



## Inter-Organizational Implementation: Carrying Out a Federal Court Order in Alabama

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**Abstract** Administering elections requires coordination among independent parties. The implementation of a 1988 court ruling in Alabama was an extreme case of this proposition. State and local officials, volunteer trainers, Auburn University, and the Alabama Cooperative Extension Service worked together in a compressed time frame to carry out new procedures for recruiting and training poll workers. The case illustrates the need for and the results of interorganizational cooperation in unusual circumstances.

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Elections require the interaction of multiple agencies and individuals, sometimes in unexpected ways. This is one of those cases. In 1988, a federal judge issued a ruling in the case of *Harris v. Seigelman* that required

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changing appointment procedures and training for Alabama poll workers. Implementation involved the offices of the governor, the attorney general and the secretary of state, the plaintiffs, the probate judges of 65 counties, Auburn University, Alabama Cooperative Extension Service and 63 volunteer trainers. By an unusual confluence of circumstances, I became the coordinator for implementation.

## THE SETTING

In the 1980s, Alabama's election system was decentralized and fragmented. At the county level, four different public officials and the local party chairs had various responsibilities for voter registration and elections. The important ones for this case were the probate judges, who were responsible for training poll workers and who served, along with circuit clerks and sheriffs, on the boards that appointed poll workers from lists to be provided by political parties. All of these officials were locally elected. No office at the state level had a role in their selection or authority to make rules governing procedures. The state attorney general could issue non-binding interpretations of law.

In the early 1980s, Secretary of State Don Seigelman set about trying to strengthen his role in the election process. Lacking formal authority to issue orders, he obtained a grant to develop and demonstrate instructional materials for use by local officials in training poll workers. He contracted with Auburn University's Center for Government Services (CGS) to implement the grant. As an associate professor of political science and assistant director of CGS, I managed the contract. This gave me an opportunity to learn about Alabama election law and to interact with state and local election officials. In 1987, when Glen Browder became secretary of state, he asked me to join his staff, part-time, to assist in election-related matters. We worked out an arrangement whereby his office paid Auburn for my time.

Meanwhile, an important court case was developing. It arose in 1984 when two African Americans brought suit against the governor and attorney general over several issues related to elections. Among the most important was that blacks, particularly the poor and elderly, were intimidated by white poll workers. US District Judge Myron Thompson ordered that the case would be a class action including, as plaintiffs, all black citizens of Alabama and, as defendants, the authorities for appointing poll workers in all but 2 of the 67 counties. At the request of the court, the parties negotiated an agreement to appoint black poll workers

in proportion to their presence in the voting age population. Very little happened, partly because Alabama had no administrative mechanism to effectively implement the agreement statewide.

In 1988, the plaintiffs returned to Judge Thompson seeking enforcement of the earlier ruling. In this case, they complained about the lack of black poll workers and about a state law that limited voters' ability to obtain assistance at the polling place. There was now a new governor and Don Seigelman had moved on to become attorney general. They wanted to settle the case. Secretary of State Glen Browder agreed to become a defendant and manage the implementation. The parties worked out a plan that became the basis for a new court order. I became the coordinator for the project.

### THE CASE

The court order required not only that the defendants cease discriminatory practices, but also that they undertake a positive program to overcome the effects of past discrimination. The program would include the following:

- Training materials for poll workers that included instructions on allowing assistance to voters under new procedures that were consistent with federal law.
- Biracial teams of volunteer trainers who would conduct schools for poll workers in each affected county.
- Certification of the names of those who completed the schools to the county appointing authorities.
- Appointment of black poll workers in sufficient numbers to achieve racial balance.
- Removal of restrictions in state law limiting poll worker appointments to citizens living in the precincts where they would serve and whose names were submitted by political parties.
- An oath for poll workers that included a pledge not to discriminate.
- A complaint/evaluation form available to voters in each polling place.
- A poster that would be displayed at each polling place explaining voters' rights to cast a "challenged ballot," a precursor under state law to today's provisional ballot.

