

ELECTION REFORM: ALTERNATIVES TO ENSURE INTEGRITY AND INCREASE ACCESS

By Cheryl L. Semmel

Abstract: The 2000 presidential election revealed flaws in the integrity of the election process in the United States and elevated the issue of voting reform to the forefront of the national agenda. Additionally, a gradual decline in citizen participation in the democratic process has highlighted the need to increase access to voting to correspond to our modern era and lifestyles. Successful voting reform must not only modernize electoral systems to ensure integrity but also increase access to the system for all citizens. This is essential to the integrity of our democracy, as lawmakers are responsible to their constituents and, by extension, to those people who participate in the electoral process. Several alternative voting methods have been introduced in the U.S. and abroad. This article will examine two alternatives—online voting and voting-by-mail—in the context of their implementation and challenges to date, their overall feasibility and the extent to which they ensure integrity and increase access to the election process.

Voting is an essential element of any democratic system and a right protected by the United States Constitution. At times throughout American history, when the integrity of the voting system has been challenged and individuals have been deprived of their right to participate in the electoral process, Congress has taken necessary measures to correct these social inequities and injustices. From the 1920s through the 1960s, poll taxes, literacy tests, complex residence requirements, difficult registration requirements, and the lack of participation by newly enfranchised women voters challenged the legitimacy of the election process (Goldman 1999). Consequently, five of the twenty-seven amendments to the U.S. Constitution address the voting rights of citizens. These amendments, however, address only the question of who should be able to vote, not how voting should be conducted or what voting methods should be employed to ensure equal access. The “how” and “what” of the electoral

process are largely defined through federal and state legislation and regulation.

The 2000 presidential election revealed flaws in the integrity of the U.S. election process and elevated the issue of voting reform to the forefront of the national agenda. The presidency of the United States hinged on butterfly ballots, hanging chads, and missing ballot boxes. The voting debacle in Florida highlighted, among other things, the state’s continued use of outdated voting equipment. The narrow margin of victory is still highly contested, fostering both increased voter apathy and a renewed desire to improve voter turnout. Disenfranchised voters responded by advocating for changes in the voting system.

Only citizens who participate in the electoral process have a voice in defining the national public policy agenda. Lawmakers represent those constituents who elect them and respond to the people, and interests, that elected them. While voting is not the only venue for citizen engagement, it is a fundamental process of our democracy. Accordingly, democratic integrity depends on the ability of the voting system to accurately represent the intention of voters and the access of all citizens to the electoral process.

Several alternative voting methods that attempt to address the current flaws in the electoral system have been implemented in the United States and abroad. This article discusses the benefits and

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challenges of two alternative methods—online voting and voting-by-mail—in terms of increased accessibility and security of the election process. This article considers the results of current implementation efforts and the feasibility of introducing these options in new areas. In the end, voting-by-mail is likely to be most effective in rural communities and in areas with a large population of elderly people, whereas online voting may be most successful in metropolitan centers and among young voters.

ELECTORAL INTEGRITY: DID MY VOTE COUNT?

After the 2000 presidential election, civil rights groups and advocates for voting reform, such as the American Civil Liberties Union (ACLU) and the Center for Voting Democracy, began lobbying for changes to the voting system in the U.S. In 2002, Congress passed the Helping Americans Vote Act (HAVA). HAVA required states to update and modernize electoral systems prior to the 2004 general election by replacing outdated punch card and lever voting systems. Despite these efforts, the touch screen computerized voting machines now used by most states have not been as error-free as lawmakers anticipated. In 2002, fifteen states experienced errors and irregularities using these machines (Graham 2003). Furthermore, electronic voting systems currently do not generate paper receipts that can be used to verify the integrity of ballots cast. In a recent attempt to further legitimize the electronic voting process, Senator Bob Graham introduced S. 1980 (companion bill H.R. 2239), which would require a permanent record or

receipt to be generated as part of the voting process. Currently, Nevada is the only state expected to have this safeguard in place before the November 2004 election.

