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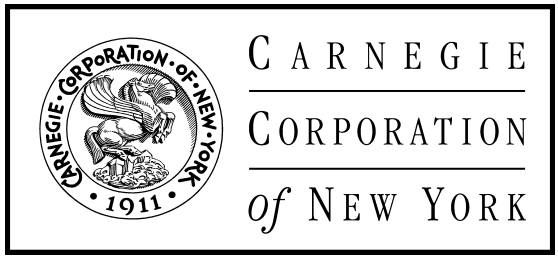
Carnegie Challenge

Democracy's Moment: Moving from Crisis to Positive Change

by Anne Farris



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Carnegie Corporation of New York • 437 Madison Avenue • New York City, NY 10022

www.carnegie.org

On November 7, 2000, Americans witnessed an unprecedented and historic crisis in their national electoral system. After the polls closed that day and the nation eagerly awaited the results, it became apparent that this was no ordinary election. The tallies for a new United States president were so close between the Democratic and Republican challengers that the outcome hung in the balance for 37 days as election officials in the tie-breaker state of Florida struggled to recount confusing ballots, interpret the state's recount rules and grapple with legal challenges to the state-mandated standards for election procedures.

Finally, a divided U.S. Supreme Court effectively declared Republican George W. Bush the winner after the court refused to allow a hand count of thousands of disputed ballots in Florida because it ruled that the state election standards violated the equal protection clause of the U. S. Constitution. The first national election of the new millennium was obviously one that went bad as a neglected and antiquated electoral process excluded the voices of thousands of American citizens and caused some to question the legitimacy of the results and the value of participation.

The nation received an abrupt wake-up call that the rudimentary operations of its election system—not just in Florida but also at most of the 200,000 polling sites across America—were in dire need of attention and repair, and that a disproportionate number of minorities, including immigrants, were unfairly disenfranchised because of faulty, outdated equipment and disparate treatment of voters. It soon became apparent that America was conducting elections with equipment, laws and policies from a past era.

"The events surrounding the November 2000 elections dramatically underscored the weak links in the nation's electoral infrastructure system," said Geri Mannion, chair of Carnegie Corporation's Strengthening U.S. Democracy program. "Today, the world's most technologically advanced nation has a 19th century voting system. In addition, campaign finance abuses, elections dominated by news media 'spin' rather than thoughtful debate and cynicism about the role of government and political leaders at all levels have contributed to distrust of the electoral process, leaving the public with little motivation to participate."

The projected costs of reform are high—estimates range from $3 billion to $5 billion just to replace the nation's voting machines, and the problems extend far beyond mechanical difficulties. But the cost to America's system of democracy of not responding to the problems, at even a minimal capacity, is even higher. "The democracy is only as strong and rich as the multitude of voices that are able to articulate their visions, their pains, their hopes and their aspirations," said Roger Wilkins, professor of history and American culture at George Mason University, in a recent National Public Radio interview. In that same spirit, what many now believe is at stake in the growing debate about electoral reform is nothing less than the

enfranchisement of millions of citizens who, if their votes go uncounted, are deprived of the civic duty and privilege of voting afforded them in a system of free elections that constitute the underpinnings of American government.

Among the critical players in the growing electoral reform movement are the myriad community-based, grassroots organizations that work at the local and national level to encourage nonpartisan voter participation and provide voter education. On March 21, 2001, a consortium of 90 voters' groups convened at a Carnegie Corporation-supported meeting called "Colloquium on Voter Outreach" in order to share ideas for future collaboration aimed at galvanizing voter turnout and promoting election reform. It was the first gathering of such a multitude of national and state organizations representing a diverse profile of voters ranging from minorities and immigrants to the elderly and disabled.

Meeting participants noted that the problems are far greater than just antiquated machinery and faulty ballot design. Improvements are needed to educate voters and election officials about election procedures, to eliminate physical and legislative barriers that prevent voters from casting ballots, and to make it easier for citizens to register to vote. America's election system must be realigned on a variety of levels so that all eligible voters can cast their vote and have their votes counted in order to preserve the most basic tenet girding American democracy.

Attempts to reform the election system have been made in recent years with varying degrees of success, but the 2000 election presented an unprecedented opportunity for a new broad-based movement across the nation to seek additional remedies for reform. Since early 2001, more than 50 election reform bills have been introduced in the U.S. Congress and a task force has been formed to hold hearings on election shortcomings. Numerous lawsuits have been filed nationwide alleging that the election process disproportionately affected minorities.

