

TESTIMONY



COMMITTEE FOR HONEST POLITICS

Testimony before the United States Senate Governmental Affairs Committee

By

Daniel B. Perrin

Executive Director

Committee for Honest Politics

151 Mary Esther Boulevard, Suite 301

Mary Esther, Florida 32569

1-800-513-9538

Mr. Chairman and distinguished members of the Committee, thank you for the opportunity to present these remarks.

Concern about barriers to voting, such as obstacles to registration and location of voting places, certainly must also include the quality of public information about voting itself, including poll opening and closing times. In this context, much has been written about the networks' early calls on Florida before the polls closed in the Panhandle--the first such call occurring at approximately 6:50 Central Time, or 7:50 Eastern, when the polls did not close until 7:00 Central.

In part as a result of these early calls, at least two studies were performed to estimate whether there was a decline in voter participation in the Florida Panhandle. One survey, by John McLaughlin & Associates, estimated that the early call discouraged more than 4% more Republicans than Democrats to go to the polls; another study by John R. Loti, Jr. of the Yale Law School estimated the drop-off at about 3%, or a range of 7,500 to 10,000 Republican voters for the two studies. Our own preliminary findings, issued two weeks after the election concluded that approximately 19,133 Florida voters were disenfranchised, assuming 54 voters did not vote in the last hour the polls were open at each of the 361 polling places in the Central Time Zone. Given the 2:1 vote advantage enjoyed by Bush over Gore in the Panhandle counties, the minimum effect was a loss of 12,761 votes for the Bush campaign.

In an attempt to supplement the available data, the Committee for Honest Politics surveyed and interviewed a large number of geographically dispersed West Florida poll workers to try to understand the timing and severity of the voting decline. What was discovered, from countless interviews, and more than 40 affidavits from poll workers, poll clerks, poll inspectors and bailiffs --was that the voting decline began shortly after 6:00 Central, when ordinarily the voting traffic increases.

To illustrate this point, here are five excerpts from the affidavits:

Poll Worker, Bay County, Precinct No.23: "I have been a poll worker since the 1970's. Voting was steady all day until 6:00 PM. Between 6:00- 7:00 PM it was very different from past elections. It was very empty. The poll workers thought it was odd. It was like "the lights went out." We joked with the deputy on duty because there was no one in line for the deputy to be placed behind when the polls closed."

Clerk for Elections, Okaloosa County, Precinct No.37: "We had over 1300 people turn out with an average of about 100 voters per hour until the last hour. When the doors were open, there were quite a number of people waiting in line to vote. There was a heavy flow throughout the day, with a noted increase during the noon hour and again between 4:30-6:00 PM. Soon after 6:00, I noticed that the volume dropped to almost zero. In past elections, there was usually a rush of people coming from work, trying to get to vote before the polls closed."

Clerk of Elections, Okaloosa County, Precinct No.34: "As the Clerk, my duties included working the books, instructing people to vote, and handling the

ballots, and making

sure that things go smoothly and courteously. When the doors were open, there were about 50- 60 people waiting in line to vote. During the rest of day, there was a constant flow of voters.

We were expecting a rush after Hurlburt Field let out about 4:30. I began to get my workers to take their dinner breaks before 6:00 anticipating people coming before the polls closed. Between 6:15-6:20, I looked around and asked, "Where is everybody?" My poll workers were just as perplexed as I was. I don't think we had more than five people from 6:15 until we closed at 7:00. We had averaged 80 voters per hour until the last hour."

Deputy for Elections, Santa Rosa County, Precinct No.34: "On Tuesday, November 7, 2000, I was on duty and worked at the precinct from 6:00 AM until 8:00 PM. We have the second largest precinct in the county with 4,678 voters. I kept track of the numbers of voters per hour. There were many voters waiting to vote in the first hour and then there was a steady flow all day. By the last hour, there was a dramatic decline in voters. It is the deputy's job to stand behind the last voter in line at 7:00 PM. Eight years ago in the presidential election, there were so many people in line that the last voter did not vote until nearly 10:30 PM. When I went outside at the end of the day to tell people to hurry along, there was no one in the parking lot."

