

LESSON 2: ELECTION REFORM PROPOSALS

Background information:

Following the election of 2000, more than 1,500 pieces of election related legislation were introduced. More than 50 reports were issued by national organizations, special legislative committees, and federal agencies. Numerous state and local elections administrators made recommendations on how to reform America's election system.

"Voters going to the polls in 2002 are going to expect sweeping changes, and those changes are not yet going to be in place," Sharon Priest, Arkansas Secretary of State and former President of the National Association of Secretaries of State has said, "...even in 2003, legislators still will be working on *reforms*. In 2004, voters will begin to see some noticeable differences."

"Most areas of *election* conduct are purely state and locally regulated," says Utah House Speaker Martin Stephens, who co-chaired the National Council of State Legislatures (NCSL) *Election Reform* Task Force. "Poll closings, ballot design, and recount procedures are all matters that have historically been taken care of by state law and local regulation."

For current election procedures, please visit www.nationalmockelection.com. Visit the "Guide to the Electoral Process" to find up to date information.

Lesson Overview:

Students will examine the major proposals for election reform. They will investigate topics related to election reform. They will determine the differences between House and Senate versions of election reform bills. Students will form their own opinions about what aspects of the election reform bills should remain.

Teaching Procedures:

Activity 1:

Examine and evaluate some of the major proposals for election reform. Among them were:

- The National Commission on Federal Election Reform co-chaired by former Presidents Jimmy Carter and Gerald Ford. Note: The Commission stated "...there is *evidence of a bigger payoff, per dollar spent, in voter education and poll worker training,*" than in any other efforts at election reform (italics ours).

Among its 13 recommendations, the commission urged that Election Day be a national holiday and that a new Election Administration Commission be established to create voting system standards and testing. The Commission also urged that voters challenged by poll workers should be allowed to cast provisional ballots, the validity of which would be determined later, and the voting rights of convicted felons be restored.

- The Caltech/MIT Voting Technology Project surveyed voting equipment across the country and found "...between 4 million and 6 million votes were lost in the 2000 election." (This figure was later reduced to 3 million.) Project researchers recommended that optical scanners be used instead of punch cards and lever

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machines. Researchers said states could improve voter registration by improving their database management, linking registration databases and polling places, and allowing provisional ballots.

The Caltech/MIT report also urged "... the federal government to fulfill a much needed role as the collector of data on voting equipment and systems." It suggested the federal government establish a national lab or program to foster development and testing of voting systems. It should establish a national program to field test all equipment and ballot formats.

- The National Council of State Legislatures (NCSL) report opposed the involvement of the federal government and instead stressed "... *elections* must remain in the hands of state and local officials and that Congress must be careful with any mandated changes. Its recommendations to states are based on the premise that legislatures will *review* their *elections* codes and make changes based on their own culture and circumstances."

The National Council of State Legislatures report also urged provisional ballots, statewide databases, voter education, and poll worker training. It recommended "... that all polling places be accessible to all Americans regardless of disability." The report contains 50 state charts showing various *election* practices throughout the country and the group's specific recommendations. The report is available at www.ncsl.org.

Note to teachers: The Pew Charitable Trust's Web site, www.electiononline.org, is a one-stop-shopping source with links to all of the major election reform reports, along with daily news about developments.

Ask students to discuss in groups whether they believe the proposals would be positive or negative. Have each group nominate a spokesperson, and have the spokesperson report the group's findings to the class.

Activity 2:

Compare and contrast the reforms urged by the various election reform organizations to the actual legislation passed by the Senate and the House, and now sent to conference (see the NASS Senate/House Comparison Chart - Student Handout Number 1).

Note to teachers: The chart appears only in the student handout section of this guide and is 26 pages.

How many of the recommendations in the reports can you find written into the legislation passed by either the Senate or the House?

Why didn't recommendations get adopted?

Activity 3:

According to some studies, 57 percent of Americans who voted in 2000 had some type of a problem. Divide the class into groups of four students. Have each group select an election reform topic listed below. Ask each group to research and prepare a 15-minute presentation for the class on the selected topic. Have each group include how its reform could improve

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the election process. Make a class reference file of each group's research report for use in later activities (mock press conference, quiz contest, cable call in program).

- easier ways to register voters
- improved technology (outdated and unreliable equipment)
- improved ballots
- quicker and more accurate ways to cast ballots
- better ways to count ballots
- election/selection of election judges along with training, pay, time commitment, and sufficient numbers
- bilingual volunteers
- accessibility to voting locations (50,000 voting places were physically inaccessible to the disabled. Source: General Accounting Office – Voters with Disabilities: Access to Polling Places and Alternative Voting Methods, 2001)
- increased number of languages on ballots (language barriers)
- updated, accurate registration lists for voters
- appropriate identification for voters
- braille voting ballots (10 million blind people did not vote. Source: National Organization on Disabilities)
- clear explanations and more understandable ballot instructions
- improved absentee and early balloting
- military and overseas voters (deadlines for submitting & mailing ballots)
- provisional voting-receipts reflecting how votes were cast
- improved distribution of sample ballots
- standardized voting machines
- media predictions on election night
- standardizing voting in both rural and urban communities
- \$2 billion in Federal grants for local election reform
- voter education for all voters in various languages
- better preparation/education programs for 18-year-old voters
- disenfranchisement of millions of voters
- provisional ballots for those whose names do not appear on voting lists
- creating minimum standards for voting locations
- methods to increase voter turn-out
- discarding ballots
- voter fraud (registering dogs and dead people, voting in more than one location)
- secret ballots (11 million Americans who are blind or have a hand mobility disability have never been able to cast a secret ballot. Source: General Accounting Office – Voters with Disabilities: Access to Polling Places and Alternative Voting Methods, 2001)
- methods of recounting votes
- Internet voting
- vote by mail (i.e., Oregon, Washington, and many local elections)
- funding elections
- voter intent (when voters improperly or incompletely mark ballots)
- privacy in the voting booth
- illegal immigrant and felon voting
- voter intimidation and harassment
- increased hours for polling locations

