

Changes Ahead?

by Elizabeth Daniel

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It's now been more than a year since the Supreme Court stepped in to bring the 2000 Presidential election to its unsatisfying conclusion. The Court's intervention embittered many Americans who believed that votes should not be left uncounted and miscounted. But the events surrounding the election brought an important consolation for advocates of a more open and vibrant democracy - the election debacle triggered an intense focus on the sorry state of our voting processes. The dirty little secret of our democracy had been made public - and at long last, it seemed, something would be done. From all corners, we heard cries for reform and promises of upgrades, new standards, and resources for improvement.

Bills were introduced, commissions formed, and reports issued. But where are we, one year later? For the most part, the way Americans vote will remain unchanged for the foreseeable future despite vigorous calls for improvement from reformers and particularly from African-American communities, where the history of disenfranchisement is too fresh to be brushed aside as bureaucratic business as usual. (As readers of this column and the Gotham Gazette well know, the experience of the 2000 elections prompted a fierce and partially successful effort in New York City to force the Board of Elections to improve its procedures for the 2001 City elections.)

Most notably, at the federal level, progress toward some reforms is just now emerging. In mid-December, the U.S. House of Representatives passed a compromise bill that promises unprecedented federal financial support for state and local improvement of election procedures - \$2.65 billion is allocated to the states to improve their election systems, including \$400 million to replace the notorious punchcard machines that gave the country "hanging" and "dimpled" chads.

But that's where the good news ends. The bill fails to address the most obvious defects uncovered after the 2000 presidential election. It includes no minimum standards for voting machine errors - and thus, fails to provide a federal safeguard to ensure that votes will be counted equally in all states. The bill does not require new machines, even those purchased with federal money, provide voters a chance to correct errors in voting. Again, if we learned anything from Florida's experience, it's that these are critical safeguards.

In addition, the House bill does not grant voters the right to cast a provisional ballot when their name does not appear on the poll list (New York voters already have this right). It also does nothing to improve access for those with disabilities and even takes a step backward by allowing states to purge voters who missed two successive federal elections.

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The story in the Senate is much more hopeful. A bipartisan bill that appears on the verge of passing included these critical safeguards. That bill would set minimum standards for the accuracy and accessibility of voting systems. Also, under the Senate bill, voting technology that would allow a voter to verify and correct mistakes on his or her ballot would be required by 2006. All states would be required to offer provisional ballots.

While almost every state convened a commission to study their election process, only a handful have made significant progress in reforming their election in the past year. Florida, the obvious poster child, quickly enacted a comprehensive election modernization program that would overhaul the vote counting rules, improve election administration, and bring in new voting technology. Georgia and Maryland also passed statewide reforms. Many states are apparently waiting to see whether Congress is going to provide money for upgrading the voting systems before they commit state money from their treasuries already depleted by the recession.

New York, like most states, is still studying its problems, which include antiquated machinery and a tradition of mismanagement that routinely disenfranchises voters. The Governor's Task Force on Election Modernization issued a tepid interim report in May and is promising a more comprehensive report and recommendations by April 2002. The Task Force addressed the problems with the state's voting machines, recommended more study, and a handful of suggestions to improve machine maintenance while the state awaits the upgrade in technology. Remarkably, the Task Force took little notice of the state's consistent failures to comply with the National Voter Registration Act ("motor voter"), which permits voter registration when applying for a driver's license and public benefits, and other concerns relating to the management of voter registration lists. Perhaps the final report will squarely face the mismanagement issues and other problems.

The flaws in our electoral process will continue to undermine our democracy - even as we should be making it stronger. The 2002 elections are just around the corner - and in no time at all, we will be facing another presidential election. Most Americans want a better election system - and believe that everyone's vote should have equal chance of being counted. Passage of the Senate bill - and then its embrace by the House and the President - is an important first step toward real reform.

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