



**WHAT'S CHANGED, WHAT HASN'T,  
AND WHY**

***ELECTION REFORM  
SINCE NOVEMBER 2000***

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October 22, 2001

## **Executive Summary**

"Election Night Debacle Foretold."

A headline from November 2000? No, it appeared in a newspaper recently in a story detailing vote-counting problems in this month's New York City Democratic mayoral primary. Less than one year after one of the closest and most contentious elections in history, the way Americans vote remains for the most part unchanged – in New York City and elsewhere – despite a continued call for improvement and substantial activity nationwide on election reform.

To determine the current state of election reform, the Election Reform Information Project surveyed election reform activity across the country since November 2000. The Election Reform Information Project looked at developments in Congress and the federal government, in the states, in the courts and in the dozens of public- and private-sector task forces and study groups formed to study the issue. The goal was to review developments in election reform and produce a thorough assessment of progress nearly a year after the events of November 2000.

In summary, here is what the survey found:

- **Congress** has yet to enact election reform legislation. In part, this is the result of partisanship – with a key proposal, the "Dodd-Conyers" bill (S. 565/H.R. 1170) enjoying substantial Democratic support but no overt GOP backing. Yet, the delay can also be ascribed to federalism concerns and hesitation to commit federal funds without a better understanding about how states and localities intend to spend them. In this environment, the possible frontrunners for eventual action are two bipartisan bills that have yet to be introduced as of the writing of this report – one by Chairman Bob Ney, R-Ohio, and Ranking Democrat Steny Hoyer, D-Md., of the House Administration Committee, and a Senate bill reportedly being discussed between Senate Rules Committee Chair Christopher Dodd, D-Conn. and Senate Christopher Bond, R-Mo. Of course, any progress on election reform must take into account the aftermath of the terrorist attacks of September 11, which shifted Congress' attention to other matters and left the timetable for consideration of election reform uncertain at best.
- **States** have reacted in a variety of ways to the events of November 2000. **Florida**, election reform's poster child, moved swiftly to demonstrate its resolve by enacting the Florida Election Reform Act of 2001 (S. 1118), a comprehensive, multi-million dollar bill to modernize the state's voting equipment, overhaul its vote-counting practices and improve election administration. **Georgia** and **Maryland** also enacted statewide uniform voting systems, although only Maryland provided funding sufficient to actually put such a system into place. About twenty other states enacted a variety of less comprehensive reforms, including but not limited to banning punch cards voting machines, establishing statewide voter registration systems, requiring automatic recounts in certain narrow contests and outlawing the practice of "faithless electors." All states, however, continue to face uncertainty about what, if any, federal funding will be available for election reform and what requirements will accompany such funding.

- **Courts** have seen a spike in activity related to the issue of election reform, with plaintiffs filing suit on a wide variety of theories ranging from equal protection (following the Supreme Court in *Bush v. Gore*), racial discrimination, disability law and even product liability. These suits have, in some cases, delayed parts of existing election reform enactments, as in **Florida**, where an equal protection lawsuit has indirectly led the U.S. Department of Justice to delay enactment of certain provisions of the Florida Election Reform Act as potential violations of the Voting Rights Act. In other states, the simple act of filing a lawsuit has likely contributed to state action. This was the case in **California**, where the Secretary of State banned the use of punch-card voting machines statewide by 2006, following a complaint challenging the state's continued use of such machines.
- **Task forces** convened, took testimony, issued reports about what is wrong with America's election system and made recommendations about how it might be fixed. Some of these efforts seemed to suggest at the outset that sweeping federal changes were both necessary and desirable, such as the **National Commission on Federal Election Reform**, co-chaired by former Presidents Jimmy Carter and Gerald Ford. In the end, however, outrage faded to reality, with task force reports reflecting the fact that the election process – and therefore election reform itself – is sufficiently complex that no "quick fix" or "silver bullet" exists. The reports generally agree that state and local control of elections should continue, albeit with some expanded federal role in standard-setting and perhaps enforcement. Some unique proposals – such as a national voting holiday – have garnered the lion's share of press coverage, but the existence of broad agreement among the majority of task force reports is the real news, suggesting that these points of agreement could form the basis for eventual federal legislation now being considered on Capitol Hill.

This survey reveals a continuing interest in election reform, as evidenced by the wide range of activity in many arenas nationwide. It would appear that the current obstacle to election reform is not a lack of commitment, but a lack of consensus – consensus that will emerge, if at all, through the continued operation of the policy process.

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**ONE YEAR LATER: WHAT'S CHANGED, WHAT HASN'T AND WHY --  
A REPORT ON ELECTION REFORM  
by the Election Reform Information Project**

**Introduction**

Nearly one year after November 2000's extraordinary and excruciating photo finish to the Presidential election:

*Most Americans who return to the polls next year to cast ballots for Congress will vote in exactly the same way they did before. Their ballots will look the same and will likely be counted in the same manner.*

*In most districts, punch card machines will not lie in scrapheaps, chads will still be hanging and swinging and 1950s-era lever machines will still be the voting machines of choice in many precincts.*

*Congress has not moved ahead with a bill, states are tip-toeing around the issue waiting for Washington to act and time is drawing short before the next national elections. (Stateline.org, September 6, 2001).*

Little has changed, it appears, despite an apparent groundswell following November 2000 in favor of immediate action on "election reform" -- shorthand for changing the way Americans cast their votes, how those votes are counted and how the results are released to the public. Indeed, in response to November 2000:

- Legislators introduced hundreds of bills at the federal, state and local level, aimed at addressing the perceived "mistakes" of the 2000 election and preventing their reoccurrence;
- Plaintiffs filed lawsuits across the country seeking to block states and localities from continuing allegedly discriminatory or outdated practices and/or to force them to adopt new and improved ones;
- Academic and private-sector researchers began collecting data on voting in hopes of identifying a technological solution to the nation's electoral problems; and
- Task forces and blue-ribbon panels convened to take testimony and make recommendations on how "the system" could and should be improved.

**Why is this?**

Has election reform, once a national priority backed by near-unanimous public support, substantial media attention and apparently bipartisan desire for change, already fallen by the wayside?

Or is the slow pace of achievement on election reform the product of the enormity of the problem combined with the variety of parties involved in finding a solution?

To answer this question, the Election Reform Information Project, a research effort of the University of Richmond supported by The Pew Charitable Trusts, surveyed election reform activity across the country since November 2000. The Election Reform Information Project looked at developments in Congress and the federal government, in the states, in the courts and in the dozens of public- and private-sector task forces and study groups who were formed to study the issue. The goal

throughout was to assess developments in election reform and produce a snapshot of the “state of play” nearly a year later.

Section One of the report looks at federal activity, and particularly Congressional action on election reform, and discusses the reasons why no legislation has yet been enacted. Section Two reviews state election reform efforts, demonstrating the achievements and obstacles to reform at that level. Section Three is a short description of election reform litigation arising both in anticipation of, and in reaction to, reform efforts. Section Four is an analysis of the reports of the various task forces and commissions that were established to study the election reform issue. The report concludes with an assessment of the current state of election reform and offers a series of observations about what to watch as work continues.



### **SECTION ONE: Congressional and Federal Activity**

Nearly one year has passed since the 2000 Presidential contest drove election reform to the forefront of Congress' and many states' policy agendas.

Democrats and Republicans have agreed on the need for election reform. But that is generally where the agreement ends. And passing a comprehensive bill that would prevent what went wrong in Florida in November 2000 has proven thus far to be an impossible task.

One recent example highlights the difficulty. Election reform took what should have been its biggest step forward in Congress in August. The Senate Rules Committee voted for a sweeping election reform bill that would greatly increase federal funding and oversight responsibilities. States and localities would receive – for the first time – millions of dollars to purchase new equipment, train poll workers and bankroll voter education efforts.

Yet, instead of signaling progress, the bill's passage in committee revealed the deep partisan divide dogging election reform efforts.

