

ROLL CALL

Congress Must Act Now to Prevent '04 Election Debacle

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The 2000 election debacle in Florida revealed a deep and dirty secret about American elections: All over the country - with shoddy procedures in place, too few and poorly trained poll workers, inadequate funding, flawed registration systems and no link between voter registration rolls and polling places, along with occasional but real corruption - thousands and thousands of real votes cast are lost, illegitimized or not counted, and thousands and thousands of legitimate voters are refused the right to vote.

In most elections, because the margins are not razor thin, these problems are ignored or glossed over. In Florida they weren't; it was like lifting up a large, beautiful rock and seeing the maggots underneath.

Florida was a bigger problem than many other states. It has a history of fraud involving absentee ballots, which has resulted in more than one election being overturned by the courts. It had, shall we say, less-than-adequate election supervisors in many counties. Some of them remain in place. To its credit, Florida has moved faster and further than most states since the 2000 debacle to try to correct many of its problems. But as the primary last week showed, many of the same, deep problems remain.

It is now becoming increasingly and frighteningly clear that we have the ingredients in place for a much larger and broader election debacle this November.

The **Help America Vote Act enacted in 2002 was a constructive step** that authorized a robust \$3.6 billion for election reform. But **little has occurred since to inspire confidence** that we are tackling the problems with any urgency or adequate money. Congress waited too long to pass HAVA; Congress and the president dawdled inexcusably before picking and confirming the four nominees to the new Election Assistance Commission, guaranteeing no significant action or dispersal of funds until 2004 itself, and now the money is being squeezed back to an unacceptable level.

The president's budget has a pitiful \$65 million for election reform initiatives. Thus far, only \$650 million of the authorized \$3.6 billion has seen the light of day, nowhere near enough to upgrade equipment, pay for training, improve registration and provisional vote procedures and get enough poll workers ready to go.

The controversy over voting machines has dominated the dialogue so far, and understandably so.

It was the voting machines that got most of the attention in HAVA. Under the act, states were given access to a sizable set of federal funds to enable them to replace their old punch-card or level machines with direct-recording machines (DREs) or so-called touch-screens. By Jan. 1, 2006, states are required to allow all voters to verify their choices when they fill out their ballots, letting them know if there are errors or problems and giving them a chance to correct their ballots before casting them. There must be access for disabled voters to cast independent and secret ballots through DREs, and there must be a paper record to allow for a manual audit.

Many DREs have been manufactured and are in use in a variety of precincts in states around the country, including California, Ohio, Florida and Maryland. Four companies - Diebold, Sequoia, Election Systems & Software and Hart InterCivic - are used fairly widely. All, we have learned, have serious security flaws, potentially allowing hackers to distort the results, invalidate or change votes, and end up with utterly false tallies. Frankly, the protests of the companies that there are no or few problems and that their security is sound ring utterly hollow.

At the same time, **the biggest flaw** out there is that the vast bulk of **DREs have no paper trail - making nearly impossible any manual recount or the resolution of any dispute. Rep. Rush Holt (D-N.J.) has introduced a bill to force quick action to add the paper record to all these machines. It should be passed quickly by Congress.** So should more money, as House Minority Whip Steny Hoyer (D-Md.) and others have been arguing vociferously and eloquently. Frankly, Congress should do more, taking a closer look at the advantages of the touch-screen technology compared to cheaper and more tamper-proof optical-scan equipment, which also appear to have a significant advantage in lowering off - voters who vote for president, say, or Senate, but do not vote for the House or local offices lower down the ballot. My initial reaction after 2000 was enthusiastic support for the touch-screen technology. Now, I am much more hesitant to support it full bore. The old punch cards don't work, but we need quick work to explore other options.

Just as important, Congress has to push for full funding to get and train poll workers. This is a huge problem around the country, adding to the long delays at polling places and to the errors made that mean legitimate votes are lost. Ignorant poll workers cannot operate the machines, give wrong information to voters and otherwise gum up the works. It takes money to get good ones, and to train them. We need adequate numbers of polling places, adequate hours for the polls to be open, large numbers of machines, real links between central registration systems and the polling places, and clear methods for provisional voting when any questions exist. These are simple fundamentals for the single most important element of democracy. **Congress and the president need to step up to the plate, and quickly.** Governing next year will be tough under any circumstances. If there are clouds over the election outcome, the governing process will be nightmarish beyond belief.

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