Several types of voting equipment will be used in the November 2004 presidential election. According to Election Data Services, optical scanners and electronic voting equipment, together, will be used in 60 percent of all elections. The remaining 40 percent will be comprised of punch card systems (19 percent), lever systems (13 percent), paper ballots (less than 1 percent), and a combination of these voting systems (7 percent) (Penchoff 2004).

ELECTORAL ACCESS: A DECLINE IN VOTER TURNOUT

While the voting age population and the number of registered voters in the U.S. continues to increase, the percentage of voters participating in elections has decreased during the past 40 years.¹ According to the Federal Elections Commission, there were more than 141 million registered voters in the U.S. in 1998, equivalent to 71 percent of the voting age population. The number of registered voters increased to more than 156 million in 2000 and now represents 76 percent of the voting age population. However, while the percentage of registered voters continues to increase, the percentage of voters participating in elections has decreased. Table 1 reports the number of registered voters by age category that participated in the 2000 election (U.S. Census Bureau 2002).

Table 1. Reported Voting and Registration by Age in the November 2000 Election

(In thousands)	Total	Reported Registered		Not Registered		Reported Voted		Did not vote		U.S. Citizen		Not a Citizen
		No.	%	No.	%	No.	%	No.	%	Reported Registered	Not Registered	
		No.	%	No.	%	No.	%	No.	%	No.	No.	No.
Total 18 yrs & over	202,609	129,549	63.9	73,060	36.1	110,826	54.7	91,784	45.3	129,549	56,817	16,243
18 to 24 years	26,712	12,122	45.4	14,590	54.6	8,635	32.3	18,077	67.7	12,122	11,793	2,797
25 to 44 years	81,780	48,769	59.6	33,011	40.4	40,738	49.8	41,043	50.2	48,769	23,899	9,113
45 to 64 years	61,352	43,710	71.2	17,642	28.8	39,301	64.1	22,052	35.9	43,710	14,258	3,384
65 to 74 years	17,819	13,573	76.2	4,246	23.8	12,450	69.9	5,369	30.1	13,573	3,660	586
75 years & over	14,945	11,375	76.1	3,570	23.9	9,702	64.9	5,243	35.1	11,375	3,207	363

Source: *Voting and Registration in the Election of November 2000*. U.S. Census Bureau (2002).

As the table highlights, 18 to 24 year olds represent the lowest percentage of registered voters, as well as the lowest percentage of voters who participated in the November 2000 election. Only 45 percent of eligible voters between 18 and 24 were registered to vote in that election. Although nearly 75 percent of those registered voted in the election, this still only represented 32 percent of those eligible to vote within this age category. Voter turnout among Americans aged 18 to 24 has consistently declined from 50 percent in 1972 to 32 percent in 1996. Between 1994 and 1998, the percentage of 18 to 24 year olds who were registered to vote declined from 42 percent to 39 percent (U.S. Census Bureau 2000).

Among suggestions by youth (aged 18 to 25) in a 2000 nationwide survey conducted by the PEW Charitable Trust, 72 percent of respondents indicated that being able to register and vote online would encourage more people to participate in the election process, while 71 percent responded that being able to register and vote at work or school would also increase participation (Declaration of Independence Road Trip 2003).

Table 2 provides a summary of voter turnout in presidential and non-presidential elections from 1972 to 2000. In off-presidential election years, voter turnout decreases an average of 10 percent. Nearly 5 million registered voters said they did not vote in the 1996 presidential election because they could not take off from work or school or were otherwise too busy (U.S. Census Bureau 1998). In 1998, the number of registered voters who did not cast a ballot increased to almost 12 million. Among the factors contributing to low voter turnout are voter apathy and scheduling

conflicts, leading to the conclusion that the existing methods for engaging registered voters in the election process are insufficient.