The bill, sponsored by Senate Rules Committee Chair Sen. Christopher Dodd (D-CT), did not receive even one Republican vote. In fact, Republican members of the panel did not even show up for the markup -- an act of protest, they said, against the absence of any voter fraud provisions in the legislation.

“We must make it easier to vote while making it harder to cheat,” said Sen. Christopher Bond, R-Mo., after the hearing.

The Missouri lawmaker said he had witnessed first-hand the chaos and distrust voter fraud causes in his home state during elections in St. Louis. His staff produced a two-inch thick tome filled with evidence of phony registrations that included, in one case, a dead dog who cast a ballot. Without safeguarding against fraud, he said, the entire country would be as scandal-ridden as St. Louis.

Dodd, meanwhile, said he was “deeply saddened” by the Republicans' decision to skip the hearing, where he said they would have had a chance to amend the bill with their desired fraud provisions.

It is clear from the calls for election reform from civil rights organizations, politicians, law experts, labor organizations and advocates for the disabled that election reform remains a top priority. In Congress, however, the partisan divide separating Republicans and Democrats from a bill remains wide.

### **A Difference of Opinion**

Disagreement on the nature of election reform stems from a number of issues that have traditionally divided the parties - state versus federal control.

Democrats have largely favored an increased federal role in elections – especially if states want federal money to correct ills in their election systems. Many Republicans believe that the federal government should invest in the nation’s voting systems, but favor matching block grants that would allow state and local governments to use the money how they see fit, without any federal government requirements.

***"We must make it easier to vote while making it harder to cheat." -- Senator Christopher Bond, R-Mo.***

***"It is un-American and wrong to have an election system where certain classes of voters – racial minorities, language minorities, the blind and disabled – are disenfranchised at significantly higher rates than voters not [in] those classes. And until we can say as one Nation that the differences in their disenfranchisement are insignificant, then our work as a Congress and a country is unfinished." – Senate Rules Chair Chris Dodd, D-Conn.***

Republicans and Democrats differ on some more elemental issues. Those on the left see election reform as righting a wrong – namely, that any reform bill needs to address what they see as discrimination in the voting process.

"It is un-American and wrong to have an election system where certain classes of voters – racial minorities, language minorities, the blind and disabled – are disenfranchised at significantly higher rates than voters not [in] those classes. And until we can say as one Nation that the differences in their disenfranchisement are insignificant, then our work as a Congress and a country is unfinished," Dodd said in July.

Republicans, however, see election reform as a chance to do away with fraud they say has plagued the polls for decades.

Sen. Mitch McConnell, R-Ky., speaking with Dodd on "Meet the Press" in August, said election reform "is not a matter of civil rights. This is a matter of money and machines."

The result has been a deadlock, despite a number of bills that appear to have the necessary support to pass and despite a clear signal from President Bush that he would sign into law election reform that he finds acceptable.

An early omen of that deadlock came in the early spring, when Democrats and Republicans could not agree on how to divide partisan duties on an in-house blue ribbon commission that would have decided the direction and language of election reform legislation. Democrats wanted a 50-50 split in committee make-up. Republicans wanted to control the chairmanship, and in turn, offered to have all decisions made by a "super-majority," or two-thirds, rather than a simple majority vote. Without an agreement, responsibility for election reform defaulted to the committee of jurisdiction – the House Administration Committee, chaired by Rep. Bob Ney, R-Ohio.

### **Some Key Bills**

A few pieces of election reform legislation emerged as front runners in the House and Senate in the spring. Since that time, however, little action has been taken. Recently, that could be due to the unexpected emphasis on anti-terrorism and national security legislation in the wake of the Sept. 11 attacks on New York and the Pentagon. But even before those tragic events, momentum had never been steady.

Dodd's bill, S. 565, (and a companion bill, H.R. 1170, sponsored by Rep. John Conyers, D-Mich., in the House), has the most stringent federal requirements of the leading bills, including machine standards, provisional voting requirements and disability-access rules. It is also a strongly partisan bill, with 50 Democratic sponsors in the Senate, and so far, no overt GOP support. It is supported by a number of civil rights groups, labor unions and advocates for the disabled.

Senators Mitch McConnell, R-Ky., Charles Schumer, D-N.Y., Robert Torricelli, D-N.J. and Sam Brownback, R-Kan., introduced a bipartisan alternative in the Senate, S. 953. This bill offers a more flexible approach to funding, allowing the states to decide what their needs are when receiving matching federal dollars. States must meet certain federal standards only if they opt to take federal money.

While 70 senators have co-sponsored the bill, its future was very much in doubt once McConnell lost the chairmanship of the Rules Committee in the shift of partisan control in the Senate following the departure from the GOP of Sen. Jim Jeffords, I-Vt.

A number of election measures in the Defense Authorization Act (S. 1416) would simplify voting for members of the military stationed overseas as well as other American nationals living abroad. It would expand an electronic voting pilot project by the Department of Defense, ensure all absentee ballots cast on time are counted and increase oversight of military absentee voting.

Sen. John McCain introduced S. 368, Voting Process Standards and Technology Improvement Bill, in March. The bill would focus on studying and improving the performance of voting machines and offer grants for machine purchases and voter education.

H.R. 2275, sponsored by Rep. Jim Barcia, D-Mich., would establish a commission of experts at the National Institute of Standards to develop standards for voting machines. It unanimously passed the House Science Committee in July, but has not made it to the floor for a vote.

H.R. 2398, the State Voting Procedures and Administration Modernization Act of 2001, was introduced by Rep. Karen McCarthy, D-Mo., and earned the endorsement



of the National Conference of State Legislatures. Much to the liking of state lawmakers, the bill offers flexible federal grant money for states with virtually no strings attached.

### **The Front Runners?**

The possible front runners among the election reform bills are two that have yet to be formally introduced. Rep. Ney, R-Ohio, chairman of the House Administration Committee and Rep. Steny Hoyer, D-Md., the ranking Democrat on the panel, are completing a bipartisan election reform bill that they plan to release "in a matter of weeks," a Ney spokesman said.

When released, it could emerge as a popular choice in the House. It would likely receive swift passage in the committee and could enjoy the support of both Democratic and Republican leadership.

Similarly, a bill now being hammered out in the Senate by Dodd and Bond could offer the necessary balance between federal funding and oversight and anti-fraud provisions to attract both sides of the aisle.

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"This is the horse to be on," said one Senate aide close to the negotiations. "Clearly, there is a shared interest now in getting this done."

### **GAO – The Survey Says . . .**

The General Accounting Office last week released its long-awaited, comprehensive survey of American voting, with some surprising — and some more obvious — results.

Using surveys and interviews, the research arm of Congress found more than half of the voting precincts in the country experienced "major problems" on Election Day 2000, primarily stemming from a shortage of qualified poll workers. For election administrators around the country, that will come as no surprise.

The other pressing problem facing election administrators was dealing with voters who appeared at polling places on Election Day but whose names could not be found on registration lists. Nationwide, 30 percent of voting precincts identified this as a "major problem," perhaps strengthening arguments put forth by some lawmakers for provisional voting as a nationwide standard.

More surprising, however, is the revelation that despite widespread concern about the use of absentee ballots, the GAO found less than 2 percent of the mailed-in ballots nationwide were disqualified because they arrived late or were missing necessary signatures or other certifications.

The report also noted every type of voting mechanism – from paper ballots filled out with pencils on a string, to punch cards and high-tech touch-screen system –

can “produce complete and accurate counts as long as the technology used is properly maintained and effectively integrated with the associated people (voters and election workers) and processes.” Researchers also concluded the costs of upgrading voting machines nationwide for jurisdictions that need them would total \$191 million for optical scan machines and about \$3 billion for touch-screen or DRE machines.

Another report on voting for people with disabilities is “forthcoming,” the GAO says.