Every state introduced some type of reform legislation. The National Association of Secretaries of State adopted a resolution calling for increased funding for voting equipment, uniform state standards for recount procedures in contested elections and a modernized election process to ensure unfettered access for all voters. The general consensus is that federal money allocated to states is appropriate and even necessary to improve the election process, but questions remain over how much money would be appropriated, how the money would be distributed and whether uniform national standards would be mandated with funding. In addition, questions are pending about the scope of federal control in dictating reform rather than allowing each state to enact changes.

FORERUNNERS OF REFORM. The history of voting in America is rife with contradictions despite the nation's espousal of democracy as the

primary ideology of the country's founding. Suffrage for most white males was instituted by 1830, but minority populations have struggled for years to obtain full voting rights and to institute a fairer, more just representation of a broad diversity of citizens. Throughout the struggles, voting took on the paradoxical image of being a sacred privilege rather than an absolute right.

Native Americans were granted the right to vote in most states by the beginning of the Civil War. In 1870, the 15th Amendment of the Constitution afforded citizens the right to vote despite race, color or previous condition of slavery or indentured servitude, but its intent was subverted by states' rights to set qualifications for voters such as poll taxes and literacy tests. Women and African Americans fought well into the 20th century for full voting rights. A succession of Constitutional amendments giving women the right to vote began to be introduced in Congress for more than 40 years before the 19th Amendment was passed in 1920. By then, women in 37 other countries of the world had already been granted the right to vote. And it wasn't until the 1940s that first generation Asian immigrants could vote.

A 1962 U.S. Supreme Court decision required each state to designate voting districts to produce greater uniformity in the ratios between population and representation, and redistricting efforts for enhanced multiracial representation continue today to keep pace with growing and shifting populations. In 1964, the 24th Amendment proclaimed that citizens should not be denied the right to vote in federal elections for failure to pay taxes, including poll taxes.

A year later, in a major step toward enfranchisement for minorities, the Voting Rights Act of 1965 was enacted to provide greater voter equality through federal oversight of election procedures and the elimination of barriers to equal voting such as literacy tests as a requirement for eligibility to vote. More laws followed to ensure voters' rights and fair representation. The Federal Election Commission established voluntary standards for voting and the Federal Election Campaign Act of 1971 and 1974 mandated regulations on campaign contributions to candidates. The National Voter Registration Act of 1993 was part of continuous efforts to standardize the administrative procedures of registering voters, tabulating votes, certifying winners and developing ballots to safeguard equal access and eliminate potential voter intimidation.

Despite numerous well-intentioned efforts to improve access to the polls, the struggle for full engagement and participation by the electorate is far from over. The disputed results of the 2000 election triggered an investigation into whether federal or state civil rights laws were violated, and in June 2001, the U.S. Commission on Civil Rights issued a controversial report saying the election was marked by "injustice, ineptitude and inefficiency" that most greatly affected minorities. The report found that African American voters in Florida were almost 10 times more likely than

whites to have their ballots rejected by faulty equipment or counting procedures. Also, some Hispanic and Haitian voters did not receive ballots written in their native language, and disabled voters could not enter some polling sites because of physical barriers. "The disenfranchisement was not isolated or episodic," the report stated. "State officials failed to fulfill their duties in a manner that would prevent this disenfranchisement. Despite the closeness of the election, it was widespread voter disenfranchisement and not the dead-heat contest that was the extraordinary feature in the Florida election." Florida election officials maintain that the mechanical and human errors were unintentional.

And the problem was not isolated to Florida. Voting irregularities were reported nationwide. One of the largest groups of voters who encountered obstacles to participation in the election were immigrants. Encouraging these new citizens to join in the election process and facilitating their participation is becoming increasingly important, as they constitute a growing sector of our society. Over the next 50 years, immigrants are expected to make up one-third of the country's population, while the total minority, non-white population will account for half our country's population.

Full voter participation in the last presidential election—and, quite probably, in numerous past elections—was also encumbered by Americans' growing indifference to the election process and a jaded perception that their votes don't count. "More and more people are becoming convinced that their vote counts even less," said one participant in the "Colloquium on Voter Outreach" meeting. "If they didn't realize it before (the 2000 election), they do now." Florida voters discovered that not every vote counts when votes are not counted. Looking forward, one looming danger is that, as they become more and more disillusioned with the voting process, voters will effectively disenfranchise themselves by going to the polls in increasingly diminishing numbers.