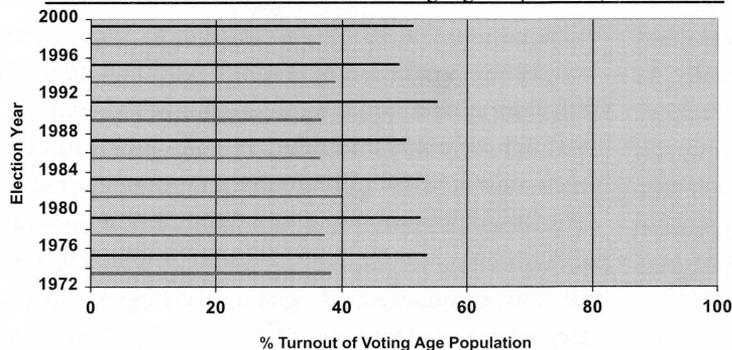
CURRENT REFORM EFFORTS

Many initiatives have focused on making the voter registration process more accessible and convenient. Voter registration forms can now be picked up at post offices, libraries, and other government and community offices. In many areas, registration drives are held on high school and college campuses. Additionally, forms may be completed online or in election offices that often have longer working hours and are open on evenings and weekends.

An innovative initiative to synchronize voter registration with motor vehicle registration was put into place several years ago to reduce these administrative burdens on people when they relocate. The National Voter Registration Act (the “motor-voter” law) went into effect in 1995. Between January 1995 and November 1996, almost 3 in 10 people registering to vote did so when they obtained or renewed their drivers’ licenses. However, this did not effectively increase net registrations. The percentage of voters did not increase significantly—only 66 percent of the voting age population reported they were registered in 1996, the lowest rate for any presidential election since 1968 (U.S. Census Bureau 1998). The motor-voter program has not been considered highly effective.

State election agencies have implemented many different practices in an attempt to increase voter turnout. Common practices include establishing election day holidays and employment leave policies for election days. Labor unions, such as the United Auto Workers, have negotiated election day holidays as a component of labor agreements. Some states close bars or prohibit the sale of liquor, while other states close public schools. Although these efforts may be a step in the right direction, more substantive changes must occur before voter turnout will increase significantly.

Table 2. Percent Voter Turnout of Voting Age Population, 1972–2000



IMPROVING ACCESS AND TURNOUT: WHAT ARE THE ALTERNATIVES?

The voting debacle of 2000 reinforced the need to update the election

Source: *National Voter Turnout in Federal Elections*. Federal Elections Commission.

system, a challenge compounded by uncertainties about the appropriate role of emerging technologies, the costs associated with implementing change, and whether increased voter turnout accurately reflects renewed civic engagement.

ONLINE VOTING

Despite the mobility of the modern voting population, voters today are still required to vote within narrowly defined voting precincts, a practice adopted at a time when the workplace and home were close to each other and populations were less mobile. Each year, more than 20 percent of the voting population moves and has to reregister (Goldman 1999). One alternative that seeks to address the mobility of the modern population is an online election process that can be accessed from remote computer terminals, whether they are at home, work or the local public library. According to the U.S. Department of Commerce, the percentage of households with Internet access continues to increase, and most people access their computers either at home, work or school (U.S. Department of Commerce-NTIA 2001). Additionally, public access to technology and computer resources is available at most public libraries, although an expansion of resources may be required to implement this policy. Libraries could, in essence, become the new public polling places on election day.

Several private companies specialize in electronic voting and other voting technologies. To implement an online voting system, the unique registration number issued on each voter registration card is assigned as the voter's user name and login. Unique personal identification numbers (PIN) are generated by the private vendor and are issued to registered voters by local election offices. Online voting technology also allows results to be stored electronically in a fashion similar to touch screen online voting. Additionally, an on-screen confirmation notice and printout can be generated for the voter. This method of voting has been utilized in a number of test cases. One such case involves VoteHere, a Seattle-based company, which conducted a remote access online voting pilot program in England in May of 2002.