Members of Congress who requested the report, listed as Senate Minority Leader Trent Lott, R-Miss., and Sen. Christopher Dodd, D-Conn., are expected to use the findings in deciding upon how best to pursue election reform legislation.

### **And at the Federal Election Commission . . .**

In the spring, the Federal Election Commission (FEC) requested \$3 million in supplemental funds for the enhancement of its Office of Election Administration from Congress, asserting that the additional money would “better assist state and local election administrators, who are responsible for administering federal elections.” However, Congress subsequently denied this request for funding.

In June, the FEC released a draft of the revised Voting Systems Standards program, which has now been adopted by 38 states to ensure the accuracy and reliability of their respective voting systems. This year’s update marks the first such action since the 1990 inception of the voluntary national standards for punchcard, optical scan and direct recording electronic voting systems.

According to GAO’s October report, the updated draft standards are an improvement on the 1990 version, but still do not effectively address two key areas: human factors and quality assurance. GAO asserts that the FEC voting systems standards have not been proactively maintained since 1990, but should be in the future.

In other action this year, FEC released in June its biennial report on the impact of the National Voter Registration Act (“motor-voter”) on federal elections. This year’s report made four recommendations to states, including: develop and implement a training program for motor vehicle and agency personnel regarding their duties under the NVRA; require motor vehicle and agency offices to promptly transmit voter registration information to the proper election office; and implement a procedure whereby voters may cast a provisional ballot at the polls on Election Day.



## **SECTION TWO: State Activity**

In state capitals, a host of bills were introduced, but only a fraction have been signed into law. Plans to overhaul elections in a number of states are on hold as state lawmakers facing an economic downturn and shrinking budget coffers await congressional assurances of federal funds to bankroll costly upgrades of voting machines or registration systems.

Still, while federal legislation and task forces aimed at reforming the nation's elections process have garnered much of the media attention since the conclusion of the 2000 Presidential election, state efforts have registered the most significant progress toward achieving that goal.

As of early October, at least 1,793 bills pertaining to election reform had been introduced in state legislatures in 2001. A little over 250 have become law, according to the National Conference of State Legislatures. In addition, 27 states formed task forces, issued white papers and/or drafted legislative plans pertaining to their respective states' elections process in the wake of last year's post-election controversy. Some of those recommendations have been included in election reform legislation.

Learning from Florida's 2000 Presidential election fiasco, a number of states chose to phase out punch cards, while others established statewide standards for counting ballots and conducting recounts. A handful of states enacted sweeping reforms, while others continue to study how best to repair their voting processes.

### **Looked Worst and Acted First**

Not surprisingly, **Florida**, the state that originally put the spotlight on the nation's varied procedures for casting and counting ballots was out front early on enacting comprehensive election reforms this year. The Sunshine State drew widespread criticism and even mockery for its butterfly ballots and hanging chads.

***Florida acted faster and more comprehensively than any other state in the country.***

The problems were deeper, though. The absence of uniform statewide recount and voting system standards also caused the outcome of the 2000 Presidential race to hang in the balance for more than a month after Election Day.

Florida acted faster and more comprehensively than any other state in the country.

A major legislative overhaul in the spring addressed virtually all of Florida's electoral ills. Guided by the recommendations of a 78-page report from a task force created by Gov. Jeb Bush, the state legislature approved a package of reforms with broad bipartisan support. Bush chose Palm Beach County, one of the flashpoints of the post-election controversy, as the backdrop in which he signed the bill into law.

The centerpiece of the Florida Election Reform Act of 2001 (S. 1118) is a \$24 million appropriation for the purchase or lease of optical-scanning ballot systems for counties still using older voting technologies. The legislation mandates that each voting jurisdiction in the state is required to switch from the maligned punch card system, as well as hand-counted paper ballots and mechanical lever voting, by the

2002 primary election. Optical scan ballots that can be counted in precincts and alert voters of errors are now a minimum standard in the state.

In addition, the Florida legislature set aside \$6 million for voter and poll worker education and \$2 million for establishing and maintaining a centralized statewide voter database.

Other reforms in the bill include:

- extending the deadlines for certification of election results to seven days after a primary and 11 days after a general election;
- requiring an automatic machine recount if the margin of victory is less than one-half of one percent of the total ballots cast and a manual recount if the margin is less than one-quarter of one percent;
- directing the Secretary of State to develop statewide standards for manual reviews of ballots that account for voter intent; and
- mandating a voters' bill of rights be posted at each precinct.

Florida's election reform is still not complete. Portions of the reform act are on hold, pending approval by the United States Department of Justice. [See the Litigation section, at page 13 below.] In early October, Secretary of State Katherine Harris issued proposed rules for counting disputed optical scan ballots. A ballot on which the voter failed to fill in the proper oval, but did underline a candidate's name or circle either a candidate's name or party, would now be counted as a vote.

Two other states to leap forward into election reform are **Georgia** and **Maryland**, where lawmakers enacted legislation this spring requiring the adoption of a uniform statewide voting system. While neither state confronted problems with its election procedures anywhere near to the extent that Florida did, top election officials in both states saw the possibility of similar problems in the event of a close contest.

In Georgia, the legislature passed a bill (S.B. 213) that sets 2004 as the deadline for implementation of a statewide electronic voting system and establishes a pilot project to test touch-screen voting equipment in 2001 municipal elections. Thirteen municipalities have been accepted into the pilot program. [The list excludes Atlanta, which did not apply and likely would not have been accepted due to lack of funding for the project.]

The legislature's action followed a report from a task force led by Secretary of State Cathy Cox that recommended, in addition to a statewide uniform voting system, the state implement early voting procedures, overhaul Georgia's voter registration system and improve poll worker training.

In Maryland, the legislature enacted a bill (H.B. 1457) giving authority to the State Election Board to designate a voting system that will be used in the 2002 elections by nearly all of the state's voting precincts - and eventually, statewide. The bill also appropriates \$2 million in 2002 for the purchase of new voting equipment and \$100,000 annually for training election officials. Counties will be required to split evenly with the state the cost for acquiring and operating the uniform statewide voting technology. In addition, Maryland will establish a statewide voter registration system (S.B. 740). As with Georgia, Maryland's legislature acted on many of the recommendations issued by a task force convened by Secretary of State John T. Willis that examined ways to improve state election processes.

Although **Indiana** did not mandate a statewide uniform method of casting ballots, lawmakers approved a bill (S.B. 268) in May that prohibits the use of the punch card voting system by the 2006 elections. The law creates a \$4 million fund to assist the 42 counties that must switch from punch cards to voting systems. Counties still must provide 50 percent of the cost of the new voting equipment in a given year.

Indiana will also spend \$5 million to establish a statewide voter registration list that will be maintained by the secretary of state and will be updated by county election officials through a secure Internet connection (H.B. 1510). In addition, the legislature approved a voting system education fund that will allow counties to request money for the development of programs aimed at informing voters about the operation of new equipment (S.B. 268).

Punch cards will also become a thing of the past in the nation's two most populous states, **California** and **Texas**.

In September, California Secretary of State Bill Jones decertified Votomatic and Pollstar punch card systems currently used by nine of the state's counties, including Los Angeles, the nation's most populous voting jurisdiction. Wary of the huge price tag to replace the systems with new equipment - an estimated \$100 million for L.A. alone - Jones will hold public hearings across the state during the next few months to determine the feasibility of upgrading the counties' machines by the 2004 Presidential elections. The new rules, however, require counties to use a new system by 2006 elections at the latest.

To help offset the costs, California lawmakers passed a bill that would place a \$200 million bond measure on the statewide March 2002 ballot to help counties purchase updated voting systems (A.B. 56). If it passes, counties would have to spend \$1 for every \$3 in state funds that they receive. Gov. Gray Davis signed the bill on October 15.

In Texas, the legislature adopted a bill (H.B. 1856) that will phase out punch card systems in the 14 counties that still use them. The Texas legislature also asked the secretary of state to examine voting systems in each county and to study the implementation of a uniform statewide voting system (H.B. 1419). Findings will be presented to the legislature next year.

