the state. Just as the process for tabulating ballots requires an emphasis on documentation and disclosure, so does the process for generating and publishing precinct results. These policy improvements require changes to how local election officials and their staff operate, as well as their available resources, which are often limited.

## LESSONS LEARNED AND IMPLICATIONS FOR ELECTION DATA TRANSPARENCY

In this paper, we aim to demonstrate the significance of election data transparency for the evaluation of the quality of electoral performance in the United States. Starting with disclosure of complete precinct-level election results, we show the variation in accessibility and usability of these data when requested by the public, in this case a nonprofit, nonpartisan organization (OpenElections). The sheer variety of local election administrative rules and practices makes it impossible to apply the lessons learned to every jurisdiction, but that variety alone is worth highlighting and summarizing. In general, the task of systematically collecting official precinct-level election results is complex. The most persistent challenges include non-uniform practices across and within the states, inefficient understanding of public records laws from localities, inconsistent habits in posting official results on government websites, unresponsiveness to requests, and the costs to obtain the data.

It is unclear whether such actions are due to the lack of robust state-level oversight, awareness on the part of local officials about public records disclosure, distrust of information inquiries, or actual office policy (Worthy et al., 2017). The discretion local election officials have over not just the format of results but access to them can be a benefit to those seeking them or harmful, depending on who answers emails or phone calls. Jurisdictions committed to preserving election results have been able to use the Internet to enable anyone with access to retrieve them. There are jurisdictions in different parts of the country that have posted precinct results dating back more than 20 years, but they appear to be the exception, not the rule. Researchers suggest that at the local-level, political and social conditions, such as ideology, voter turnout rates or quality of internet affect a jurisdiction's overall transparency (Tejedo-Romero & Araujo, 2020). While local variation in administrative capacity undoubtedly impacts how localities respond and manage such requests, it is also clear that the role state governments play in regulating the disclosure and dissemination of election returns is hardly uniform (Heide & Villeneuve, 2020), further complicating efforts to systematically collect data on elections at the sub-state levels.

From a practical standpoint, individuals or organizations looking to collect precinct-level results will need a system to track requests and an understanding of public records laws in several states. In addition, they should be prepared to pay to obtain them in many places, with prices ranging from flat fees for a single statewide file to a hundred dollars or more for a single county. This can be an additional challenge, as it can be quite costly and time-

consuming to obtain data from a handful of localities, even when most precinct-level returns are available. While states provide election results in some form, the method for obtaining or requesting them is not always obvious even to experienced elections researchers, as it is unclear which election data should be made publicly available, such as statewide election totals, and which should not. This lack of clarity in state policy seems to spillover to localities, who may seek advice from the state prior to responding to a request for election data.<sup>37</sup> Finally, as extant research shows, “making election data available” may be complex in itself (Janssen et al., 2012), considering the differences in how data are disseminated, and often require that they are converted to usable formats.

## NOTES

1. We recognize that there are more election metrics aside from voter turnout, and multiple “Election Days” every year. For the purposes of this paper, we define “complete precinct-level results” as the number of ballots *cast and counted by any means for every federal race before and on Election Day*, as reported by states and localities after certification. We use the term “Election Day” in the manuscript for simplicity purposes.

2. Vote Centers. *National conference of state legislatures*. Retrieved from <https://www.ncsl.org/research/elections-and-campaigns/vote-centers.aspx>.

3. *The election performance index*. Retrieved from <https://elections.mit.edu/#indicatorProfile>.

4. Merica, D., Brander, E., & Zeleny, J. (2020, June 22). Kentucky braces for chaotic election after cuts to polling locations. *CNN.com*. Retrieved from <https://www.cnn.com/2020/06/22/politics/kentucky-poll-locations/index.html>.

5. Provisional ballot counting laws and wrong-precinct rejections. *ACLU.org*. Retrieved from <https://www.aclu.org/other/provisional-ballot-counting-laws-and-wrong-precinct-rejections>.

6. See Tables in Appendix.

7. Often, for instance, an initial request for payment will be waived for future elections, yet this practice is hardly uniform across localities and states.

8. Michigan Secretary of State. (2019). *Election precinct results search*. Retrieved from [https://miboecfr.nictusa.com/cgi-bin/cfr/precinct\\_srch.cgi](https://miboecfr.nictusa.com/cgi-bin/cfr/precinct_srch.cgi).

Florida Division of Elections. (2019). *Precinct-level election results*. Retrieved from <https://dos.myflorida.com/elections/data-statistics/elections-data/precinct-level-election-results/>.

9. Mississippi Secretary of State. (2019). *Election results*. Retrieved from <https://www.sos.ms.gov/Elections-Voting/Pages/Election-Results-By-Year.aspx>.