Voter turnout in America has traditionally been abysmally low. Historically, an average of only 55 percent of eligible voters actually do vote, and the turnout percentage has steadily declined with each election since a peak in 1960. The 1996 national election had the lowest turnout since 1924. The largest declines have occurred among voters who are economically disadvantaged, less educated and young. Only one-third of citizens earning less than $10,000 annually voted last year while twice that proportion—people earning more than $50,000 annually—did vote. And many young people, while active in community service, stayed home on this and other election days. Only 28 percent of people ages 18-to-24 voted in the 2000 election. These statistics point out the potential for another troubling possibility for future elections: will only the more well-to-do Americans choose to vote? Or perhaps only those in a particular age group or with particular economic concerns to protect? And if, as a society, we head in that direction, can we still hold ourselves up as an example of a nation with government "of the people, by the people, for the people"?

Participants in the March meeting did feel that voter turnout could be increased with concentrated efforts to educate the populace about how to register and how to vote. During the 2000 election, 51.2 percent of eligible voters went to the polls, two percent more than in 1996. Analysts concluded that this slight increase was due to two factors: a strategic mobilization by citizen groups and political parties to register voters and get them to the polls and a late-breaking interest among voters as they watched how closely the presidential candidates were competing.

REFORM AGENDA. The election of 2000 highlighted deficiencies with the election process that reform advocates are working to change by the upcoming elections in 2002 and the next presidential election in 2004. The proposed reforms fall into four categories: upgrading election technology and machinery, establishing uniform standards for casting and counting votes, improving voter education and participation, and passing federal and state legislation to provide greater access and accommodation for a nation of diversified voters.

- **Technology:** Local election officials have been aware for years of deficiencies in the election mechanics, but much of the American public was surprised to learn during the chaotic events of the 2000 election that the system functions with outdated and inefficient technology. A national poll conducted after the election showed that a majority of Americans thought the most urgent reform needed is to correct deficiencies in the nation's 700,000 voting machines. The technical references—"dimpled chads" and "butterfly ballots"—became household election terminology during the 2000 election as the media reported the daily details of recount procedures for faulty ballots. Not only in Florida but also throughout the nation, disproportionate segments of the population were disenfranchised because of inferior or nonfunctioning voting equipment. At the "Colloquium" meeting, Ellen Spears, Associate Executive Director of the Southern Regional Council, reported that county-by-county surveys in Georgia revealed that African American voters were almost twice as likely as white voters to live in counties with the least reliable equipment.

Currently, the most widely used voting machine is the punch-card ballot machine, first introduced in 1964 and now used by a third of the nation's voters. The machines are inexpensive but the least reliable because they wear out and do not always correctly line up the punch hole with voters' selections. Optical scanning machines, in which computers scan votes, are available to 27 percent of voters nationwide. These are among the most reliable machines but are expensive. Eighteen percent of the voters use mechanical lever machines, which are becoming obsolete as they are replaced by punch-card ballot machines. Touch-screen computer machines, first introduced in the 1970s, are used by 11 percent of voters and are becoming the preferred choice for accuracy and efficiency in voting even though they are the most costly to purchase, operate and maintain.

Some states moved immediately after the 2000 election to upgrade the technological election infrastructure. Florida banned the punch-card ballot and required all precincts in the state to use optical scanning ballots by 2002. Wisconsin banned punch-card ballot machines and Nebraska undertook a study of its equipment. Congress has introduced federal legislation to provide billions of dollars in grants to states so they can upgrade election machinery. Many states are waiting to see if they will receive federal money or mandates before initiating reforms in the nation's 6,800 election jurisdictions. Georgia enacted reforms but is waiting for federal grants to implement them.

• **Standards:** The conduct of elections is primarily the responsibility of state and county election officials, so the rules and procedures for casting and counting votes vary greatly from precinct to precinct, county to county and state to state. Reform efforts are complicated by the fact that there is no central clearinghouse to oversee the administration of elections. It appears unlikely that a national uniform ballot will be issued and it is unclear how the U.S. Supreme Court ruling that ended the 2000 election will be interpreted to apply to the standardization of voting procedures at the state level. Local election officials generally endorse statewide standards but oppose national standards.