Other states that enacted legislation addressing voting equipment include: **Minnesota**, where lawmakers appropriated \$1.9 million to a state fund that will provide dollar-for-dollar matching grants for the purchase of optical-scan equipment (S.F. 9, special session) and; **North Carolina**, which banned punch-card machines by 2006 and butterfly ballots immediately (H.B. 34).

A number of states that chose not to upgrade their voting systems instead took steps to improve their vote counting and recount standards.

**Ohio, Tennessee** and **Virginia** passed bills that define a vote on a punch card ballot as one in which two or more corners of the chad, the piece that is supposed to be detached to indicate a voter's choice, are broken or separated from the card. If a chad is attached to a punch card by three or four corners, it would not be deemed a vote in Ohio (H.B. 5) and Virginia (S.B. 986). Tennessee's law allows for local election boards to take voter intent into account in those instances (S.B. 21).

After the passage of S.B. 297, **Nevada** will now define a vote as one in which at least one corner of the chad is detached or light can be seen through the card .

Virginia and Tennessee also addressed statewide standards for how recounts should be conducted. In Virginia jurisdictions that use electronic voting systems, recounts will only include over-voted and under-voted ballots (H.B. 1843). The legislature also instructed the state elections board to issue standards that promote a timely and accurate resolution of recount questions.

In addition, the Tennessee legislature specified the circumstances in which a recount can be conducted (S.B. 21).

Other states that took similar actions include: **Colorado**, which lengthened the time period for recounts from 21 to 30 days following an election and stipulated that ballots must be recounted using the same procedures by which they were originally tallied (S.B. 132); **Kansas**, which will require the state to bear the costs of recounts for national and statewide races if the margin of victory is one-half of one percent or less (S.B. 126); and **Washington**, which specified when a recount should occur and in what form (H.B. 1644).

A number of states, including Florida, Indiana and Maryland, also addressed their voter registration systems in an effort to modernize and computerize what are now decentralized lists maintained by localities.

Statewide voter databases will enable them to clean up their registration lists to ensure that, for example, people are not registered in more than one locale within the same state.

Kansas passed a bill that creates a centralized voter registration database that will include a list of active voters and a list of those who have failed to vote in at least two consecutive state or national general elections (S.B. 127).

The **Iowa** legislature appropriated money this year toward a new statewide registration system (H.F. 719). **Oregon** set aside \$2 million earlier this year to establish a centralized voter database that would possibly reduce the likelihood of errors and a person voting more than once (H.B. 2002). However, a state board committee recommended in September that, due to the souring economic forecast for the state, the funding be withheld for now. That will prevent the implementation of a new system until at least the 2004 elections.

In addition to legislative efforts, many states have also taken action since January on other aspects of the elections process.

**Arkansas** allocated more money to train poll workers (H.B. 2159).

**South Carolina** will now permit more high school students (ages 16 and up) to work as poll workers (S.B. 441).

**West Virginia** passed a bill (H.B. 3066) that establishes "no excuse" absentee voting during the 15 days leading up to an election.

**North Carolina** passed a bill (H.B. 1041) that will require ballot instructions to be provided in languages other than English.

**Virginia** became the latest state to require by law that Presidential electors to remain "faithful" to the voters' choice (H.B. 1853).

**Wisconsin** debated legislation that would have required voters to show official state identification at polling places on Election Day, but a committee ultimately did not advance the bill (A.B. 259).

Lawmakers in 21 states rejected bills that would have divided Electoral College votes by Congressional districts. The split-slate system is currently used only in Maine and Nebraska. But it had gained some momentum last winter, as a result of the extremely close outcome in the Presidential race.

A governor's elections task force in **Pennsylvania** determined that human error was the largest cause of invalidated ballots, and thus did not decertify any voting systems, nor did it call for statewide ballot standards.

The **Ohio** elections panel has twice postponed the release of its final report on the state's elections process because of a split between the committee's members over whether to do away with punch cards. The majority of the state's voters punch chads to cast ballots.

***"I'm just really disgusted and disappointed that we haven't done more. The Florida thing ... was our wake-up call, and so far [we have] flubbed it." – Illinois state legislator***



### **SECTION THREE: Litigation**

A number of states that reformed their voting processes could have a rough road ahead. Lawsuits – most of which challenge the use of different voting systems in different counties - have been filed against state election officials.

The Supreme Court decision in *Bush v. Gore* that settled the Presidency also motivated civil rights and civil liberties organizations to challenge state voting systems based on the same equal protection rationale that the high court invoked to end the Florida recounts.

The Court ruled that Florida's "intent of the voter" standard did not provide a statewide measure to ensure that all recounted ballots were judged by the same objective criteria.

"The recount mechanisms implemented in response to the decisions of the Florida Supreme Court do not satisfy the minimum requirement for non-arbitrary treatment of voters necessary to secure the fundamental right" to vote, the decision stated.

Without uniform standards, the Court contended, equal protection cannot be guaranteed to all voters. However, the ruling did make it clear that every vote must be given equal weight under the Constitution.

*Andrews v. Cox*, *NAACP v. Harris* and *Black v. McGuffage* filed in Georgia, Florida and Illinois respectively, allege that systematic irregularities in the election system infringe upon African-American voters' right to vote. They argue that studies since the 2000 election have concluded that in many counties with high minority populations, voting equipment with a higher rate of error was more prevalent.

In *Andrews v. Cox*, the complaint asserts that African-American voters in Georgia were 10 times more likely than others to lose their right to vote.

In *NAACP v. Harris*, the complaint alleged that disparate voting practices across Florida resulted in the invalidation of a disproportionate number of ballots cast by black voters and a failure to properly process the registration of black voters.

### **Challenging Machines in Illinois**

In addition to *Black v. McGuffage*, two additional complaints have been filed in the state of Illinois. Illinois law permits precincts that employ an optical scan voting system to use a voter error notification system, while those that employ punch-card systems cannot.

In *Del Valle v. McGuffage* plaintiffs include black and Hispanic registered voters seeking a uniform statewide voting system with error notification that they argue will not have a disparate impact on black and Hispanic voters' ability to have their votes counted.

The *Democratic Party of Illinois v. Orr* is the first of the recent election reform cases where a substantive ruling has been made. The court ordered a preliminary injunction requiring Cook County to use error notification with its punch card voting machinery in the February 27<sup>th</sup> primaries. The use of the new technology appeared to reduce voting error. In one town, the error rate fell from over 4 percent in the 2000 presidential election to less than 0.33 percent.

Republicans in the State Senate have sponsored legislation to override the part of the court order requiring voter notification for under-votes, stating the technology jeopardizes the sanctity of the secret ballot.

### **Florida Reforms Challenged As Well**

In *Coyner v. Harris* Florida voters in 15 counties allege the punch-card voting system impedes their right to have their votes counted and seek to have it decertified.

*Major v. Sawyer* contends that the section of the law establishing a posted list of voters' rights and responsibilities unfairly affects minorities, discouraging them from voting or causing their votes to be discarded at a proportionately higher rate. The plaintiffs allege that the posting of the list is equivalent to a literacy test prohibited by the federal Voting Rights Act. The U.S. Department of Justice has delayed implementation of this portion of the Florida Election Reform Act in order to request additional information about the concerns raised in this suit.

### **Not Fast Enough In California?**

California Secretary of State Bill Jones decertified punch card voting systems in the State of California, but not before the ACLU filed *Common Cause v. Jones* seeking an almost immediate ban on use of the equipment. Jones stipulated that Votomatic and Pollstar systems, two forms of punch card systems, were to be replaced no later than January 2006 and that a "Democracy Fund" would provide counties with state funds for new systems. The plaintiffs, however, disagree with Jones' five-year timetable, alleging voters will continue to be disenfranchised in the coming years. The case could go before a judge early next year.



