

TESTIMONY



**ELECTION REFORM HEARING
BEFORE THE GOVERNMENTAL AFFAIRS
COMMITTEE
JOE LIEBERMAN**

May 3, 2001

Thank you, Mr. Chairman. Let me start by expressing my appreciation to you for agreeing to hold this hearing today, and a second one next Wednesday, because the subject we are about to explore couldn't be any more important to our national values. Let me be explicit at the outset. This hearing is not about last year's election outcome. Nor is this hearing about Florida. It is about a much larger problem that we stumbled upon on Election Day 2000 concerning the voting process nationally. The fact is, countless Americans were disenfranchised last year. Many were denied access to the polling booth because of a breakdown in our registration system. Others cast ballots that were simply never counted. Either way, these problems strike at the heart of who we are as Americans.

Our nation was founded upon and continues to flourish under the essential principle of self-government. The integrity of any self-governed democracy derives from the right of its citizens to vote. When that right is experienced unequally, the strength and integrity of our democracy is diminished. As the majority wrote in a 1964 Supreme Court case, quote, "To the extent that a citizen's right to vote is debased, he is that much less a citizen." I would add that to the extent that a citizen's right to vote is debased, we are all that much less citizens.

Since the early 1960's, we have struggled to remove barriers – legal and practical – that have stood between

citizens and their right to vote. The sobering lesson of last year's presidential election was that the struggle is not over. Difficult as it is to believe, Americans still cannot take for granted that their votes will be counted, or even that they will be permitted to cast a ballot in the first place. We know that an estimated 2.5 million ballots cast went uncounted but we'll never know how many more Americans were denied the opportunity even to vote.

Unfortunately, we will never know how many people were disenfranchised last fall. But we do have a pretty good idea of all the things that went wrong in different places. Faulty voting equipment failed to record voters' choices. Voters received poor instructions or no instructions at all on how to mark the ballot or use the machines. Poll workers hassled voters with a supposed "one-minute" rule for voting or demanded to see identification from voters of color but not from others. In some places, there were no ballots for non-English language voters. Long lines prevented others, with a time-clock to punch or children to attend to, from voting at all, and some disabled voters faced a disenfranchising lack of access to a polling machine or place.

These were the problems confronted by those who made it into a polling booth. In cities and towns across the country, registered voters -- or at least people who believed they were registered -- were turned away at the polls by workers who couldn't find their names printed on the election rolls.

These mishaps have eroded the faith of many Americans in what they had assumed was an open and fair election system, and they are the reason this committee is holding this hearing and why so many others in Washington, and throughout America, are exploring ways to reform our voting systems. We are determined to find a solution to this nagging problem to restore the nation's confidence in every citizen's right to

vote and have his or her vote counted.

Today, we will address the problems voters had in reaching the polls – that is, in getting registered to vote and remaining on the rolls. Next Wednesday, we will look at the problems voters had - once they got to the polls - in getting their votes cast and counted.

In the last century, voter registration was the original barrier to the ballot, and, according to news accounts last fall from Maine, Virginia, Pennsylvania, Illinois, Florida, and other states, it remains a barrier today. In 1993, Congress passed the National Voter Registration Act, or Motor Voter, as it is known, with the intent of broadening the franchise by making it more accessible. The law was meant to make it easier for a potential voter to be added to the rolls, and harder for a voter to be taken off. According to a 1999 Federal Elections Commission survey, 75 percent of registration applications were submitted at motor vehicle departments, other state agencies, or by mail. Voter registration was up 4 percent in two years -- an addition of more than 7 million voters to the rolls. That is unequivocally a good thing for American democracy.

Yet, some states are still struggling to keep their rolls clean and to ensure that the applications submitted at agencies like the DMV are actually sent to the registrar with all the necessary information. And the specter of fraud is often used to argue for restricting access to registration applications and for more frequent purges of the rolls. It is not a Hobson's choice between open access or widespread fraud. Actual evidence of fraudulent voting is scant. Innovation and planning can help to deter and detect voter mischief. We are not a society governed by fear. We are a society governed by openness and freedom.

Local officials cannot and should not shoulder the blame for these problems; most do the best they can

with the resources they have. We must all take responsibility. The American people, in numerous polls, have expressed their support for improving the election system. I sincerely hope we in Congress do our part, and that President Bush will revise his proposed budget to include funds for election reform. But in working with state and local governments to craft a solution, we must be mindful that our ultimate goal is to assure all Americans that their votes do and will count.

Dr. Martin Luther King, Jr., said, "Human progress never rolls on the wheels of inevitability. It comes through the tireless efforts of men willing to be co-workers with God." Let us all be co-workers to solve this problem. Let us prove the *New York Times* wrong in its recent prediction that election reform will become "merely another partisan battleground." The integrity of our national politics depends on it. Thank you.

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