

Model Chief Election Official Qualifications Legislation

A bill to establish qualifications, restrict partisanship, and create a cooling off period for the state’s chief election official.

Drafted by

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Section 1. Findings and Purpose

(a) The Legislature finds that

- (1) election officials should conduct their work in an impartial manner;
- (2) the state’s chief election official should have election administration experience or expertise;
- (3) a majority of voters believe the state’s chief election official should not be allowed to run for higher office while administering elections;
- (4) a majority of voters are concerned that election officials may overturn a future election to help their political party win;
- (5) voters have particularly low confidence that disputed elections will be handled fairly when those voters do not belong to the same party as the state’s chief election official; and
- (6) restoring and maintaining voter confidence in elections is paramount.

(b) It is the purpose of this act to ensure that the state’s election administration is led by a qualified, impartial professional.

Section 2. Definitions

In this act:

- (1) “chief election official” means the highest State official with responsibility for the administration of state or federal elections under state or federal law.

- (2) “senior election official” means [enumerate all high-level state and local election administrators whose experience should be deemed to satisfy section (3)(b)(1)], including the chief election official as defined in subsection (1).

Section 3. Qualifications for Chief Election Official

- (a) No person shall hold the office that exercises the authority of the chief election official unless that person:
- (1) is a bona fide resident of the State of _____;
 - (2) is qualified to administer elections as provided in subsection (b); and
 - (3) is not ineligible for any of the reasons listed in subsection (c).
- (b) A candidate for the office that exercises the authority of the chief election official shall only be deemed qualified if, at the time of filing their candidacy, the candidate:
- (1) has served as a senior election official for at least two of the past four years; or
 - (2) has served as a direct report to a senior election official in a full-time position that oversees the administration of state or local elections for at least four of the past eight years; or
 - (3) has completed at least one year of graduate study in election administration or a related field at an accredited school or university, culminating in a certificate or degree.
- (c) An individual shall be ineligible to hold the office that exercises the authority of the chief election official if that individual has, within the past four years:
- (1) served as an elected or appointed member of a political party central committee at a state or national level;
 - (2) served as the state or federal chair of a presidential campaign;
 - (3) filed to be a partisan candidate for elective federal office or any elective state office except the office that exercises the authority of the chief election official;
 - (4) worked as a paid employee or consultant of a candidate committee or political action committee; or

(5) been convicted of a material elected-related offense.

(d) It shall be a requirement of candidacy for the position of chief election official that a person must file a written statement under oath that the individual satisfies the requirements of this section and is thereby qualified to hold the office exercising the authority of the chief election official. The written statement shall be on a form prescribed by the [state ethics commission or secretary of state]. The form must be filed along with the individual's nomination papers or declaration of candidacy. The agency or official with whom nomination papers or declarations of candidacy are required to be filed shall make a facsimile of the written statement publicly available online as promptly as possible, but no later than 15 days after submission.

Section 4. Employment Restrictions for Chief Election Official

- (a) The chief election official may not be a candidate for any other elected state office during their tenure as the chief election official or for two years thereafter.
- (b) The chief election official may not be a candidate for any elected federal office during their tenure as the chief election official or for two years thereafter.

Section 5. Enforcement

- (a) The agency or official with whom nomination papers or declarations of candidacy are required to be filed shall decline to accept such papers if the individual fails to file the written statement required under Section (3)(d) or if it conclusively appears, either on the face of the papers and written statement offered for filing, or by admission of the candidate, that the candidate is ineligible to be nominated or elected. Any person whose papers are declined pursuant to this section may challenge the decision in the district court in which the person's residence for voting purposes is located.
- (b) Any registered voter who believes that an individual is ineligible to hold the office exercising the authority of the chief election official may file a verified complaint with the attorney general alleging such facts as may cause him or her to believe that the candidate is not qualified to hold the office. The attorney general may thereupon investigate whether such allegations are true. If the attorney general finds that the allegations of the complaint are

true or for any other reason finds that the subject person is not qualified to hold office, the attorney general may commence an action to restrain any person not entitled to take office from assuming it or to have the subject person's office declared vacant.

Section 6. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.