

## **LESSON 4: ELECTION REFORM AT THE STATE LEVEL**

### **Lesson Overview:**

In this lesson, students will examine election reform at the state level. Students will analyze the differences among states. Students will discuss relevant issues such as voter identification. Students will determine whether their state's election reform will meet the needs of its people.

### **Teaching Procedures:**

#### *Activity 1:*

What can you do about election reform in your state?

Read the three articles about election reform. They are [Student Handout Number 4](#), [Student Handout Number 5](#), and [Student Handout Number 6](#). After reading each article, lead a discussion about the issues represented in each. Also think about the following question: How has our history as a nation led us to this point as we approach the election of 2002?

- [Student Handout Number 4](#). Answer the question: Did a train wreck occur on the primary election day? Why or why not?

### **“Civil Rights Commission Revisits Florida and Hears Warnings of Future Election Problems”**

By Aron Goetzl  
electionline.org  
Published 6/27/2002

‘**MIAMI, Fla.** – While election reform might have transcended party politics in Congress and many state legislatures, it can still roil deep partisan tensions here.

Local Democratic legislators and election officials, along with representatives from left-leaning civil rights groups, warned the U.S. Commission on Civil Rights last week at a hearing in downtown Miami that there would be more problems for Florida in November's election because state Republicans had not done enough to fix the many problems that plagued the disputed 2000 presidential election.

Gov. Jeb Bush and Secretary of State Katherine Harris, both Republicans, responded one day later by attacking the credibility of the liberal-majority commission and its chairwoman, Mary Frances Berry.

Clearly, Florida Democrats' outrage at the administration of the 2000 race has yet to dissipate. If the warnings from the panelists at last week's commission hearing are borne out in the September primary and November general elections, that anger may seethe for some time to come.

Those that did show up said essentially the same thing: The legislature and the governor did act in some areas, but they didn't go far enough. Citing an inadequate definition of provisional balloting, a lack of voter education, and a new and still untested statewide voter file, combined with the usual problems

associated with redistricting, most witnesses testified that the 2002 elections are likely to be troublesome again for Florida voters, particularly racial and language minorities.

“I know that there’s going to be mass confusion on Election Day,” State Sen. Kendrick Meek (D-Miami) said. “We’re taking the victim back to the scene of the crime. The only good thing I can see we have done [since 2000] is get rid of the punch cards.”

During his testimony, Ion Sancho, the Democratic supervisor of elections for Leon County (home to state capital Tallahassee), evaluated how the state had addressed the recommendations of the governor’s 2001 election reform task force. He issued a mixed bag of grades.

While praising the state for adopting new voting technology and developing a voters’ bill of rights to be posted at polling places, he said the state failed to “put people first,” as the state report called for.

“There is no accountability [for counties’ voter education efforts],” Sancho said. “You have to train the voter. You have to tell them what you can’t do in order to not lose your vote.”

Several told the commission of the potential problems with the state’s new provisional balloting, which is limited to use by voters who show up at the correct precinct on Election Day. State Democrats wanted voters to be able to cast a provisional ballot from any precinct in that voter’s home county.

“I call Florida election reform ‘the good, the bad and the ugly.’ The ugly is provisional ballots,” State Rep. Christopher Smith (D-Ft. Lauderdale) said. “If you’re not in the right precinct, your vote doesn’t count.”

Added Sancho, “The Florida House did not want anything but the most restrictive form of provisional ballots. Twenty-five percent of precincts in 2002 won’t even have existed in 2000. They completely ignored the impact of [redistricting].”

Berry said last year’s election package “has some good provisions,” but added it was “discouraging to hear concerns” from witnesses about the state’s actions on provisional balloting and assistance for language minorities.

“I’m hoping that a train wreck doesn’t happen on primary day,” she said.”

- Student Handout Number 5.

## **“Legislation Would Force Voters to Show ID at Polling Places”**

By Amy Worden  
Inquirer Harrisburg Bureau  
Published 6/28/2002 (Electiononline)

**“HARRISBURG** – (Pennsylvania) House Republicans have approved a bill that would require residents to present identification before voting, infuriating Democrats and civil rights activists who describe it as a "poll tax" that would disenfranchise voters.

The measure's sponsor, Rep. Daryl Metcalfe (R-Butler), said it was aimed at curbing voter fraud, not preventing legitimate citizens from voting.

"We were concerned about the fraud that is alleged to have taken place in areas of Pennsylvania," Metcalfe said. "We don't want to harm anybody's ability to vote."

The measure, which requires voters to present a voter-registration card or photo identification at the polls, was added to a Republican-sponsored bill concerning poll workers' compensation. The bill passed the House late Wednesday on a party-line vote and now goes to the Senate.

Democrats said they were blindsided by the late amendment. They disparaged it as a blatant political move designed to hold down voter turnout in Democratic strongholds in a year when Pennsylvania residents will pick a governor, and an attempt to shut out low-income, elderly, and minority residents from the voting process.

"This is a violation of the equal-protection clause of the Constitution," said Rep. Mark Cohen (D-Phila.).

Eleven states have laws requiring some type of identification at the polls, but only South Carolina requires a photo ID and has no option for voters without identification.

The other states requiring IDs, such as Delaware, have "escape hatches," Cohen said, allowing voters the option to sign an affidavit testifying to their identity at the polling place.

In Pennsylvania and New Jersey, voters need only show that their signatures match the ones in the voter rolls.

Opponents said the proposal would create a "poll tax" because residents who do not drive would need to pay for a photo ID.

Rep. Babette Josephs (D-Phila.), said the ID system would intimidate urban voters who may not have driver's licenses, and thus suppress turnout.

