

Slow action on ballot reforms

*Relatively few
comprehensive
measures to improve
the count
of votes have passed
state legislatures so far
this year.*

BY JAMES CARROLL

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States are considering modernizing voting equipment. Photo courtesy of NASS

Nearly 1,500 election-reform bills have been introduced in state legislatures this year, most of them aimed at correcting problems that surfaced last November in Florida.

In its landmark Dec. 12 decision, which ultimately decided last year's presidential election, the U.S. Supreme Court foresaw as much when it wrote, "It is likely legislative bodies nationwide will examine ways to improve the mechanisms and machinery for voting."

The public's concern over flawed and unfair election procedures sparked the statehouse activity. "The public must be confident that voting systems and procedures are the best they can be," said Maryland Gov. and CSG President-elect Parris N. Glendening. Thirty-one election-reform bills were introduced in Maryland during this year's session, although only a handful passed.

State legislators are not the only state officials responding to the public's voice. The 47 secretaries of state, who play an integral part in the nation's

electoral system, have been active as well. The culmination of their efforts was seen when the National Association of Secretaries of State, which has members from each state, adopted a resolution calling for election reform at the federal, state and local levels.

In the resolution adopted on Feb. 6, 2001, NASS highlighted 12 recommendations for state and local government election officials and another four for Congress. The secretaries said the resolutions are an attempt "to ensure our citizens will have accurate, reliable, and efficient systems of elections." (See sidebar, page 18.)

Among the recommendations from NASS, three stand out. First, states need to modernize the voting process and adopt voting-system standards to ensure accuracy and reliability. Second, state and local election officials and poll workers must be better trained to effectively administer elections. Third, states should implement uniform standards and procedures for recounts and contested elections.

The enthusiasm for action generated late last year has considerably subsided, but the majority of the election-reform legislation pending in statehouses relates to the issues raised by NASS.

Modernizing voting systems

Although various proposals have been made, most would boost the role of technology in the voting process. According to Election Data Services, a political firm that specializes in election administration, punch-card ballots are still the most common method of voting, used by more than one-third of U.S. voters last year. Despite the contention by the Federal Election Commission that punch-card ballots can be reliable, election officials would welcome advances in technology.

There definitely is “a need to upgrade voting systems and make better use of new technology,” said Gary McIntosh, state elections director in Washington.

At least three states are considering legislation to improve voting technology. Arizona’s SB 1529 and Connecticut’s SB 281 would make funds available to local precincts to buy new voting technology. California’s “Voting and Modernization Act,” or AB 55, would phase out punch-card ballots. These bills were pending as of late April.

Georgia’s SB 213, a comprehensive election-reform measure, was passed by the Legislature and signed by Gov. Roy Barnes. This law, recommended by Secretary of State Cathy Cox, mandates a uniform system of voting by 2004. The changes are “a bold step on the path to a more accurate, fair and user-friendly voting system,” Cox said. The legislation also sets up a pilot project to test ATM-style voting technology.

Bills passed and before the governor in Maryland would order the state board of elections to select new voting machinery for the entire state and require the state and counties to split the

cost. A similar bill pending in Illinois, HB 3134, would mandate the use of optical-scan voting machines beginning in 2002.

Although these changes are important, some states may have trouble paying for such a technological leap. In a report released earlier this year, Ohio Secretary of State J. Kenneth Blackwell estimated that converting to a uniform voting system would cost the state \$500 million. Because cost is such an issue, states can make short-term improvements by requiring their systems

In New York, where new machines could cost \$150 million, lawmakers promise not to mandate them. Rather, a task force is looking at using available funds to repair existing voting systems.

In Florida, where Secretary of State Katherine Harris proposed an ambitious \$200 million two-year program for reform, legislators approved elimination of the state’s second primary election. The eradication of this “run-off” election could save the state \$10 million and help legislators make room for their own version of election reform.

The signed Florida legislation provides counties with \$24 million to modernize voting equipment. It bans punch cards. It also funds voter education, poll-worker training and a centralized voter-registration database. It provides standards for recounts, facilitates voting by overseas residents and mandates uniform ballot design.

Every state need not immediately up-

grade voting technology, election officials say. Instead, states must work to ensure accuracy and reliability, which can be done by making sure existing systems are well-maintained, not by buying new ones.

“All of the ideas for election reform are important and worthy of discussion, but nothing is more critical than assuring that our votes are actually and accurately counted,” Cox of Georgia said.