The program would last through 1992, three election cycles.

## THE TRAINING AND CERTIFICATION PROGRAM

There were just over two months between the court order and the 1988 general election. The court-approved plan left many practical questions unanswered, and it was clear that the defendants could not run back to federal court to get clarification every time an issue arose. So, the governor, the attorney general, the secretary of state and the plaintiffs each agreed to appoint a representative to an oversight board that could make decisions as the program progressed. As the secretary of state's representative, I served as the coordinator of the board. One of the best decisions that we made was to schedule a regular meeting each week until the fall election. We could always cancel the meeting if no decisions were needed.

Complicating the 1988 schedule was the fact that poll workers had already been appointed under state law. The oversight board agreed that the training program could not be expected to affect the appointment of poll workers in the first year of implementation. Instead, we reached agreement with the probate judges, who were by state law responsible for training and integrating new training materials into regular county schools for poll workers. The secretary of state contracted with CGS to develop the training materials and manage the program. The instructional program that we had developed under the earlier grant became the basis for the new one, allowing a quick response. We still had to modify the material to cover the new procedures for assistance in voting and to print copies for use in the schools. Meanwhile, the plaintiffs and defendants recruited volunteer trainers, who attended the instruction on how to use the training materials. The trainers, in turn, participated in 129 county schools for poll workers, handed out the new material and highlighted the changes in law and procedure.

After this first implementation, the oversight board held a meeting in Montgomery, the state capital, to get input from the appointing boards, all of whom were invited to attend. We used this information in the design of the first full iteration of the program in 1990. This time we held the schools in the spring so that we could certify attendees to the appointing boards in time to influence their choices of poll workers. The idea of certification raised the question of whether there should be a test to provide a measure of competence. The oversight board, including the plaintiffs' attorney, decided to include a simple test. It would consist of ten questions drawn from the material provided to the prospective poll workers, who were encouraged to use the material to answer the questions. Thus, the

test measured the ability to read and apply instructions. In order to get the tests graded in time, we used scan sheets that were shipped to Auburn for reading. We would learn that some attendees, especially the elderly, were not familiar with scan sheets and had difficulty filling them in.

In order to ensure uniform presentations around the state, we created a “sound and slide” show. This was before the time of computer-based programs and Liquid Crystal Display (LCD) projectors. We used 35 mm slides and cassette tapes to give an overview of normal polling place procedures. We also provided a handheld flip chart (Fig. 2.1) on how to deal with unusual situations, including the need for assistance in voting.