"We have many senior citizens in our state who have voted without incident in most, if not every, election since turning 18," Josephs said. "Now we'll be turning them away. This is not how the Democratic electoral process is supposed to work."

Pedro Rodriguez, executive director of the Action Alliance of Senior Citizens of Greater Philadelphia, said the bill puts an "extra burden" on the elderly and their ability to vote.

"We find that to be really offensive," he said. "To say you will solve voter fraud with a photo ID is ridiculous. The way to prevent it is to have inspectors and an informed citizenship."

Metcalfé said the Democrats were using seniors as "a straw argument" to defeat the bill.

"Every one of us has seniors in our districts," he said. "It's not unreasonable to ask for ID the same way you ensure safety on the highways by requiring a driver's license."

Metcalfé said most counties have agreed to issue new voter-registration cards at no cost to individuals who have lost them.

In a fiery floor debate on Wednesday, Democratic lawmakers charged that the bill was an election year attempt by Republicans to sideline Philadelphia voters, who overwhelmingly supported Democratic gubernatorial candidate Ed Rendell in the May primary.

"This is an outrageous attempt to steal the election," Cohen said. "This shows Mike Fisher can't win on a fair vote." Fisher is the Republican gubernatorial candidate.

Cohen and others said the bill threatens civil-rights laws established over the last 50 years.

"This will make Pennsylvania in 2002 look like Mississippi or Alabama in 1952," he said.

"At a time when states and the federal government are looking at making it easier to vote and establishing more reliable voting procedures, this can only be seen as an attempt to disenfranchise people," said Larry Frankel, legislative director for the American Civil Liberties Union in Pennsylvania.

- Republicans said the bill represented a non-partisan effort to wipe out fraud. "We need to do what we can to do to protect the integrity of every true and honest vote," said Steve Miskin, a spokesman for House Majority Leader John Perzel (R-Phila.), who cited a recent study by the Republican National Committee that found tens of thousands of duplicate registrations in Pennsylvania."
- UPDATE: Student Handout Number 6. (Democracy Dispatches No. 24, July 22, 2002) Is voter ID a positive addition to the voting process? Why or why not?

### **“Pennsylvania: House Approves Restrictive Voter ID's”**

“By a 103 to 96 margin, the Pennsylvania House of Representatives approved an election reform bill ([S.B. 824](#)) that includes restrictive voter ID provisions. The ID provisions were added in an amendment offered by [Rep. Daryl Metcalfe \(R-12\)](#). The bill would require all Pennsylvania voters to show a photo ID or county voter registration card, unless they dissent based on religious grounds. Other non-photo documentary identification (i.e., utility bills, credit cards, EBT cards, or library cards) would not be accepted. Likewise, voters who do not have adequate identification would not be permitted to cast a provisional or affidavit ballot. Voters in Pennsylvania are required only to provide a signature at the polls. The bill was sent to the Senate for consideration but was not taken up before the start of the summer recess.

If passed into law, Pennsylvania would join South Carolina in having the most restrictive voter ID requirements in the country. South Carolina is currently the only state that leaves voters without an option if they do not have a photo ID at the polls. A number of state photo ID requirements have been overturned by the courts because of their disparate impact on low-income communities and people of color. Advocates from the [ACLU](#) and the [NAACP](#) have threatened litigation in Pennsylvania if the Senate approves the restrictive voter ID requirement. *AP* 6/28/02 & 6/29/02, *Philadelphia Inquirer* 6/28/02 & 7/6/02.”

#### *Activity 2:*

Start a class bulletin board for reports of election reform battles from the 50 states. Log on to Electionline at [www.electionline.org](http://www.electionline.org), Democracy Dispatches at [www.demos-usa.org](http://www.demos-usa.org), and other online sources of state news about election reform.

#### *Activity 3:*

Compare the battles about voter ID now taking place in state legislatures with the debate that took place on the Senate floor between Senators Schumer and Bond before the election reform bill finally passed the Senate 99-1 on April 11, 2002.

*For a transcript of the Senate's debate about the bill, which began at the end of February, go to the Thomas Web page of the US Congress [www.thomas.loc.gov](http://www.thomas.loc.gov), then to the Congressional Record and then to text search. Type in: debate between Senators Schumer and Bond on Voter ID. It will take you to different records regarding this subject. Check the records, EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001, dated February 26, and February 27, 2002. Check pages S1223 to S1232 and pages S1171 to S1196 in these documents. All pages are available in PDF format for printing.*

With whose arguments do you agree? How were the differences finally compromised in the Senate version of the bill? Do you believe there is a similar compromise that state legislatures can reach?

*Activity 4:*

Organize a class debate on whether your state's plans for election reform are adequate. Invite members of your state legislature, and/or your state election officials, to speak to your class about the plans for election reform in your state. (Ask students to research the Internet if a state legislator can not visit your classroom.)

What are state legislators' views about state versus federal control of election reform? Do their views transcend party politics?

*For contact information on your state's public officials see the Government Guide on AOL at [www.governmentguide.com](http://www.governmentguide.com)*

*Activity 5:*

Write to your U.S. Congressmen and U.S. Senators. Share your views on state versus federal control of election reform and on the plans for election reform in your state.

*Visit [www.house.gov](http://www.house.gov) and [www.senate.gov](http://www.senate.gov) to find information about Congressmen and Senators.*

*Activity 6:*

Check your local phone book. Are there public officials with local offices not far from your school?

Invite them to come and speak to your class or go and visit them.

Brainstorm: What can you do to help make sure that elections in your state will be fair, free, and accurate? What can you do to help solve the problem of guaranteeing the privileges of citizenship to all Americans?