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How America Doesn't Vote

One outcome of this year's presidential election is already certain: people will show up to vote and find they have been wrongly taken off the rolls. The lists of eligible voters kept by localities around the country are the gateway to democracy, and they are also a national scandal. In 2000, the American public saw, in Katherine Harris's massive purge of eligible voters in Florida, how easy it is for registered voters to lose their rights by bureaucratic fiat. Missouri's voting-list problems received far less attention, but may have disenfranchised more eligible voters.

It's hard to judge where voting lists are being mishandled, since the procedures by which they are kept and corrected are shrouded in secrecy. That's the beginning of the problem. The public has a right to know that the rolls are being properly maintained — and to know it before the election. As became clear in 2000, after the fact is too late.

Federal law provides some general guidelines about keeping voting rolls, but the basic decisions about who is eligible to vote are largely left to local officials. City and county election offices are responsible for adding new registrants to the voting rolls, and purging voters who die, move away or are convicted of felonies. If election offices had adequate resources and precise rules, voting lists might accurately reflect who is entitled to vote. But the reality is far more chaotic, and errors abound.

Ms. Harris's 2000 purge in Florida is a classic case. Before it began, Ms. Harris cast a cloud of suspicion over the process by signing on as co-chairwoman of the Florida Bush campaign while she also served as the state's top election official. The purge itself required sensitive judgment calls, notably when to regard a name on a list of convicted felons as a valid match with a name on the voting rolls. According to post-election testimony before the United States Commission on Civil Rights, Ms. Harris's office overruled the advice of the private firm that compiled the felon list and called for removing not just names that were an exact match, but ones that were highly inexact. Thousands of Florida voters ended up being wrongly purged.

After a federal lawsuit that followed the infamous 2000 election, Florida restored some voters to the rolls, and agreed to start using more precise identification methods. But there is still no reliable system, and Florida voting rights advocates are bracing for a rerun of the mistakes of 2000.

In Missouri, St. Louis election officials kept an "inactive voters list" of people they had been unable to contact by mail. Voters on the list, which ballooned to more than 54,000 names in a city where only

125,230 people voted, had a legal right to cast their ballots, but election officials put up enormous barriers. When inactive voters showed up to vote, poll workers had to confirm their registration with the board of elections downtown. Phone lines there were busy all day, and hundreds of voters traveled downtown in person, spending hours trying to vindicate their right to vote. The board admitted later that "a significant number" were not processed before the polls closed.

After the election, the St. Louis board of elections settled a lawsuit by promising to have a copy of the inactive voters list available at every voting precinct, and to upgrade its phone service. But not everyone has confidence the reforms will happen. Just months after the settlement, The St. Louis Post-Dispatch, in an editorial headlined, "Our Motto: Think!," warned, "If there's a way to foul things up, election officials in the city of St. Louis seem determined to find it."

Florida- and Missouri-style voting roll disasters could be looming right now in any state in the nation. Voters would have no way of knowing, because of the stunning lack of transparency in election operations. Officials often do not have written procedures that explain in any detail how they decide to remove voters from the rolls. The St. Louis election board supervisors concede they have no written purge procedures the public can review. When asked recently how their purges worked, they gave conflicting answers. A less-than-helpful spokesman for the New York State Board of Elections said that if the public wanted to learn more than the broad guidelines laid out in the state law, "I'm not sure there is a way."

The sad state of voting rolls may be due to underfunding and mismanagement, but it can create an appearance of ulterior motives. The voters wrongly removed by Ms. Harris's purge were disproportionately black — African-Americans make up one of the strongest Democratic voting groups in the state — as were the voters on the St. Louis inactive voters list. For years, partisan "ballot security" programs in the South singled out tens of thousands of black voters for removal from the voting rolls. Just this month, civil rights groups sued a Texas district attorney who threatened, in violation of the law, to prosecute students at Prairie View A&M University, a predominantly black school, if they register using their school addresses.

Election officials have a duty to remove voters from the rolls when they have become ineligible, and to guard against voter fraud. But it must be done in a manner that takes great care to avoid preventing eligible voters from casting a ballot. Officials cannot allow vague rumors or reckless allegations about voter fraud to stampede them into overkill. In Missouri, elected officials have charged for years that large numbers of St. Louis residents were casting votes from vacant lots. A study conducted by The Post-Dispatch in 2001 found that in the vast majority of cases, the voters lived in homes that had been wrongly classified by the city.

The Help America Vote Act, passed after the 2000 election, will eventually computerize voting rolls at the state level. Most of the decisions about who is eligible to vote, however, will still be made by the officials who are making them now. The new law also requires that when there is a dispute about whether someone is eligible to vote, he or she must be given a "provisional" ballot, whose status will be

determined later. But the ultimate decision about whether to count the ballot will remain with local election officials.

Voting list maintenance cries out for reform. States and localities can take these three key steps:

Clear standards Any office that engages in voting roll purges should have clear, written policies for how they are conducted, including where the names of voters to be purged are obtained, and what constitutes an acceptable match.

Transparency The public should be able to examine procedures for voting roll purges, and should be notified when purges are under way. The use of private companies, as in Florida, to assist in voter purges should be announced.

Nonpartisanship Purges should be done by officials unconnected to candidates or parties.

No bank would be allowed to withdraw money from a depositor's account based on the sort of rough name matches and loose procedures used in voter purges. The right to vote should be treated with the same respect as a bank deposit, and guarded as carefully. The 2000 election proved that 537 votes, the official margin in Florida, can choose a president and change history. Given that, we must have far greater precision and professionalism in how we keep our voting rolls.

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