Workforce training

Aside from adopting better systems, many states are training poll workers to more efficiently administer elections and assist voters.



The National Association of Secretaries of State endorsed election reforms. Photo courtesy of NASS

to meet FEC standards, which allow for punch-card voting machines. According to the FEC, only 31 states have adopted the standards that seek to ensure voting systems are properly functioning.

State officials have been looking to secure funding for election changes in 2001. Because “the state must pay for the mandates imposed on local governments in New Jersey, we have to be careful about demanding widespread change,” said New Jersey Assemblyman Michael Patrick Carroll, who is sponsoring several election-reform proposals. Massive overhaul of election systems is difficult because budgets are already tight in most states.



*New voting machines are of interest.
Photo courtesy of NASS*

Some officials point out that electronic-voting systems are subject to more sophisticated types of error and fraud than older systems. Therefore, local election supervisors must be properly trained and ready to handle situations similar to the one in Florida regardless of the voting technology. Many election officials feel the problems last year were associated more with a lack of proper training than with faulty ballots.

"There are varying opinions about types of equipment and uniform ballots, but all states can make basic procedural changes to things like poll-worker training and can improve the election process," said Arkansas Secretary of State and NASS President Sharon Priest.

"Changing systems will not always solve the problem. The emphasis should be better training for the people running the systems," McIntosh said. In Washington every county is required to have two trained election officials ready for any situation. Without skilled workers, new technology will not alleviate election problems; in fact, more complicated systems may lead to additional problems, McIntosh said.

Despite the encouragement of election officials, few states have introduced legislation to better train election workers. Georgia's HB 479, signed into law April 18, requires all poll workers to receive training on voting equipment, voting procedures, and state and

federal law on conducting elections. Annual training also would be required for election superintendents and registrars. Maine's proposed LD 623 would require each local election official to attend a training session approved by the secretary of state at least once every two years.

Priest backed a measure passed by the Arkansas Legislature and enacted in April that requires each district to have two trained election workers. "Each [poll] worker must understand every voter's rights to ensure that they have the opportunity to vote," Priest said.

Recount, other changes needed

Almost half the states are considering legislation to revise or clarify their systems for recounting election results. In the wake of the Florida recount debacle, many states realized they are no better suited for a close election. Most states are anxious to avoid problems by developing and implementing recount provisions through legislation.

Illinois' HB 3028 would require the adoption of rules for uniform procedures in the event of a recount. SB 293, also in Illinois, would set standards for counting ballots and defining indications of voter intent.

Similarly, Nevada's SB 297 would establish a statewide standard for counting and recounting votes. No significant recount legislation had been passed in any of the 23 states other than Florida where it had been introduced as of late April.

States are considering changes in other aspects of elections. Absentee voting is the target of election reform in 32 states. Most of these proposals address the general administration of absentee voting, while a handful, including Alabama's HB 68 and SB 157, would allow no-excuse absentee voting, in which voters may request an absentee ballot without giving a reason for not going to the polls. Only a few bills had passed as of late April.

Voter registration is another popular target for change. A dozen states have proposed the establishment of central voter-registration databases, with only South Dakota and Florida passing such legislation as of May. A number of other states have moved to purge voter-registration lists of nonvoters. Montana passed HB 204, which removes voters that fail to vote in two consecutive federal elections.

The Electoral College fell under intense scrutiny again last year as then-Vice President Al Gore won the popular vote, but lost the election to then-Texas Gov. George W. Bush. This year more than 50 bills in 21 states have been proposed to alter the process by which a candidate secures an electoral vote, but no state has passed such a bill. In fact, the only proposals relating to the Electoral College that have passed in state legislatures were resolutions of support in South Dakota (SCR 9) and Idaho (HJM 1). The Electoral College puts smaller states on a more even footing with larger states.

Outlook for change

It is impossible to report on the entire gamut of the more than 1,500 election-reform bills pending in the states. However, this overview highlights the difficulty in passing them. As of mid-April, only 67 bills had passed state legislatures. Among those, only a few promise to bring sweeping election reform. Without a tidal wave of enacted legislation in the next few months, few states will make significant changes this year. However, because most states currently have a task force or study commission looking at election reform, the best solutions might be reserved for next year's legislative sessions.

Regardless of timing, most state officials still believe the solutions will be found at the state level and not in Congress. "I believe in the philosophy of 'help thyself first,' and there are areas where state and local governments can work to improve the election process," Priest said. ★