Note to teachers: This activity can be spread across several days. You may also select the issues you believe to be most crucial.

Activity 4:

Have students read the article by Kim Abrams of the Associated Press for background information. (Student Handout Number 2).

“Conference Committees: where bills often go to die”

Kim Abrams

Associated Press

Published 7/06/2002

“WASHINGTON - Picture this: A union and a company cannot agree on a new contract and a strike looms. But bargaining typically continues.

In most cases, deals are struck. Business goes on. But imagine that scenario in the U.S. Capitol, where negotiations far more often lead nowhere. Prospective laws, passed in different form by the House and Senate, simply die.

That's what can happen in congressional conference committees - which consist of representatives of the House and Senate, each side arguing for its own version of the bill. That's where the legislative differences are resolved so a bill can become law.

Several major bills this year have been sent to conference, never to reappear, as the Republican-controlled House and the Democratic-led Senate jockey for political advantage before the fall elections.

For instance, the Senate joined the House in moving to overhaul the nation's bankruptcy system 11 months ago. But a deal to resolve differences between the rival versions of the legislation still seems far off.

Both bodies last year passed bills to give patients greater leverage against HMOs. Only now, after private talks between congressional leaders and the Bush administration failed to resolve differences over when and where patients

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may sue HMOs, is Senate Majority Leader Tom Daschle (D-S.D.) talking about naming Senate representatives to a conference.

The House in December and the Senate in April passed measures designed to improve the nation's election system to avoid a repeat of the 2000 presidential election problems. The two sides are still arguing over how much power the federal government should wield over states and whether tough anti-fraud measures hurt minority voters.

Rep. Steny Hoyer (D-Md.) a key player in the election change negotiations, said he was frustrated by the failure to reach a deal, saying, "I haven't seen the energy behind this that I think we need."

"Given the divided Congress, the divided country and an election year, it's virtually impossible to get anything passed," said Rep. John Boehner (R-Ohio) chairman of the House education committee.

Boehner achieved one exception, working with Senate Democrats to craft a major education bill that President Bush signed in January. Conferences have been used since 1789 to settle differences between House and Senate bills, and it's rare for either chamber - both of which must approve the compromise for the measure to become law - to reject a measure worked out by conferees. But the Constitution says nothing about how conferences should be made up or conduct business. The result can be dissension and stalemate.

In most cases, a few bill sponsors and senior members from the relevant committees are chosen as conferees.

Conferences on spending bills generally go more smoothly because the sides can split the differences."

Activity 5:

Scan the comparison prepared by the National Association of Secretaries of State on the differences between the House and Senate versions of the election reform bills. Note the provisions appearing in either the Senate or House version but not in both. Assign members of the class to be members of the House/Senate conference committee, representing Republicans and Democrats. Name a chairman and a ranking minority member for each committee. Have members of the opposing parties meet privately prior to the conference to choose their priorities for the upcoming negotiation.

Which provisions will each party compromise for the sake of winning a provision they really want to remain in the final bill? How much are they willing to "trade" for a provision they are determined to keep? Do the members of the committee agree with the chairman's

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priorities? the minority leader's? If not, can they persuade their colleagues to join them in their position or will they be deadlocked?

How long will it take to negotiate a final bill? Compare the class' bill with the conference committee's. Do you believe Americans will be willing to accept a stalemate on election reform this year? Why? Why not? How long did it take the U.S. Congress to pass Campaign Finance Reform? Why?

Activity 6:

Research one of the election reform commission members' Web sites. Write a paper on the aspects of the election reform bill that should be kept and why. (If the representative is from your state, encourage students to submit their paper in letter form to the representative.)

The actual members of the conference committee named by the leaders of the Senate and the House are:

- Senator Christopher Dodd (D-CT)
- Senator Mitch McConnell (R-KY)
- Senator Charles Schumer (D-NY)
- Senator Christopher Bond (R-MO)
- Senator Richard Durbin (D-IL)
- Representative Jim Davis (D-FL)
- Representative John Doolittle (R-CA)
- Representative Vernon Ehlers (R-MI)
- Representative Chaka Fattah (D-PA)
- Representative Steny Hoyer (D-MD)
- Representative Bob Ney (R-OH)
- Representative Thomas Reynolds (R-NY)

Additional members have been named for specific sections of the bill.

*To see the list of members of the conference committee, visit the Web site for the **Congressional Conference Committee To Consider Election Reform Legislation** at www.fawco.org/fawcoWeb/committees/us_liaison/electionreform2.html and click on conferees.*