England Online Voting Trials

In England, voters in five local jurisdictions were given the opportunity to vote online from remote

personal computers, computers at polling places or public kiosks. A secure website allowed voters to access, vote, review, and submit ballots online. VoteHere randomly generated PIN numbers for 127,000 registered voters that were not based on personal information, such as date of birth, to minimize the threat of fraud. The PIN numbers were distributed to voters personally, as opposed to using the mail service (Peterson 2002). However, if online voting were implemented in another location, PIN numbers could be issued via registered mail or regular mail, requiring a PIN activation similar to that of an ATM or credit card safeguard against fraud.

Verifying votes is a critical part of maintaining integrity in an electronic voting process. In England, voters received a printed receipt of the confirmation screen verifying their selections (Peterson 2002). The current touch screen voting systems used in the U.S. allow voters the opportunity to review their ballot prior to submitting it, but most do not provide a printed confirmation.

In the England study, approximately 15 percent of eligible voters used the Internet to vote, casting almost 9,500 votes (Peterson 2002). No long-term data currently exists on whether the online participation rate will increase with time since the pilot program began in May of 2002. The five jurisdictions in England also piloted telephone voting at the same time, using the same PIN system, making it difficult to determine if voters who used the telephone system would have voted online or in person if telephone voting were not available.

Pentagon Voting Trials

Currently, the Uniformed and Overseas Citizens Voting Act establishes voting provisions for members of the armed forces who are unable to vote at their designated precinct. The Federal Voting Assistance Program, administered by the Office of the Secretary of Defense, was established in 1986 and outlines a process for registering and providing absentee ballots for military personnel and their families. This program also provides assistance to citizens who are non-military personnel traveling abroad during an election (Department of Defense 2004).

In November 2000, the Pentagon launched a \$6.2 million Internet voting trial to test the feasibility of Internet-based registration and voting by overseas

personnel. Eighty-four members of the armed services participated in the Pentagon study. The primary purpose of the trial was to evaluate the technical performance of the voting system, its ease of use, and its ability to meet legal voting requirements. The Pentagon expanded this test into a \$22 million pilot program to further explore the viability of Internet voting. One hundred thousand military personnel and civilians located in the U.S. were expected to cast Internet votes in the 2004 presidential election. However, the Pentagon has recently canceled that plan because of integrity concerns, although it will continue to conduct studies on Internet voting overseas (Keating 2004). If successful, this alternative would eliminate the dependence of overseas military personnel on absentee ballots, which can be unreliable.

Do the Benefits Outweigh the Challenges?

In evaluating the potential of online voting, it is vital to consider the degree to which it provides a secure voting process and increases access for all citizens.

Benefits. Remote access online voting would greatly increase eligible voters' access to the electoral process, allowing voters to participate in elections at times and locations convenient to them on election day. This method would allow people who are traveling, confined to their homes, or at college to vote from any computer terminal. Remote access online voting has the added benefit of not requiring additional agencies, staff, or equipment to implement. In fact, widespread implementation of online voting may reduce the number of employees necessary at each state's election office. Instead of identifying polling locations with adequate facilities and paying rent, states could designate local libraries with Internet access as public polling places. Volunteers would still be needed to provide assistance but would no longer need to check in voters, verify identification, or match signatures once each registered voter had a unique user name and PIN. The time spent waiting in line to vote would be decreased and fewer volunteers would be needed.

Challenges. The greatest challenges for online voting systems are protecting the identity of voters and preventing fraud. Some experts argue that "using a voter system based upon the Internet poses a serious and unacceptable risk for election fraud. It is simply

not secure enough for something as serious as the election of a government official" (Gill 2001). The flaws that have emerged in Internet voting are inherent to Internet systems.