## **The Case Against Machines**

In *Wirth v. Election Systems and Software*, Illinois voters are alleging a state class action against the Votomatic punch-card system, but places responsibility for its failings on the company that manufactures and markets it, rather than the counties that use it. Plaintiffs are asking for an injunction ordering a recall of all Votomatic products.



### **SECTION FOUR: Task Forces**

Elected officials, courts and advocacy organizations have all shared the election reform stage with other entities. Non-governmental, bipartisan or nonpartisan task forces have sought to bring together the best minds in politics, election administration, academia and law to sort out what went wrong in 2000 and how to fix it.

In the months that passed since President Bush's inauguration, task forces crisscrossed the country holding hearings, compiling statistics and listening to experts. The results were reports on voting machines, election practices and proposed changes.

The heads of the nation's two leading engineering schools said they would look to invent the perfect voting machine; ex-Presidents wanted to bring together the best minds from politics and law to fix a "broken" election system. Election experts wanted to explain how elections worked and how they could be improved, without throwing away everything they had learned in the past 50 years.

While most task forces started out determined to disassemble the current election system and build a new one from the ground up, they quickly discovered that starting fresh would not fix the problems that plagued Florida and prevent it from happening in other states in the future.

***Many task forces saw the danger in changing too much too quickly, or undoing a historic system of state and local control.***

Consequently, the reports, while comprehensive in their scope and thorough in their research, did not call for the profound overhauls of the American election system that some expected in the wake of the presidential election. Experts did not want the federal government to take over voting; nor did panels recommend a move to any standard, nationwide system of elections. Many saw the danger in changing too much too quickly, or undoing a historic system of state and local control.

## **From Outrage to Reality**

The highest profile panel of experts, the **National Commission on Federal Election Reform**, featured former Presidents Gerald Ford and Jimmy Carter as honorary chairmen. The panel started work in the winter, shortly after President George W. Bush was sworn into office.

The group's work included four hearings at presidential libraries around the country to hear from election administrators, secretaries of state, disgruntled voters, advocates for the disabled and civil rights experts. Members included ex-politicians, conservatives, liberals, Republicans and Democrats.

From the start, it appeared the ex-presidents and the 19 task force members would produce the most controversial recommendations for mending elections after Florida. Carter opened the group's first meeting with an invective against the American system of voting, saying under international rules, the United States would not qualify for international monitors, typically stationed in emerging democracies, because of its hodge-podge of voting machines, registration systems and recount rules.

By the time the panel finished its work, however, Carter's fiery opening speech had long since been extinguished. Reality set in, and, in their report, the panel urged the country to maintain the traditional power of elections in the hands of states. The government, they said, should expand its role in terms of funding and machine standards, but stay out of the local administration of elections.

## **Building a Better Voting Machine**

Another report produced by the nation's two top engineering schools – the **Massachusetts Institute of Technology** and the **California Institute of Technology** – did not recommend every state purchase state-of-the-art touch-screen voting machines. Nor did it give schematics for a perfect new form of voting machine. Instead, it urged states to scrap punch-card voting machines in favor of not-so-sophisticated optical scanners – a technology used by high school test takers for more than 20 years. The machines identify ballot errors in precincts and allow voters a second chance to cast a ballot that is found to be flawed.

Task force reports produced by state and local organizations, including the **National Association of Counties** (NACO), the **National Association of County Recorders, Election Officials and Clerks** (NACRC) and the **National Conference of State Legislatures** (NCSL), encouraged a go-slow approach to election reform that, not surprisingly, preserves state and local control over election administration.

## **What Do They Mean?**

Task force reports have no force of law. Reports produced in the wake of the 2000 elections were volunteered, not requested. The importance of the reports will depend on whether the findings are incorporated into legislation.

All of the organizations that convened election reform task forces did so in the hope that they would show members of Congress that consensus exists on the issue and that laws can be made that would satisfy many factions - voters distraught over the last election, administrators fearful of a federal take-over of their responsibilities and politicians wary tinkering with a system that, after all, gave them their jobs.

President Bush took notice of the National Commission's task force report. He hosted a Rose Garden ceremony announcing its release and said he would recommend that Congress adopt its key points.

"The core principles underlying the commission's report ... are the core principles that should guide us all," Bush said. "They have risen above partisan emotions to put forth practical suggestions for improving democracy, and the United States Congress should listen to them and follow their lead."

Jim Forbes, a spokesman for the House Administration Committee, which is expected to produce bipartisan election reform legislation later this month, said the National Commission's findings – and those of other election reform task forces – would go "hand-in-hand" with the yet-to-be-released bill.

Sen. Christopher Dodd, D-Conn., who has seen his election reform bill pass committee scrutiny, said the National Commission report included "critical reforms that I believe must be part of any meaningful reform of our electoral system."

Still, Congress is an institution accustomed to getting its own information. The General Accounting Office, Congress' research arm, just released several reports on October 15 regarding election reform. The findings will likely be the basis for future election reform bills. And it could draw on other sources as well. A few election reform bills call for the creation of blue ribbon panels to determine "best practices" for elections and machines, a job that most on task forces would say they have already completed.

***"There certainly is a value in the agreement between the reports because those issues become no-brainers."  
-- Zoe Hudson, Constitution Project***

### **A Chorus of Agreement**

Where the reports could make a powerful difference, though, is on broad points of agreement. Task force members say commonalities send a clear message to Congress that there are nonpartisan solutions to problems in the nation's voting system that have been screened by a broad audience, and therefore could be appealing components of legislation.

"There certainly is a value in the agreement between the reports because those issues become no-brainers," said Zoe Hudson, director of the **Constitution Project's Election Reform Initiative**, a coalition of 60 organizations working on the issue of election reform. "We're all in close communication with the Hill, so we know they have read the reports, that they are engaged in the process and looking for expertise. There's not a huge amount of disagreement between the reports."

Maintaining local control has been a common theme in all of the major election reform task force reports, including those by the Constitution Project, NACO, NCSL and the **Election Center**, an association of state and local election administrators

State and local control are not the only points of agreement, however. Nearly all of the reports called for states to institute centralized voter registration files. They also call for provisional voting, allowing those who do not appear of voter rolls to

cast ballots and have them counted only after the voter's qualifications have been confirmed.

Most reports, including those produced by election officials themselves, called for the purchase of voting machines that give voters a chance to correct mistakes on their ballots. Those include touch-screen or DRE machines that identify over- or under-votes, or precinct-counted optical scan ballots that reject ballots with under-votes, stray marks or over-votes.

Task forces also called on states to restore the voting rights of felons who completed their sentences and parole as well as uniform standards for tabulating each type of vote, whether punch card, optical scan ballot or otherwise.

All of the task forces also recommended a greater emphasis on voter education, from the Constitution Project's support for "sustained voter education efforts," to the National Commission's endorsement of federal matching grants for voter education, poll worker recruitment and training. NACO and NACRC encouraged local governments to provide sample ballots to all registered voters before Election Day as well as special notices to inform voters of changes in ballot design or voting machines.

### **...And Some Clear Differences**

Reports differed on some substantial issues – including military and overseas ballots, early voting and polling place and secret ballot accessibility for people with disabilities.

The Election Center approved of states' using early voting and "no-excuse" absentee voting as a way to increase turnout, while the Constitution Project argued traditional Election Day voting at the polls would be the only way to safeguard against fraud, foster a community spirit and ensure prompt counting of votes. The California Institute of Technology/Massachusetts Institute of Technology report, which focused primarily on voting machines, opposed Internet voting as susceptible to fraud and security breaches while encouraging early voting as a replacement for absentee ballots.

Each report also offered some ideas not found in their counterparts:

NCSL panel members said state election officials should not be allowed to participate in political activities.

The Constitution Project proposed a new "election class" for mail that would cost half as much as first class but be delivered at the same speed. NACRC and NACO also endorsed election class mail.