10. To clarify, the use of the term “data” refers to machine-readable formats such as text, XML or Microsoft Excel files. The term “produces data” means that the state or locality distributes machine-readable information, not images. Electronic PDF files (those produced directly by PDF-generating software and not by scanners or copiers) are not considered data for this purpose but can be considered one step below data. Almost all precinct results are available electronically, but in this context “electronically” means any non-physical production of results, including image PDF files and faxes. References to “paper” mean jurisdictions that produce results printed on paper in response to requests.

11. *The OpenElections Project*. Retrieved from <https://github.com/openelections>.

12. For the purposes of transparency and reproducibility, we outline the data collection efforts in the Appendix.

13. OpenElections. (2019). *State precinct results availability – 2018*. Retrieved from <https://docs.google.com/spreadsheets/d/1PXwJ-Tf-KA0YRen844Nd2SOBAAQlrrg4C3upYdbFn9g/edit?usp=sharing>.

14. Niagara County Board of Elections. (2019). *11/06/2018 official election results*. Retrieved from <https://elections.niagara.ny.us/app/uploads/officialhtmlmlectionresults/ge18/racelist.htm>.

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## APPENDIX

TABLE A1.  
Availability and Comprehensiveness of Precinct Election Returns Across the States.

State	Number of Jurisdictions	Precinct-Level Results	
		Available in State Election Website	Data Comprehensiveness (Type of Election/Mode of Voting)
Alabama	67	Yes; Partial	No modes included
Alaska	1	Yes; Partial	No modes included
Arizona	15	Yes; Partial	Modes vary by locality
Arkansas	75	Yes; Partial	Modes vary by locality
California	58	No	Modes vary by locality
Colorado	64	Yes; Partial	No modes included
Connecticut	169	Yes; Partial	Town-level vote; no modes included
Delaware	3	Yes	Modes included
Florida	67	Yes; Partial	No modes included
Georgia	159	Yes	Modes included
Hawaii	4	Yes	Modes included
Idaho	44	Yes; Partial	No modes included
Illinois	108	Yes; Partial	No modes included
Indiana	92	Yes	Modes included
Iowa	99	Yes	Modes included
Kansas	105	Yes; Partial	No modes included
Kentucky	120	Yes; Partial	Modes vary by locality
Louisiana	64	Yes; Partial	No modes included
Maine	499	Yes; Partial	Town-level vote; no modes included
Maryland	24	Yes; Partial	Election Day vote only
Massachusetts	351	Yes; Partial	No modes included
Michigan	83	Yes; Partial	State CEO has general election only; no modes included
Minnesota	87	Yes; Partial	No modes included
Mississippi	82	Yes; Partial	No modes included

(Continued)

TABLE A1.  
(Continued).

<i>State</i>	<i>Number of Jurisdictions</i>	<i>Precinct-Level Results</i>		<i>Data Comprehensiveness (Type of Election/Mode of Voting)</i>
		<i>Available in State Election Website</i>		
Missouri	116	Yes; Partial		State CEO has general election only
Montana	56	Yes; Partial		No modes included
Nebraska	93	Yes; Partial		No modes included
Nevada	17	Yes; Partial		No modes included
New Hampshire	320	Yes; Partial		No modes included
New Jersey	21	No		Modes vary by locality
New Mexico	33	Yes; Partial		No modes included
New York	62	Yes; Partial		Modes vary by locality
North Carolina	100	Yes		Modes included
North Dakota	53	Yes; Partial		No modes included
Ohio	88	Yes; Partial		No modes included
Oklahoma	77	Yes		Modes included
Oregon	36	Yes; Partial		No modes included
Pennsylvania	67	Yes; Partial		State CEO has no modes included
Rhode Island	39	Yes		Modes included
South Carolina	46	Yes; Partial		Modes vary by locality
South Dakota	66	Yes; Partial		No modes included
Tennessee	95	Yes; Partial		No modes included
Texas	254	Yes; Partial		No mode; no unopposed contests included
Utah	29	Yes; Partial		State CEO has general election only
Vermont	246	Yes; Partial		No modes included
Virginia	133	Yes		Modes included
Washington	39	Yes; Partial		No modes included
West Virginia	55	Yes; Partial		No modes included
Wisconsin	1,850	Yes; Partial		No modes included
Wyoming	23	Yes; Partial		No modes included

TABLE A2.

Heterogeneity in Data Format, Usability, Method of Contact and Cost to Obtain Full Precinct Election Returns in 2018.