Poll Inspector, Escambia County, Precinct No.8: "I have worked elections for the past three years to include local and Congressional. On Tuesday, November 7, 2000, I was on duty and worked at the precinct from 7:00 AM until 7:00 PM for the general election. We had the usual rush in the early morning, at noon and right after work. There was a significant drop in voters after 6:00. The last 40 minutes was almost empty. The poll workers were wondering if there had been a national disaster they didn't know about. It was my observation that this decline in voters between 6:00 and 7:00 was very different when compared to previous elections. The last 30 minutes was particularly empty. There is usually a line after the poll closes. In this election there was no one."

As a result of the apparent disconnect between the early call and the voter drop, the Committee reviewed the tapes of all five Networks between 6:00 P .M. and 7:00 P.M. Central Time to see if there was anything else that might account for the timing.

What the review showed clearly is that all five Networks announced to the public at the top of the hour that the polls in Florida had closed, that is at 6:00 P .M. Central Time, that the polls throughout Florida had closed --when in fact there was still a full and obviously crucial hour of voting left to go in the Panhandle. Stated another way, when 361 polling places were open and expecting a normal end-of-the-day voter turnout, the West Florida public was told - falsely -that no voting place remained open.

With the exception of Fox, all other networks repeated the poll closing information throughout the 7 P .M. hour broadcast. The Networks both reported that the Florida polls had closed and so implied by calling the Senate race or discussing exit poll data from Florida in a way that implied or assumed the polls were closed.

The national feeds were carried uninterrupted by local Florida affiliates. One local network television reporter told me she that was in the control room on election night and angry calls from voters began flooding the television station shortly after 6:00 P .M.

CBS, for example, made at least 13 explicit statements during the hour that the Florida polls were closed, a number which increases to 18 if the statements calling Florida for Gore are included. Moreover, CBS made more than 15 additional statements implying that the polls were closed, such as statements announcing or discussing the call of the Florida Senate race or discussing the Florida exit polls results. The combined number averages out to more than one statement or reference per minute--almost three times the number of similar statements and references for the next most discussed state where the polls were closed.

In addition, CBS made frequent visual reference to a map showing which states' polls were closed and which states CBS had called. This map showed Florida's polls closed at 6:00 PM Central, and was displayed by CBS on more than 15 occasions, only a few of which coincided with the verbal reference to the polls being closed.

Mr. Chairman, the fact remains that the national news networks owe a duty to the people not to misstate on Election Day the very fundamentals of the electoral procedure itself.

Certainly, that duty would include not telling voters that the polling places were closed when in fact they were open. Essentially, if a government entity had disseminated such false information on an instantaneous and national scale, such as the national news networks did, they would be guilty of one of the most pervasive Election Day civil rights violations on record.

It may be that there is no way to precisely quantify the connection between the networks' repeated statements beginning at 6:00 p .M. Central time that the polls were closed in Florida and the drop-off in voter traffic beginning at the same time.

But the Networks owe a duty in any event not to misstate poll closing times, especially when they have been asked by the state involved not to do anything to disrupt voting in that state. Specifically, Mr. Chairman, I respectfully direct the Committee's attention to the document attached as an exhibit to my prepared statement. It is a media release the Florida Secretary of State issued to all national and local media on October 30, 2000, a week prior to the election. It asks the media to respect the fact that the polls in Florida's Central Time Zone do not close until 8 p .M. Eastern Time. The Florida Secretary of States says: "The last thing we need is to have our citizens in the Central Time zone think their vote doesn't count -because it certainly does." Yet, Mr. Chairman, that is precisely the result the national news media, by false reporting, actually achieved. (Attached is a suggested floor amendment to the Federal Communications Act. This amendment would prohibit "on the day of any federal election" any person or licensee to disseminate "any false statement concerning the location or times or operation of any polling place designated by proper state authority for use by electors in such election.")

From the perspective of safeguarding our institutions of government, the greatest First Amendment right of all is the right to vote and to vote on a basis of equality with other voters. The broader right to free speech should not cloak with immunity the misuse of the public airways by licensees who would use their privileged access to deprive, through inaccurate reporting by seemingly credible news outlets, the free franchise of others less powerfully armed.

That concludes my prepared statement.

The video tape that the Committee will now watch are excerpts from the election night network news coverage which, occurred while 361 polls in the Panhandle were still open, each of which had an average of 81 voters vote each hour the polls were open.

I will then try to answer any questions the Committee may have.

[Committee Members](#) | [Subcommittees](#) | [Hearings](#) | [Key Legislation](#) | [Jurisdiction](#)
[Press Statements](#) | [Current Issues](#) | [1997 Special Investigation](#) | [Video of Select Hearings](#) | [Sites of Interest](#)