The National Commission recommended Election Day either be made into a national holiday or share Veterans' Day as a way to increase voter participation.

CalTech and MIT report writers urged software for voting machines to be "open source," to ensure that vote-casting equipment is secure.

The Election Center called on the Department of Justice to investigate allegations of voter disenfranchisement during the 2000 elections and urged the national media to refrain from projecting the winner of presidential contests until 11 p.m. on Election Day, when polls close in the contiguous 48 states.

***[NOTE: A table with a side-by-side comparison of the major task force reports is included below at page 20 of this report.]***

### **CONCLUSION: What It Means, And What To Watch For**

The sheer volume of election reform activity since November 2000, summarized only in part above, belies any assertion that the issue has somehow lost momentum. While it is true that the roster of actual achievements to date is small, it is also clear that nowhere has election reform been defeated and/or removed from the agenda. In other words, the current obstacle to election reform is not a lack of commitment, but a lack of consensus – a consensus that will emerge, if at all, only as the policy process continues to work.

Here are some election reform issues to watch for in the near- to mid-term future:

- 1. What will be the effect on election reform of the events of September 11?*** In the wake of the terrorist attacks on New York City and the Pentagon, one profound change in the election reform debate has been the de-emphasis of questions about President Bush's legitimacy– whether expressed or not – as a motivation for election reform. As the country rallies around the White House in response to the tragedies of September 11, discussions of the circumstances under which President Bush took office have faded; indeed, the expected release of an analysis of the Florida vote by a consortium of news organizations has been shelved indefinitely. It will be interesting to see if the partisan aspects of election reform – at least, those which cast doubt on the Bush victory – disappear entirely, and if so, how that will affect the timing and nature of the election reform debate on Capitol Hill. In particular, will Republicans and Democrats be able to balance the desire to guarantee the franchise to every American while strengthening anti-fraud provisions?
- 2. Can election reform remain a priority in an economic downturn where public funding is increasingly scarce?*** Whatever disagreements exist about the desirable course of election reform, there is no disagreement about one simple fact: it will be expensive. Funding will be necessary, in part, for new voting technology, better election registration systems and improved poll worker training. Yet, such funding may be scarce in an economy already feeling the effects of the bursting "dot-com" bubble and reeling from the aftershocks of September 11. In this economy, capital-intensive election reform proposals like mass purchases of new voting technology may meet more resistance. At the same time low- or no-cost proposals, such as rules for counting disputed ballots or new laws regarding provisional or early voting, could attract interest should the funding pinch remain an issue.
- 3. How will the election community respond and adapt to the continued federal focus on election reform?*** To date, state and local election administrators have generally been very resistant to any federal encroachment on their authority. In particular, they have been extremely skeptical about perceived federal "mandates" included in proposed legislation such as "Dodd-Conyers" (S. 565/H.R. 1170); however, their skepticism has

been limited to general concerns about the federal role rather than resistance to specific federal requirements. Therefore, as the election reform debate continues, it will be important to watch how state and local election administrators react to assertions of federal authority over specific aspects of the election process. Specifically, it will be interesting to see how these officials respond to reform proposals for federal funding in exchange for federal standards for technology and administration.

**4. How will election reform alter the current balance of power between state and local governments?** Lost in the focus on increased federal involvement in elections is the potential for an equally significant concentration of authority at the state level. Presently, many states invest their chief election official (such as the Secretary of State) with *responsibility* for managing elections, while leaving *authority* over elections at the local level. To the extent that proposals for election reform make states, rather than localities, the repository for federal funds and enforcement of federal standards, states may seek to accumulate more authority at localities' expense. How local administrators respond to this will be a key factor in the eventual success or failure of election reform.

## SIDE-BY-SIDE COMPARISON OF ELECTION REFORM TASK FORCE REPORTS

*prepared by the staff of the Election Reform Information Project*

Report	The Constitution Project's Election Reform Initiative	National Commission on Federal Election Reform (Carter-Ford Commission)	The Election Center	California Institute of Technology (CalTech)/ Massachusetts Institute of Technology (MIT)	National Association of Counties (NACO)/ National Association of County Recorders, Election Officials and Clerks (NACRC)	National Conference of State Legislatures (NCSL)
Title	<u>Building Consensus on Election Reform</u>	<u>To Assure Pride and Confidence in the Electoral Process</u>	<u>Review and Recommendations by The Nation's Elections Administrators</u>	<u>Voting: What Is, What Could Be</u>	<u>Report and Recommendations to Improve America's Election System</u>	<u>Voting In America</u>
Overview	The Constitution Project, based at Georgetown University Law School, is chaired by Morton Halperin, a senior fellow at the Council on Foreign Relations. The report sought to find a consensus on election reform that would satisfy civil rights groups, law experts, election officials and political parties	An all-star group of American politicians, including former Presidents Carter and Ford, launched its study of elections early this year with a blistering critique of the nation's elections. It finished with a report that seeks to keep voting firmly in the hands of states.	This report, released in July 2001, was sponsored by the Election Center, a group including state and local officials who deal with voting and election issues. The report rejects the idea that America's election system is in crisis.	This report, prepared by the California Institute of Technology and the Massachusetts Institute of Technology and sponsored by the Carnegie Corporation, says that 4 to 6 million votes were lost during the 2000 election because of problems relating to ballots, equipment, registration and polling places.	This report, issued jointly by two organizations of local officials, recommends that reform efforts be undertaken within the present electoral framework, which delegates the responsibility of election administration primarily to local governments. The task force calls for concerted and sustained action at the state and local level, with financial support from the federal government, over a period of time to address flaws in the nation's electoral system.	The report from the NCSL Election Reform Task Force, which represents the country's state lawmakers, focuses on the role that state governments can play in reforming the U.S. electoral process. The report asserts that states are the appropriate level of government for adopting effective and necessary improvements to the system. The task force makes 36 recommendations to state legislatures about ways in which they can better the electoral process and develops a policy for state legislatures to follow in dealing with federal election reform efforts.

Report	The Constitution Project's Election Reform Initiative	National Commission on Federal Election Reform (Carter-Ford Commission)	The Election Center	California Institute of Technology (CalTech)/ Massachusetts Institute of Technology (MIT)	National Association of Counties (NACO)/ National Association of County Recorders, Election Officials and Clerks (NACRC)	National Conference of State Legislatures (NCSL)
State/Federal Role	Congress should help states with funds for technology upgrades or other uses. Federal government should establish minimum standards for voting machines. States should establish statewide registration databases. States should perform "top-to-bottom" review of election codes to ensure a clear process that is "comprehensible to the public."	Seeks to preserve the historic role of states in elections. Suggests federal money to help states upgrade technology or other purposes. Federal government should establish minimum standards for voting machines. Uniform state standards for determining what constitutes a vote; how to conduct recounts; how to select electors in case of crisis.	Wants each state to enact uniform standards that would determine voter intent and valid ballot markings; supports state laws specifying what counts as a valid vote for each voting system in use; encourages states to adopt procedures to identify duplicate voter registrations; favors state laws specifying layout of all election ballots; supports funding for maintenance of technical federal voting systems standards and states' adoption of those standards—but does not support a single national voting system.	Encourages development of system enabling voters to check their registrations; supports giving polling places list of dropped voters and why they were dropped; favors development of statewide qualified voter files.	The federal government should not impose nationwide election procedures and standards on state and local governments. States should establish through administrative rules what constitutes a vote for each type of equipment before the equipment is used in an election. States should establish uniform procedures for each type of voting system used in the state, as well as uniform procedures for pre-testing and for public testing of ballot counting equipment. States should provide for the gathering of statewide voter registration records that are regularly updated and make these records accessible to local election officials. States should adopt provisions to certify and de-certify voting equipment for sale and use in the state. The federal government should share in the administrative costs of the election system that up until now have been completely borne by state and local governments. Local governments should use federal and state money to improve election administration, but not as a substitute for existing funds, and should consider elections as a priority service in their own budgets.	States should build and constantly maintain a statewide, electronic registration database that should be readily accessible from all polling places on election day. States should develop uniform standards for maintenance, operation, security, verification, accuracy, and ballot design for each type of voting system used in the state. States should develop uniform standards for what constitutes a vote for each type of voting system used in the state. Any federal funding for election reform should come in the form of broad-based block grants that award money to states without mechanisms that mandate specific requirements on the states. These block grants should be for purposes such as improving election technology, ballot design, voter rolls and the accuracy and security of election procedures and vote counts, as well as educating voters on election processes and systems. Congress should give states greater discretion to remove ineligible persons from voter rolls by amending the National Voter Registration Act.