In the England trials, officials were concerned about security: "We're here to make sure any system is robust enough to withstand, potentially, quite extensive attacks on the integrity of the system and high user demand" (Peterson 2002). In a report to Congress following the initial Pentagon trials, the National Science Foundation (NSF) reminded lawmakers that Internet voting was not a cure-all. Identity verification problems, fraud, and security breaches remain major considerations with Internet voting. Nonetheless, the NSF supports Internet terminals at polling sites and kiosks at non-traditional sites, such as malls and shopping centers, similar to the implementation in England. David Cheney, an official of the Internet Policy Institute who has studied the subject of Internet voting for the NSF, believes that "despite the study's conclusions regarding remote Internet voting on a mass scale, there is hope that the process could work for smaller groups of people" (Gill 2001).

As noted above, the Pentagon recently decided not to use Internet voting for the 2004 presidential election due to ongoing security concerns. The risk of viruses intercepting or altering votes remains high. The highest security risks are with people using personal computers to cast votes through broadband Internet connections. The Pentagon will continue to experiment with Internet voting this year, using hackers to test the system (Keating 2004).

The Digital Divide. The lack of uniform access to technology among citizens presents an additional concern for online voting systems. Many states have councils or commissions responsible for studying and developing systems to reduce the disparity between individuals with reasonable opportunities to access technology and those without such opportunities. According to the Florida Digital Divide Council, "the digital divide breaks along many fault lines, including, but not limited to, education, income, ethnicity, geography, infrastructure and disability" (2003). A potential solution to this problem is designating the computers at local libraries for use on election day by people who do not have Internet access. Traditional

mail absentee voting should remain an alternative for voters, at least during the initial implementation of online voting.

VOTING-BY-MAIL

Compared to remote access online voting, voting-by-mail is a more established alternative. Monterey, California, introduced absentee voting in 1977 and today many registered voters across the U.S. participate in the election process via absentee ballots. The fundamental difference between absentee voting and voting-by-mail is that in voting-by-mail, election offices automatically mail ballots to all registered voters without solicitation, whereas people who want an absentee ballot must request one.² In 1996, eight percent of registered voters in the U.S. cast absentee ballots, double the percentage of those who did so in 1980 (U.S. Census Bureau 1998).

In a 1995 special election, Oregon became the first state to use mail balloting exclusively to fill a federal office. While Oregon has transitioned to all mail-in balloting, Colorado, Florida, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, and Washington allow some form of mail-in voting beyond simple absentee balloting (Center for Voting Democracy 2002). The Florida Legislative Committee on Intergovernmental Relations has recently released a report on the viability of voting-by-mail in the state of Florida, and Colorado is also actively considering a voting-by-mail initiative.

Do the Benefits Outweigh the Challenges?

The problems of online voting and voting-by-mail are similar; the integrity of the process is a constant challenge and the costs could be substantial. However, voting-by-mail is superior to online voting in one important aspect: with voting-by-mail, anyone who has access to a mailbox has access to the ballot box.

Benefits. Mailing ballots to all registered voters allows people to vote even if they do not have transportation, are homebound, traveling, or attending college away from home. In addition, the convenience of completing and returning the ballot during a time period other than 12 hours on election day accommodates the hectic modern lifestyle. Ninety-two percent of students in a Harvard University survey in 2002 indicated that the rate of voting among college

students would increase if the process of registering and voting by absentee ballot were made easier (Declaration of Independence Road Trip 2003).

Voting-by-mail can be implemented immediately with fewer resources than currently required for elections. Currently, election offices are responsible for two separate election processes: absentee and polling place voting. The use of voting-by-mail would eliminate many of the administrative responsibilities of the local election officials and allow for one consolidated process. Voting-by-mail would eliminate the need to acquire adequate facilities for polling locations, enlist volunteers, and pay rent for polling facilities. No new agencies or staffing would be required to implement this alternative. The State of Florida legislative committee on intergovernmental relations surveyed supervisors of elections regarding the viability of voting-by-mail: nearly 73 percent indicated that this alternative would be viable when compared to the existing voting system (LCIR 2003).

