

The Election Center

national association of election and voter

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Americans continue to amaze election officials with their ability to miscast their votes in ways that no one ever imagined. Give them a paper ballot with a marking device, and they'll take out their own pens instead--and the wet ink from a fountain pen may occlude the lens on the optical scanner. Or they'll use red ink and the infrared scanner won't read it. Or they will write us notes on the ballot itself, which a machine can't read.

Give them an ATM-style touch screen, and they'll touch two candidates' boxes at once; and the screen will read neither, or both, or the box in between them. Give them a punch card and ... well, you've heard what can happen.

We don't want to blame the mistakes of this election on the voters. A huge majority of voters -- between 95 percent and 99.4 percent depending on the county where they voted -- cast their ballots correctly.

At the Election Center, we've heard just about everything. In this election alone in California all seven dwarfs received write-in votes...but strangely Snow White didn't even get one. For more than 15 years, the center's job has been to help thousands of city, township, county and state government officials conduct better elections. For the past few weeks, we have listened with great skepticism to people who say that uniform ballots or uniform voting machines or uniform poll hours would solve the problems revealed by the election of 2000. Those kinds of glib solutions are neat, plausible--and most often they are wrong.

As the oldest democracy in existence, we should expect to have some elections that are not pretty. We just did. For all intents and purposes, we had a national tie for the presidency, and the way it had to be brought to a close in Florida was admittedly ugly.

Just three changes could have prevented the spectacle we witnessed in Florida. All involve procedures that could have been written into state law.

--Clearly define what constitutes a vote.

For example, a qualifying punch-card vote might be "any vote where two or more corners are detached." End of story. Do this for every voting method in use in the state. The lack of a definition of what constitutes a vote created the mass confusion in this election. It was unfair to the candidates. It was unfair to the voters. It was unfair to America. It was unfair to democracy. And about half of our states have no clear definition of what constitutes a vote.

-- In a recount, specify that machines count all votes that can be clearly read.

It is insane to have a recount of 6,000,000 votes by hand (or higher in a larger state). We invented voting equipment because it counts high numbers of ballots more accurately than humans and far quicker. If a hand recount is requested (or mandated by law) it will be done only for undervotes (ballots marked for fewer than a specified number of candidates for a given office), overvotes (ballots marked for more than the allowed number) and any unresolved ballots (where the voter didn't vote correctly according to the voting device but you can still determine their *clear* intent such as circling the candidate instead of filling in the oval). In Florida this year that would have been between 45,000 and 130,000 ballots...a number that could have been counted in a fairly short time.

--Order that the vote not be certified until recounts required by law are completed.

If just those three provisions had been in place in Florida seven weeks ago, there would not now be a hue and cry for new voting systems and major reforms.

Americans have grown to think that elections are simple; election administrators have made them appear that way. But the truth is that they are extraordinarily complex. This year's production involved 100 million voters, 200,000 polling sites, 800,000 voting machines, 18,000 election officials and about 1,000,000 poll workers. The process was managed by 7,000 local jurisdictions, most of them counties.

Elections are not uniform and efficient. But that's a *good* thing. Why?

Because the decentralized, inefficient nature of the process results in a *de facto* safeguard: It is virtually impossible to rig a national or state election in America. It would just be too complicated.

Furthermore, the system allows for flexibility and innovation. If some critics of the current system got their way and a single voting machine type, with a uniform ballot design, was in place, how would such a system ever get modernized or replaced (800,000 machines) all at once? Currently, new voting systems are introduced in one community at a time and as they prove to be improvements, their use grows.

Another suggested reform is the creation of uniform polling hours by extending the voting day to 15 hours, beginning at 7 a.m. on the East Coast and ending at 7 p.m. on the West; and holding the vote on a weekend or special voting holiday. Let's take these proposals separately.

- Concerning weekend voting, Texas has a long history with Saturday elections, and Delaware, Hawaii, Louisiana hold primaries on Saturday. In no case has it been shown that those elections draw any more voters than Tuesday votes do. And those who have looked into the idea of an election holiday believe that most people would use the day to play golf, go shopping, or do chores.
- Uniform opening and closing hours have been suggested. You recognize it is unworkable if you've ever tried to staff a polling place. It's a gargantuan job. Extending voting by three hours is an unachievable chore. Los Angeles County needs to recruit 27,000 workers for every election; New York City needs 22,000, Houston 8,500. A large proportion of these

people are retirees, willing to work for meager pay (\$150 or less for the day). And it is even more complicated because 10 to 15 percent of those who sign up won't show up on Election Day. Even fewer people will be willing to do it for a 15-hour voting day that would actually require them to be there for 18 or more hours.

However, I believe there *are* reforms that could make a significant difference in the functioning of America's election system. They're not as headline-friendly as "uniform ballots," but unlike those sweeping suggestions, these really could work.

- Congress should give the Federal Election Commission (or some successor agency) both legal authority and sufficient funding (and staff) to develop nationwide standards for voting systems. States would voluntarily adopt those standards. That would preserve the variety and innovation of the current process, but eliminate the worst of the voting systems mistakes of the past by prohibiting systems that are continuously causing problems.
- Have the FEC do the same for elections management guidelines: Define good practices, set minimum standards and publish voluntary standards for the states to adopt and adapt their elections procedures including ballot design and layout; proper procedures for use of different voting systems; guidelines for working with disabled and elderly voters; making polling places accessible; assuring minority voters can participate; assuring voter education on voting machines so fewer mistakes are made, and other practices that make a quality election.
- Congress also should order the FEC to gather data on under- and over-votes for each type of voting system used in America. Investigate why, see if problems can be overcome or, if necessary, get rid of those systems, which would require a national database of the types and brands of voting systems used by each elections office in America.
- And Congress should empower the FEC to track reports of voters being denied access to the election process and determine when those charges may be valid. Then Congress should act on that data, passing laws to ensure that eligible voters get to cast their votes.
- Congress should give election administrators the right to record and use the Social Security numbers of all voters. Appropriate safeguards can be devised for meeting privacy issues. Use of Social Security numbers is critical to protecting voting rights of individuals -- to keep them from inadvertently being removed as felons, or confused with individuals of the same name and/or birthdate. How many Mary Smiths or Jesus Martinizes are there? In 1994, Congress amended the Social Security Act to give the use of Social Security numbers to the Department of Motor Vehicles in each state and the local and state court systems for identical reasons that elections administrators need it.
- On a similar note, states should be encouraged to combine motor vehicle and voting records so every change of address filed for a driver's license triggers a response in the voting rolls. This would eliminate complaints around America that voters registered at a DMV office but their voter registration records were never delivered to the elections offices. Michigan and Kentucky already combine DMV and voter records.
- Finally, spend federal tax dollars on the election system. Currently, election spending comes totally at the local level. Most counties actually forbid election officials from traveling outside the state to be trained. This is a mistake: election administrators need to learn about new answers to problems in their own state. On the contrary, counties should encourage

travel by election officials. As one official said, "You don't learn anything new sitting at home talking to yourself."

- Congress could fund block grants to states for training, for purchasing new voting equipment, for making the process more accessible to the disabled and the elderly, for voter education. The Election Center trains 600 to 1,000 elections officials every year -- and it should be more.

America's voting system is not totally broken and does not need a major overhaul. It needs attention but our process should be evolution, not revolution. Every potential change can bring with it unintended consequences and we must make sure that our changes add to the integrity of the process, not detract from it. As one of my friends said, "You don't use a 40 pound hammer to kill the fly on your friend's head." Well said.