Report	The Constitution Project's Election Reform Initiative	National Commission on Federal Election Reform (Carter-Ford Commission)	The Election Center	California Institute of Technology (CalTech)/ Massachusetts Institute of Technology (MIT)	National Association of Counties (NACO)/ National Association of County Recorders, Election Officials and Clerks (NACRC)	National Conference of State Legislatures (NCSL)
Technology and Accessibility	Machines should offer voters a chance to correct their mistakes. Disabled voters should be able to vote secretly and independently. Machines should allow audit of original count.	States should set benchmarks for voting system performance, offer public reports on voting system error rates. Machines should identify voter mistakes, giving voters a chance to correct errors. New equipment certified by state/federal government should provide "practical and effective" means for disabled voters to cast a secret ballot.	Encourages federal standards with technical guidelines for each voting system to determine what counts as a valid vote and how a recount should be conducted.	Recommends use of optical scan equipment rather than punch card ballots and lever machines; supports equipping polling places with laptops with instant access to county or state voter registration information; encourages creation of National Elections Research Lab to improve voting equipment; proposes new voting system to serve as model for future technology. Recommends technological framework called "A Modular Voting Architecture" based upon the use of physical media (such as a paper or optical scan ballot) to separate the processes of capturing a voter's preference and recording that preference in some central system.	The federal government should establish a grant program to assist state and local governments with upgrading voter registration and voting systems. The federal government should increase funding to the FEC's Office of Election Administration for the purpose of sponsoring and disseminating research on the administration of elections. The office should also use the funds to conduct research on vote residuals associated with different voting systems, on best operational practices among election and voter registration offices, and on the ways in which equipment does or does not accommodate disabilities. State and local governments should make the choice of which voting systems to replace and maintain based upon an historical analysis of accuracy in each jurisdiction and an assessment of the public's confidence in the present system. States should mandate that all new equipment used in polling places either prevent overvotes or provide the voter with a warning and an opportunity to correct overvotes (known as "second chance voting"). The equipment should also warn voters and provide them with a chance to correct undervotes when ballots are read as completely blank. States should remove any prohibitions on "second chance voting" on existing equipment. Local governments should compile key voting statistics in order to evaluate and improve current equipment and processes. Local governments must guarantee that all polling places are accessible or allow voters with disabilities to vote at a polling place that is accessible. Local governments should work with disabled voters to determine the best affordable manner in which they can vote in polling places.	States should gather election data on error rates, undervotes, and overvotes for each voting system. States should enhance communication between polling places and election offices on election day. States should guarantee voters have full accessibility to all polling places. States should allow disabled voters to obtain permanent absentee voting status. States should provide disabled voters with a method of casting a secret ballot when it is requested. States should make sure that ballot instructions can be understood with minimal assistance by voters who have a low level of English proficiency. States should examine new technologies that provide different methods for conducting elections and employ those that will improve the electoral system.

Report	The Constitution Project's Election Reform Initiative	National Commission on Federal Election Reform (Carter-Ford Commission)	The Election Center	California Institute of Technology (CalTech)/ Massachusetts Institute of Technology (MIT)	National Association of Counties (NACO)/ National Association of County Recorders, Election Officials and Clerks (NACRC)	National Conference of State Legislatures (NCSL)
Voter Education and Poll Worker Training	"Sustained voter education efforts" are needed, including sample ballots, instructions detailing how to use machines and notice of rights and responsibilities. Additional resources should be provided for hiring and training of election day personnel. Use of high school students, retirees and time off with pay for public and private employees should be considered.	Federal matching grants allow states to use money for voter education, poll worker recruitment and training.	Favors the use of state and federal funds to upgrade training and pay; supports encouraging or requiring employers to let employees serve as paid poll workers; wants registration deadlines and polling locations to be emphasized in voter registration communications.	Urges election administrators to measure performance of polling places in arrival process, authorization to vote, voter education and staffing practices.	State and local governments should provide programs that educate citizens about registration requirements and voting rights and that demonstrate the correct usage of voting equipment. States should seek to expand the pool of available poll workers by permitting poll workers to work in precincts other than where they vote and high school students to serve as poll workers under supervision. States should encourage the public to serve as poll workers and encourage private and public employers to permit their employees to serve as poll workers with full pay. States should provide financial support for the training of local election officials. Local governments should support efforts to recruit, train, and compensate election day personnel. Local governments should make sure that salary levels and hiring practices are sufficient to attract high quality election administrators. Local governments should also provide sample ballots to registered voters before each election, as well as special notices and education to inform voters of changes in ballot design or voting equipment. The task force encourages the Federal Communications Commission to require broadcast media to air prime-time public service announcements that educate voters on the electoral process.	States should develop and distribute a list of voter rights and responsibilities. States should implement more programs to train poll workers and assist in funding the recruitment and retention of poll workers. States should ease restrictions on the pool of eligible poll workers. Poll workers should be trained in "disability etiquette" and how to best serve disabled voters. States should require that a sufficient number of poll workers are at each polling place on election day. States should make funds available to other levels of government for the purpose of educating voters on the election process and these funds should be spent in a politically neutral manner. States should appropriate additional voter education funding toward familiarizing voters with new voting equipment or procedures.

Report	The Constitution Project's Election Reform Initiative	National Commission on Federal Election Reform (Carter-Ford Commission)	The Election Center	California Institute of Technology (CalTech)/ Massachusetts Institute of Technology (MIT)	National Association of Counties (NACO)/ National Association of County Recorders, Election Officials and Clerks (NACRC)	National Conference of State Legislatures (NCSL)
Early/Remote Voting	<p>Contends election day voting at the polls is the best way to assure secret ballot, safeguard against fraud, assure prompt counting and foster community. Says it is "essential to have a hospitable and efficient system of absentee voting" for military and civilians overseas. Polling places at U.S. military or diplomatic facilities should be studied.</p>	<p>Each state should designate official responsible for overseas, military voting. Each state should accept a standard absentee ballot or standardized federal write-in ballot. Properly filed absentee ballots should be accepted if they have been received by the time polls close.</p>	<p>Supports states' seriously considering the use of early and "no excuse" absentee voting; opposes 24- or 48-hour voting periods; wants Congress to require states to provide absentee ballots for delivery no later than 30 days before election.</p>	<p>Opposes internet voting because of security issues (i.e., hacker threat); supports use of early voting as replacement for absentee ballots; establish uniform reporting of absentee and precinct voting results.</p>	<p>States should ensure timely delivery of ballots to absentee voters and mandate that the completed ballot be received at the election office by a certain date, thus abolishing the need for postmarks. States might consider using alternatives to voting in polling places, such as voting by mail, one-time absentee ballots, ongoing absentee ballots, overseas/military/out-of-state ballots, and early voting.</p>	<p>States should implement no-excuse absentee voting and early voting procedures. States should support legislation that accommodates military and overseas voters in every way possible.</p>
Ballot access	<p>Every state should give voters the option of provisional ballots. Every state should come up with a policy to restore the rights of convicted felons who have served their terms.</p>	<p>Every state should give voters the option of provisional ballots. Every state should come up with a policy to restore the rights of convicted felons who have served their terms.</p>	<p>Supports provisional ballots; favors restoration of voting rights to felons after pardon or completion of sentence; encourages states to adopt stricter penalties for violations of voting law.</p>	<p>Supports provisional ballots in case of registration questions; favors moving away from complex, monolithic machines; recommends making recording software openly auditable.</p>	<p>States should permit provisional ballots to be counted after voter eligibility is confirmed. Any person who casts a provisional ballot should receive notification if the ballot is not counted and the explanation for this decision. Any person whose ballot is not counted should automatically be registered for the next election if that voter is eligible. States should ensure that there is a method for restoration of voting rights that provides for fair access and timely decisions. Any such action should be automatically communicated in writing to the restored voter.</p>	<p>States should develop a uniform method, determined by voting system, which permits voters to cast a provisional ballot at the polling place if their eligibility is in question. States should use a uniform method to count provisional ballots.</p>