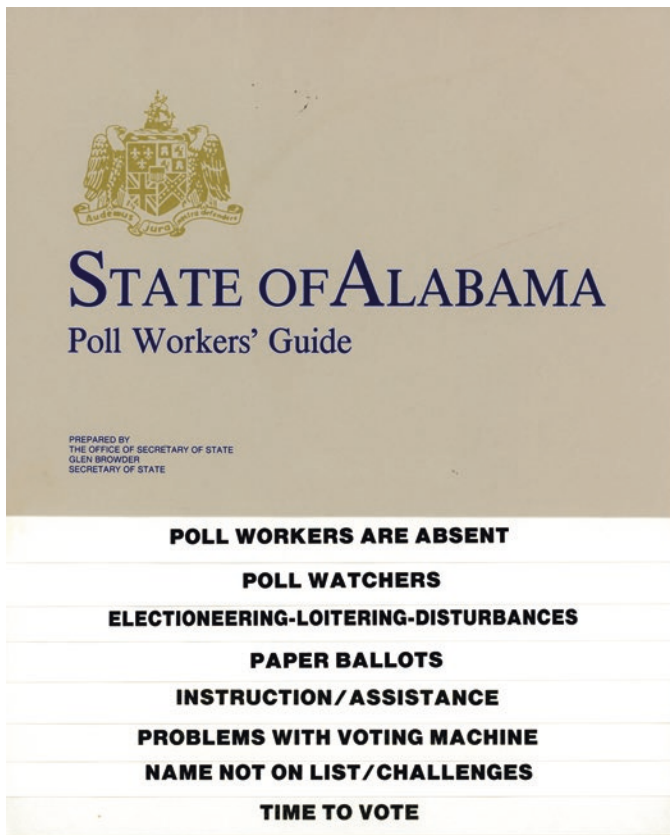


Fig. 2.1 State of Alabama poll workers guide

The idea was to teach the basic polling process and provide job aids to cover the major exceptions that could occur. The open book test was designed to give poll workers experience using the job aids. The probate judges or their representatives covered voting equipment and any other county-specific issues. Counties used different voting equipment—paper ballots, Automatic Voting Machines (AVM) and Shoup lever machines and, in one case, punch cards.

This plan required a substantial local effort. We coordinated with the probate judges to find locations and to set dates for the schools. Yet we needed additional local support for things such as providing and setting up audio-visual equipment, receiving and distributing instructional material, and collecting the tests and forwarding them to Auburn. For this purpose, we turned to the Alabama Cooperative Extension Service (ACES), which had offices in each county. As a land-grant university, Auburn housed ACES, and the director agreed to help us at no cost to the program because of their public service mission.

Meanwhile, we had to recruit and train the trainers. As before, each member of the oversight board was tasked with providing a list of names. Persons on the list were invited to attend one of seven train-the-trainer schools around the state. Those who attended were asked to conduct schools in one or more counties as part of biracial teams. Because the plaintiffs wanted to demonstrate a break from traditional county election administration, trainers were not scheduled to teach in their home counties. They would be reimbursed for travel and given a standard meal allowance, but not paid for their time. A total of 85 trainers, 63 volunteers plus project staff, conducted 145 workshops and administered tests to 13,616 prospective poll workers. Almost all (97 percent) of those who took the test passed and had their names certified to the appointing boards. The boards were then able to appoint racially balanced teams of poll workers and satisfy the requirements of the court order. The program was repeated in 1992 in substantially the same fashion.

### LESSONS LEARNED

The circumstances of the court-ordered training program were unique and unlikely to be repeated. Nevertheless, I think there were a few lessons that can be used in other settings.

Communication was very important. We tried to keep all parties involved and to learn about and respect the constraints of local authorities.

Being able to get decisions in a timely manner was imperative. Unexpected developments occurred throughout the program and the project team had to be able to respond quickly. The creation of the oversight board and the pre-scheduling of weekly meetings proved to have been essential.

Volunteers could be responsible partners in public service. They were difficult to schedule because of time and travel demands, but once they accepted an assignment, they almost always fulfilled it. There were a few cases of automobile breakdowns; the trainers had to use personal vehicles and travel out of their home counties. Yet there were no cases in which a volunteer simply failed to show up without notice. And because the trainers were assigned in teams and we had backups available in project staff, we were able to conduct all schools, although with only one trainer in some instances.

Coordination was critical. The many different parties involved and the tight time constraints forced project staff to spend many hours scheduling and rescheduling to meet program commitments. Coordinating the volunteers was especially challenging because we were asking them to break their normal work or family routines and travel away from their communities, sometimes at night. We had not counted on the cost in terms of staff time to manage that part of the program.

The level of cooperation between state and local governments, between former opponents in the court case, and between representatives of different political parties was surprising and very encouraging. Of course, a federal court order is a big stick, but it never had to be used.

Election officials often face unexpected demands that exceed the resources of their own offices. Outside organizations and individuals can sometimes help in surprising ways. As has been demonstrated more recently in natural disasters like Hurricane Michael in 2018, individuals and offices from outside the normal realm of election administration can rally to meet unusual needs, in which case having a mechanism for coordination is even more important than usual.

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