States that have implemented voting-by-mail have experienced increased voter participation. In 1994, seven counties in Washington conducted mail balloting. In the 1990 state primary, these counties had a combined average turnout of 38 percent. After they transitioned to an all mail-in ballot, the combined average turnout for the same counties was 53 percent. In the 1996 Oregon Republican and Democratic presidential primaries, which used mandatory mail-in balloting, Oregon led the nation in its participation rate: nearly 54 percent of Oregon voters mailed their ballots for the primaries (Center for Voting Democracy 2002). According to the Oregon Secretary of State, almost half of all votes cast in Oregon were by “permanent absentee” voters by 1996. Oregon responded to this trend by implementing voting-by-mail for all elections.

Former Oregon Secretary of State Phil Keisling reported that of the nearly two million ballots cast in the highly contested and partisan 1996 Senate election, there was not a single formal complaint of fraud reported. Oregon has only prosecuted one case of fraud in the 15 years the state has conducted mail elections (Center for Voting Democracy 2002).

Challenges. Critics of mail voting argue that making voters pay for return postage is a poll tax that could place an undue burden on lower income voters

and an inconvenience on others. However, one solution to this problem is to allow voters to return ballots to local election offices instead of mailing them. This is currently an option in Oregon. Again, the model is the current system of absentee voting in which voters are responsible for postage but can deliver their ballots to the local election office if they choose.

Other problems may include inaccurate addresses or ballots mistakenly sent to the deceased, which would result in undelivered ballots and additional administrative costs. Additionally, any increase in postage rates will increase the cost of voting-by-mail both for the state and the voters.

CONCLUSION

States must evaluate whether online voting or voting-by-mail are beneficial alternatives for their citizens, taking into account voter access to technology and state demographics such as population distribution in urban and rural areas. Voting-by-mail is likely to be most effective in rural communities and in areas with large populations of elderly people, whereas online voting may be most successful in metropolitan centers and among young voters.

To make remote access online voting and voting-by-mail truly viable, it is essential to devise methods to ensure that the ballots arrive at their intended location without tampering. Pilots of both alternatives have produced positive results—in the case of Oregon, voting-by-mail has been in place for several years and has demonstrated an increase in voter participation without serious concern about integrity. As evidenced by the increase in absentee voting, Americans are seeking more convenient and flexible alternatives as they continue to juggle scheduling conflicts.

Tests of online voting outside of the United States have also produced interesting results. Online voting in England was first conducted in May 2002 and will continue to be studied during the next few years. The fact that nearly 15 percent of the pilot group in 2002 chose to vote online as opposed to using other voting methods demonstrates that people are seeking alternatives to the current voting system. While the implementation of online voting in local English elections provides some useful lessons, it can be difficult to draw a parallel between successful initiatives abroad and in the U.S. Voting in the U.S. is

a voluntary act by those who are eligible, unlike mandatory voting in many European countries (Goldman 1999).

The Pentagon continues to support the online voting project. If the Department of Defense eventually implements online voting for all military personnel away from home, this may open the door for state election agencies to follow with online voting for all citizens.

Some critics have suggested that voting-by-mail and Internet voting may foster detachment from the government and the election process. However, many would argue that citizens are already detached from the process and their elected officials. Regardless, the success of any new system will depend on educating the public about the changes and providing transitional resources, such as brochures and fact sheets.

Issues of voting integrity and limited participation in elections have challenged the democratic process in the U.S. throughout history. Voting reform initiatives must expand access and restore voter confidence in the integrity of the election process: voters must know that their vote counts and that their voice can be heard.

NOTES

¹ A caveat to these statistics: the U.S. Census Bureau collects and reports data about the voting age population. Prior to 1994, the Census Bureau used voting and registration rates for the total U.S. residential population, including noncitizens, to calculate the percentage of voting age population (VAP). The Census Bureau now collects data on citizenship status so that the VAP is calculated based only on the total number of residential citizens (U.S. Census Bureau 2002).

² The process now used for absentee voting could be expanded or converted to support voting-by-mail. Absentee balloting is subject to state statutory requirements, including who counts the ballots and when, and these requirements could be applied to votes cast through a voting-by-mail system.

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