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<http://www.cnie.org/nle/rsk-55.html>

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Elections: The Scope of Congressional Authority in Election Administration, March 2001  
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Elections: Status and Use of Federal Voting System Standards, July 31  
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2001

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Judiciary:

How to Make one Million Votes Disappear: Electoral Sleight of Hand in the 2000 Election,  
August 20, 2001

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## **State Reports**

California Internet Voting Task Force report, January 18, 2000

<http://www.ss.ca.gov/executive/ivote/>

Revitalizing Democracy in Florida: The Governor's Select Task Force on Election  
Procedure, Standards and Technology, March 1, 2001

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The 2000 Election: A Wake-Up Call for Reform and Change, issued by Georgia Secretary  
of State, February 2, 2001

[http://www.sos.state.ga.us/pressrel/2000\\_election\\_report.htm](http://www.sos.state.ga.us/pressrel/2000_election_report.htm)

Iowa's Election 2000: Facts, Findings, and Our Future, March 12, 2001

[http://www.sos.state.ia.us/elections/elect\\_info.html](http://www.sos.state.ia.us/elections/elect_info.html)

Report of the Special Committee on Voting Systems & Election Procedures in Maryland,  
February 2001

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Uniform Voting in Michigan: A Report to the Legislature, presented by Secretary of State,  
Candice S. Miller, May 2001

<http://www.sos.state.mi.us/election/electadmin/2001web/uniformvotinginmichigan.pdf>

Michigan Task Force on Voting Reform

Voting Reform: A Report of the People

<http://www.senate.state.mi.us/dem/sd25/taskforce/TaskForceReport.pdf>

Making Every Vote Count: Report of Secretary of State Matt Blunt to the People of  
Missouri, January 29, 2001

<http://mosl.sos.state.mo.us/sos-elec/bluntcommission/reportintro.html>

Voting Matters in New York: Office of New York Attorney General Spitzer,  
February 12, 2001

<http://www.oag.state.ny.us/press/reports/voting.pdf>

Report of the Oregon Elections Task Force, February 6, 2001

<http://www.sos.state.or.us/elections/other.info/task.pdf>

Secretary Cuellar's January 31, 2001, Testimony to the House Elections Committee, Texas Secretary of State

<http://www.sos.state.tx.us/elections/testimony.shtml>

Review of Vermont's Election Procedures and Proposal for Improvement, Secretary of State Deborah L. Markowitz, January 12, 2001

<http://www.sec.state.vt.us/elections/memo01.html>



## **LINKS TO RESOURCES ON ELECTION REFORM**

### **Government**

Federal Election Commission

<http://www.fec.gov/>

General Accounting Office

<http://www.gao.gov/>

Library of Congress' source for federal legislation

<http://thomas.loc.gov/>

United States Commission on Civil Rights

<http://www.usccr.gov/>

List of Secretaries of State web sites, from National Association of Secretaries of State

<http://www.nass.org/sos/sosflags.html>

List of state legislatures web sites, from National Conference of State Legislatures

<http://www.ncsl.org/public/sitesleg.htm#sites>

List of state election web sites, from National Association of State Election Directors

<http://www.nased.org/statelinks.htm>

Committee on House Administration, U.S. House of Representatives

<http://www.house.gov/cha/>

Committee on Rules and Administration, U.S. Senate

<http://rules.senate.gov/>

Federal Voting Assistance Program

<http://www.fvap.ncr.gov/>

## **Commissions/Task Forces**

Constitution Project's Election Reform Initiative  
<http://www.constitutionproject.org/eri/index.htm>

National Commission on Federal Election Reform, chaired by former Presidents Jimmy Carter and Gerald Ford  
<http://www.reformelections.org/>

CalTech-MIT Voting Technology Project  
<http://www.vote.caltech.edu/>

Select Task Force on Election Reform in Florida, Collins Center  
<http://www.collinscenter.org/info-url2660/info-url.htm>

## **Organizations**

American Association of People with Disabilities Vote Project  
<http://www.aapd-dc.org/docs/dvpindex.html>

Brookings Institution's study of election reform  
<http://www.brook.edu/GS/Projects/ElectionReform.htm>

Carnegie Corporation of New York  
<http://www.carnegie.org/>

Election Center  
<http://www.electioncenter.org/>

Center for Voting and Democracy  
<http://www.fairvote.org/irv/>

Internet Policy Institute, Voting Project  
<http://www.internetpolicy.org/research/results.html>

League of Women Voters  
<http://www.lwv.org/>

National Association for the Advancement of Colored People  
<http://www.naacp.org/>

National Association of Counties  
<http://www.naco.org/>

National Association of County Recorders, Election Officials and Clerks  
<http://www.nacrc.org/>

National Association of State Election Directors  
<http://www.nased.org/>



National Association of Secretaries of State  
<http://www.nass.org/>

National Conference of State Legislatures  
<http://www.ncsl.org/>

Paralyzed Veterans of America  
<http://www.pva.org/>

Voter March  
<http://www.votermarch.org/>

Voting Integrity Project  
<http://www.voting-integrity.org/>

### **Other**

Voter News Service  
<http://www.vnsusa.org/>

Stateline, source for state news  
<http://www.stateline.org/>

Election Reform Information Network  
<http://erin.home.4t.com/home.html>

Election Reform, non-partisan resources that promote reform  
<http://electionreform.cc/index.html>

The Nation's "Making Every Vote Count" section  
<http://www.thenation.com/special/2001electoralreform.mhtml>

Election Data Services  
<http://www.electiondataservices.com/>

## ABOUT THE ELECTION REFORM INFORMATION PROJECT

The rampant problems with our nation's electoral system were brought to public attention after the November 2000 Florida election fiasco. Consequently, The Pew Charitable Trusts have made a three-year grant to the University of Richmond to establish the Election Reform Information Project.

Through its website, [electionline.org](http://electionline.org), the Election Reform Information Project provides the media, members of the election community, and concerned citizens a clearinghouse for data, news, and analysis on election reform.

Whether it's hanging chads or absentee ballots, legislation or commission reports, [electionline.org](http://electionline.org)—updated regularly by the Project's staff—is ready to be your first stop on the Internet for any election reform information you're seeking. Among the site's features:

- A Press Center to help reporters gather information quickly and reliably;
- Sign-up capabilities for the press, the election community and the general public to receive newsletters and e-mail alerts;
- All the most recent data on election administration procedures and legislation around the country, on the *What Is* page;
- The latest news, on the *What's Happening* and *electionlinetoday* pages; and
- Analysis and reports, on the *What's Interesting* page.

In addition, the Election Reform Information Project will commission research on questions of interest to the election reform community and the media, as well as sponsor conferences where policymakers, journalists, and other interested parties can gather to share ideas, successes, and failures.

The Election Reform Information Project is designed to serve as a resource for all parties involved in election reform. Therefore, we invite you to contact us with ideas and questions about the issue, or to share news of what is, what's happening, or what's interesting in election reform.

*To contact the Election Reform Information Project:*

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202.338.1720 (fax)

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