<i>State</i>	<i>Official Records Request Required</i>	<i>Method of Contact (State CEO/LEO)</i>	<i>Format Available</i>	<i>Data Conversion</i>		
				<i>Necessary for Usability</i>	<i>Cost to Obtain Data</i>	<i>% Localities Contacted by</i>
Alabama	No	State CEO	XLS	No	No	0
Alaska	No	State CEO	Text	No	No	0
Arizona	No	State CEO	Text	Yes	No	0
Arkansas	No	State CEO	XML	No	No	0
California	No	Counties	Varies by locality	Yes	No	100%
Colorado	No	State CEO	XLS	No	No	0
Connecticut	No	State CEO	XLS	No	No	0
Delaware	No	State CEO	Text	Yes	No	0

(Continued)



TABLE A2.  
(Continued).

<i>State OpenElections</i>	<i>Official Records Request Required</i>	<i>Method of Contact (State CEO/LEO)</i>	<i>Format Available</i>	<i>Data Conversion Necessary for Usability</i>	<i>Cost to Obtain Data</i>	<i>% Localities Contacted by</i>
Florida	No	State CEO	Text	No	No	0
Georgia	No	State CEO	XML	No	No	0
Hawaii	No	State CEO	Text	No	No	0
Idaho	No	State CEO	XLS	No	No	0
Illinois	No	State CEO	Text	No	No	0
Indiana	No	State CEO	Image PDFs	<b>Yes</b>	<b>Yes</b>	0
Iowa	No	State CEO	XLS	No	No	0
Kansas	No	State CEO	XLS	<b>Yes</b>	No	0
Kentucky	No	State CEO & Counties	Image PDFs	<b>Yes</b>	No	5-10%
Louisiana	No	State CEO	XLS	No	No	0
Maine	No	State CEO	XLS	No	No	0
Maryland	No	State CEO	Text	No	No	0
Massachusetts	No	State CEO	Text	No	No	0
Michigan	No	State CEO	Text	<b>Yes</b>	No	0
Minnesota	No	State CEO	Text	No	No	0
Mississippi	No	State CEO	Image PDFs	<b>Yes</b>	No	0
Missouri	<b>Yes</b>	State CEO & Counties	Text	<b>Yes</b>	<b>Yes</b>	0
Montana	No	State CEO	XLS	No	No	0
Nebraska	No	State CEO	XLS	No	No	0
Nevada	No	State CEO	Text	No	No	0
New Hampshire	No	State CEO	XLS	<b>Yes</b>	No	0
New Jersey	No	Counties	Varies by locality	<b>Yes</b>	<b>Yes</b>	100%
New Mexico	No	State CEO	XLS	No	No	0
New York	No	Counties	Varies by locality	<b>Yes</b>	<b>Yes</b>	100%
North Carolina	No	State CEO	Text	No	No	0
North Dakota	No	State CEO	XLS	No	No	0
Ohio	No	State CEO	XLS	<b>Yes</b>	No	0
Oklahoma	No	State CEO	CSV	No	No	0
Oregon	No	Counties	Image PDFs	<b>Yes</b>	No	100%
Pennsylvania	<b>Yes</b>	State CEO & Counties	Text	<b>Yes</b>	<b>Yes</b>	100%
Rhode Island	No	State CEO	JSON	No	No	0
South Carolina	No	State CEO	XML	No	No	0
South Dakota	No	State CEO	Image PDFs	<b>Yes</b>	No	0
Tennessee	No	State CEO	XLS	No	No	0
Texas	<b>Yes</b>	State CEO & Counties	Text/ Image PDFs	<b>Yes</b>	<b>Yes</b>	10-30%
Utah	<b>Yes</b>	State CEO & Counties	Varies by locality	<b>Yes</b>	<b>Yes</b>	0
Vermont	No	State CEO	Text	No	No	0
Virginia	No	State CEO	Text	No	No	0

(Continued)

TABLE A2.  
(Continued).

<i>State OpenElections</i>	<i>Official Records Request Required</i>	<i>Method of Contact (State CEO/LEO)</i>	<i>Format Available</i>	<i>Data Conversion Necessary for Usability</i>	<i>Cost to Obtain Data</i>	<i>% Localities Contacted by</i>
Washington	No	State CEO	XLS	No	No	0
West Virginia	No	State CEO	XML	No	No	0
Wisconsin	No	State CEO	Text	<b>Yes</b>	No	0
Wyoming	No	State CEO	XLS	No	No	0

### Open Elections Data collection steps – 2018 Midterm Elections

For the purposes of transparency and reproducibility, we present a basic outline of the steps involved as follows:

1. Check the state or local jurisdiction website for official results that have been posted.
2. Email state or local election officials requesting complete official results. This might involve submitting a public records request.
3. If required, send formal requests by mail, sometimes with payment.
4. If necessary, call the state or local election official, or send a reminder by email.
5. Repeat steps 1-4 as needed.

In contacting county election officials, OpenElections first asks for a copy of the official precinct results. In most cases, this informal request is successful, but some officials require a formal public records request and payment in a subset of those cases. When requesting information from state officials involving multiple counties' results, a formal request was required in nearly every instance (this was not the case in South Dakota).