Yet despite the disparate administration of elections, most jurisdictions share the same problems of having too few trained poll workers, insufficient voter databases and limited access for physically disabled voters. Many voters in the 2000 election encountered long lines because the polls were understaffed. Others faced language barriers because poll workers did not speak the language of the predominant population of a precinct. Some voters were turned away from the polls because their names had lapsed on outdated voter registration lists. In addition, almost one of every two polling stations is inaccessible to the 32 million disabled Americans who are eligible to vote. Organizations representing the disabled are calling for voting machines and polling stations that are accessible to the blind and physically disabled.

Reform advocates contend that additional funding for election administration and establishing uniform standards could eliminate administrative inefficiencies. Suggested reforms also include uniform rules for absentee voting, polling hours, comprehensive voter lists and recount procedures in contested races.

• **Education:** Reforms in the logistical nuts-and-bolts process of casting a vote still do not guarantee full participation among voters. Disinterest in voting, cumbersome registration requirements and a lack of knowledge about how to use voting machines prevent many Americans from going to the polls. Some help has come from nonprofit, nonpartisan organizations that focus on educating voters and election officials about voters' rights, registering voters and getting voters to the polls. These groups were especially effective in the 2000 election as they successfully registered millions of new voters.

"Colloquium" meeting participants agreed that educating and encouraging voters is most productive when organizations work in collaboration among themselves and in conjunction with local election officials. In Wisconsin, one voter organization recruited volunteer poll workers, including a number who spoke Spanish, because some polls had no translators for foreign-speaking voters. A Hispanic organization in Georgia borrowed voting machines from county election officials and displayed them at shopping malls and churches to teach citizens how to vote. By Election Day, the number of Hispanics who had registered to vote in the Georgia 2000 election increased from one percent to 14 percent.

As the 2000 United States Census revealed, America is an increasingly diverse nation with large representations of minority populations. Ten percent of the nation's population is foreign born and many need extra assistance navigating the voting process and ballot language. During the 2000 election, a coalition of voter education groups called Latino Vote 2000 launched a $3 million campaign in 25 states to register thousands of new voters and then get them to the polls. A New York coalition registered thousands of new immigrant voters by providing voting information at citizen naturalization ceremonies. A Korean-American voter organization distributed 50,000 ethnic election guides in major cities; an Arab-American voter organization hosted election issue information forums in cities across the nation and an Asian-American voter group made available a toll-free telephone hotline to give callers election information in eight different Asian languages. Involving foreign-born Americans in the voting process has become a major issue in the electoral reform movement.

Improvements are also needed in helping all citizens bridge the gap between registering to vote and then actually voting on Election Day. One proposal to promote greater voter turnout is to institute same-day registration rather than requiring voters to register weeks before the election. Four of the six states with the greatest voter turnout in the 2000 election had same-day registration. Grassroots organizations and a recent study by Yale University discovered that face-to-face personal contact with voters was more effective than mailings, phone calls or computer messages because it typically raised voter turnout by about six percent. The largest voter involvement occurred when citizens aligned themselves with specific issues rather than particular candidates or political parties. In order to build on these and other lessons learned, meeting participants argued that voter groups need more resources from foundations, corporations and other concerned groups and individuals as well as greater cooperative interaction among electoral reform organizations in order to increase voter participation.

- **Legislation:** Several potential types of federal regulations have been proposed to expand existing election laws, procedures and policies in ways that will facilitate equal representation for all voters. Some proposals would require or prohibit particular types of election machinery. Others would

set standards of accuracy in ballot design and counting procedures such as specifying the circumstances under which manual recounts should occur and how a vote should be counted. Each state might then decide how to meet those standards. Finally, the federal government might impose enforcement of federal election laws and possibly deny states federal funding for violations. All of these proposals are the subject of contentious debate because changes would be implemented within the parameters of the constitutional structure of federal and state authority. States have expressed opposition to too much federal control and want to enact reforms at the state level to meet the unique needs and demands of individual jurisdictions.

Currently, the most sweeping proposed federal legislation are two bills in the Senate and one bipartisan proposal in the House. The bills, while differing in specifics, would appropriate money to states for new equipment, encourage voter education, set standards for ballot accuracy and guarantee equal access for voters. One bill includes a provision to study the feasibility of establishing Election Day as a national holiday so that more people can volunteer their services at the polls and have more time to vote. "The sad message of the last election is that the privileges of citizenship have yet to be guaranteed to all Americans," said Senator Christopher Dodd, co-sponsor of one of the bills and the top Democrat on the Senate Rules Committee that oversees election reform. "(It) is not just a question of coming up with technical fixes. The system needs to be fundamentally corrected." Republican House Majority Leader Dick Armey concurs—to a degree. "Election reform should be about everybody voting...and having their vote counted," Armey stated in a recent interview. But, he added, "It should also be about respecting the rights of the states to manage their own elections."

