

# Missouri Legislative Academy

## Issue Brief

02-02

### Federal Election Reform Bill Will Require Action by Missouri

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President Bush has just signed into law the “Help America Vote Act” (H.R. 3295). The bill authorizes almost \$4 billion in grants to states for improvements in voting technology and election administration, and imposes several requirements. SB 675, passed by the Missouri Legislature in 2002, addresses many, but not all of the requirements in the federal legislation.

## Background

Part of the election reform effort is driven by the 2000 presidential election and the Florida recount controversy, which brought to light the phenomenon of unrecorded votes (the difference between the total number of voters who go to the polls and the number of valid votes cast in a particular contest). Studies indicate that many ballots are disqualified because of voter errors resulting from confusing ballot designs or from complicated or defective voting equipment. Research from two different presidential elections confirms that counties with large low-income populations have the largest percentages of unrecorded votes. However, research indicates that among newer technologies, those allowing voters to check their ballots for mistakes (computerized touch-screen machines or precinct-count optical scan methods) are most successful at minimizing the number of unrecorded votes.

## What is the current situation in Missouri?

- More than 40,000 voters in Missouri failed to cast a valid vote for president in the 2000 election. The number of unrecorded votes in Missouri exceeded the vote margin between the top two gubernatorial candidates in the 2000 election.
- Punch card ballots have a much higher rate of unrecorded votes than any other voting technology. In Missouri, punch cards are the most common voting technology.

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| <b>Voting Technology</b>  | <b>Description</b>   | <b>Unrecorded Votes in 2000 (MO)</b> | <b>Unrecorded Votes in 2000 (Nation)</b> |
|---|--|--------------------------------------|--|
| <b>Punch Card</b><br>(43 counties, 70% of registered voters in Missouri)              | Punch card is inserted behind booklet with ballot choices – voter uses stylus to punch out holes in card. Ballots counted by card reader machine.                          | 2.2%                                 | 2.8%                                     |
| <b>Paper Ballot</b><br>(10 counties, 1% of registered voters in MO)                   | Candidates are listed on a sheet of paper – voter marks box next to chosen candidate. Ballots counted by hand.   | 1.8%                                 | 1.6%                                     |
| <b>Optical Scan – Central Count</b><br>(33 counties, 19% of registered voters in MO)  | Voter darkens an oval or arrow next to chosen candidate on paper ballot. Ballots counted by computer scanner at a central location.  | 1.0%                                 | 1.8%                                     |
| <b>Optical Scan – Precinct Count</b><br>(30 counties, 10% of registered voters in MO) | Voter darkens an oval or arrow next to chosen candidate on paper ballot. Ballots counted by computer scanner at the precinct, allowing voter to identify and fix mistakes. | 1.0%                                 | 0.9%                                     |

*Source: Data compiled by Dr. David Kimball--Kansas City is represented as a separate "county" because of its separate election board.*

### **What Must Lawmakers Consider?**

- The federal legislation authorizes payments to states to replace punch card voting systems and to enhance the performance of existing equipment. States receiving payments should ensure that replacements are made in time for the general election in November 2004.
- With funding available, Missouri lawmakers may consider whether to switch to a uniform voting technology for every county in the state. The Secretary of State's report *Making Every Vote Count* recommends a uniform voting system for the state. (While no specific system is recommended, the report does note that a new system should address security concerns by leaving a paper trail to audit votes.) In the 2000 presidential election, the four states with a uniform voting system all had substantially lower rates of unrecorded votes than the national average. Caution: The cost of new equipment may be more than that offered by H.R. 3295.
- The bill also authorizes funds to allow states to meet the requirements of the federal law. Grant funds may be used for such activities as improving equipment; recruiting and training election officials and poll workers; educating voters; and assuring access for voters with physical disabilities. The federal legislation also requires states to establish an administrative grievance process to handle voters' complaints.
- In order to take advantage of the grants, Missouri lawmakers must appropriate a 5% match and submit a state plan (through the Secretary of State's office) detailing how the funds will be used and how the state will meet the new federal requirements.

- The federal law also requires states to establish goals and measures for meeting the requirements and improving election administration. If Missouri wants to set a goal of reducing unrecorded votes, it will be more efficient to centralize the data. Currently, counties are not required to report the number of unrecorded votes or total number of ballots cast, and the Secretary of State does not collect or report these data. (Data for the table on the previous page collected by contacting every county separately.)
- Failure to comply with minimum standards by 2006 may result in civil action taken by the Justice Department. If Missouri decides not to apply for grant funding, the state must still certify that it meets minimum standards as outlined in the legislation or that the state has an administrative grievance process to handle voting complaints.

**HR 3295 Minimum Requirements (that Missouri has not met with earlier state legislation):**

- Provide voters the opportunity to check for and correct errors in their ballots in "a private and independent manner" or establish voter education programs to show how to fix mistakes or to get a replacement ballot.
- Devise an administrative grievance procedure to handle voter complaints.
- Allow those with disabilities to vote at the polling place (the disabled are able to vote absentee currently).

**Reference Sources:**

- Kimball, David C., and Chris T. Owens. 2002. "Unrecorded Votes and Election Reform." *Spectrum: The Journal of State Government*, forthcoming.
- Knack, Stephen, and Martha Kropf. 2003. "Invalidated Ballots in the 1996 Presidential Election: A County -Level Analysis." *Journal of Politics*, forthcoming (May).

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