The future of federal legislation is tenuous and uncertain because the initiatives have not received wide majority support in Congress. Observers say Republicans are withholding support for election reforms because the changes would generate more votes from citizens who tend to support Democratic candidates. Republican leaders in Congress claim they don't want the federal government to dictate to the states how to manage elections.

Other state legislative initiatives have been proposed to grant voting rights to ex-offenders. More than four million Americans, mostly young, minority and economically disadvantaged citizens, cannot vote because they have served prison time for criminal felonies. In Florida, for example, one third of black males cannot vote because they have felony records. Currently, nine states impose a lifetime voting ban on felons even after they have completed their sentences.

A final legislative concern is safeguarding existing provisions of the Voting Rights Act that are posed for renewal in 2007. Current federal law requires that ballots be printed in two languages in each county where at least five percent of the vot-

ing-age population predominantly speaks a language other than English. The law also requires language translation assistance at polling stations. During the 2000 elections, many foreign-speaking voters did not find those provisions at the polls. Enforcing existing mandates by educating voters about their rights and renewing the provisions in 2007 are essential if the nation is to embrace America's unique democratic belief that newcomers are entitled to the opportunities of social, political, educational and economic mobility and the right to vote.

FINAL ASSESSMENT. The poet Walt Whitman described the necessity of a uniform and equal voice for America's constituency as the framework of democracy when he wrote, "I speak the pass-word primeval, I give the sign of democracy, By God! I will not accept nothing which all cannot have their counterpart of on the same terms." Since its inception, the American election system has been revised to afford its diverse communities of voters the opportunity for equal and just representation. Changes occurred incrementally over time to meet the needs of the American electorate and to correct problems that have plagued the system for years. At different points in history, election reform movements have crested to meet the demands of a voting populace. Now, a new wave of reform is swelling as the nation awakens to discover deficiencies within its electoral system. The circumstances of the 2000 election create a unique impetus, not a deterrent, to spur changes that can alleviate voter intimidation and alienation and absorb new constituencies.

"This is a moment to expand the debate into one about making democracy as inclusive and vibrant as possible," said Miles Rapoport, president of Demos: A Network of Ideas and Action, a nonprofit organization promoting democracy and shared prosperity. "This means fusing disparate strands of a pro-democracy movement into a multiracial coalition that honors and supports the agenda of communities of color while it embraces a broader agenda of engagement and reform."

There are no quick fixes, especially in convincing citizens that voting is not just an essential function in a democracy but also a civic duty to preserve its structure. This may be a difficult challenge in regard to foreign-born Americans who may have been raised in a culture where assumptions about corruption in the electoral process are taken for granted or where there is not a tradition of voting or of participatory democracy to begin with. Irene Natividad, national coordinator of Women Vote and the prime organizer of the "Colloquium on Voter Outreach" meeting, noted that Americans are secure in the strength of democracy and do not feel a threat that their vote will be denied; efforts are needed to help newly enfranchised voters also accept that this idea can be a reality.

An opposing view is voiced by Curtis Gans, president of the Committee for the Study of the American Electorate and a self-designated

"Chicken Little" on the political scene. He thinks that reform efforts are needed, but will have little impact in a climate of money-driven campaigns, public antipathy about elections and government and the disintegration of political parties that currently plagues the political system. Electoral reforms, he suggests, are not enough to change the psyche of American civic behavior.

Clearly, reforms will be difficult or impossible to achieve if the American public is not engaged in or supportive of efforts in that direction. But how can cynicism, even a growing national climate of outright pessimism about the election system be effectively countered? Reform advocates passionately believe that education, activism and motivation of the electorate are key. They also argue that reform is possible only with the support of a myriad of players at different levels—federal, state and local government officials, private and public institutions, grassroots organizations and the American public.

If not now, when? If not us, who? These words may well serve as the cry heard throughout the electoral reform movement—but reform advocates would also counsel that it should be on the lips of all Americans concerned with protecting one of the most fundamental mandates of the founding fathers. Our electoral process as a whole—or at least our respect for the importance of participating in it—may be wobbling right now on shaky ground. Our challenge, as a nation, is not only to make it strong again but to extend it to include those who may just be learning how absolutely crucial it really is.