

**TESTIMONY OF AFL-CIO EXECUTIVE VICE PRESIDENT LINDA CHAVEZ-
THOMPSON ON ELECTION REFORM BEFORE THE UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION**

March 14, 2001

Chairman McConnell, Senator Dodd, and distinguished members of the Committee:
Thank you for the opportunity to appear today and share with you the experiences of union members in the 2000 election, and to explain the AFL-CIO's perspective on the urgent national need for election reform. The AFL-CIO and its 66 national and international unions represent over 13 million workers throughout the United States. Union members reside in almost every town and neighborhood, and their experiences in registering to vote and casting their ballots are reflective of those of all Americans. And, one of the labor movement's primary missions is to foster civic involvement - - including voting - - particularly by union members and their families.

We are proud that over two million members registered to vote during the last four years, and that 26% of the voters in the 2000 election hailed from union households. Due to the labor movement's efforts, in 2000 there were 4.8 million more union household voters than in 1992. Regrettably, there were 15.5 million *fewer* non-union household voters. These potential voters have no organized voice and many are losing faith in our political system, a crisis of confidence that was exacerbated by the notorious problems many voters encountered in Florida and elsewhere last November. This mistrust will deepen and the dangers it portends for democracy worsen if Congress does not act quickly and meaningfully to address some of the more

significant problems associated with the last Presidential election in time for the next one.

Last Election Day, Florida erupted with complaints of confusing ballots, flawed voting equipment, unhelpful polling personnel, erroneous registration records and more blatant intimidations at the polls. Many lawfully registered voters were disenfranchised outright and many others cast votes that didn't count because of faulty equipment, faulty ballots or faulty procedures. When it became apparent that the state's presidential race had deadlocked, the Florida AFL-CIO and its affiliates were inundated with calls from union members eager to share their problems at the polls and anxious for meaningful relief. The Florida labor federation, assisted by staff and volunteers from other unions, participated in unprecedented grassroots efforts to document these problems and seek immediate redress so that the final tally in the state would reflect the votes its citizens had sought to cast on November 7.

As everyone now knows, however, the Florida courts, and ultimately the United States Supreme Court, shut door after door on all efforts to determine and effectuate the will of the people in the 2000 election in Florida. The election is now over as a practical matter of who was inaugurated and who was not. But the bitter experience remains fresh for many, and it presents a tremendous challenge and opportunity to spark a new national voting rights movement to ensure that the wholesale disenfranchisement of voters in Florida and elsewhere is never repeated.

The AFL-CIO is committed to reforms anchored in principles fundamental to our democracy – chief amongst them the idea that the right to vote is a right whose meaningful exercise is guaranteed to all, not a privilege reserved for the well-educated, the affluent, or the

well-connected. The labor movement has renewed its commitment to vindicating that right at all levels of government, and we are actively engaged at both the state and federal level to reform an election system whose flaws have been so starkly exposed.

Comprehensive national reform is only possible through a major federal role in setting standards and providing financial support for states' own efforts at modernizing and standardizing their voting systems. In January of this year, the AFL-CIO Executive Council endorsed the following goals for election reform, which we commend to you as useful guideposts in shaping genuine election reform.

First, voter registration should be simple, easy and designed to encourage voting through universal registration at age 18 and same-day registration and voting. Accurate and fair systems to maintain and update voter files are needed so that voters are not erroneously disenfranchised. Although the National Voter Registration Act of 1993 - - the "Motor Voter Act" - - set national standards regarding voter registration by mail and when applying for drivers' licenses, it must also include penalties for non-compliance and means for wrongly disenfranchised voters to vote after Election Day.

Second, voting itself should be easy. With rare exception, voting in national elections is conducted during limited hours on a work day, so most voters must act during the first few and the last few hours the polls are open. This arrangement is utterly ill-suited to how Americans now live. In particular, for millions of working people Election Day presents unacceptable choices among work, family and voting. And, even for those who make it to the polls, any irregularities or inefficiencies, such as the improper list purges in Florida, can prompt the

collapse of whatever system is in place to assist voters who encounter any problem while trying to vote. Clearly, we must provide time off from work for voting – either a full day holiday or paid leave during the day – and either extend voting hours or conduct multi-day or weekend elections. Also, voters should have an absolute right to vote challenged ballots if their names do not appear on the list; sample ballots and voting instructions should be mailed to voters in advance of the election; uniform and reasonable identification requirements and procedures should apply; and reasonable re-qualification of felons should be afforded.

Third, we must ensure that every vote gets counted: after all, at the very least elections must register the actual choices of all who cast ballots. Antiquated equipment, confusing ballots and the failure of election officials to give adequate assistance led to many hundreds of thousands of votes not being counted throughout the nation last November. This is a national disgrace. The solutions to these problems include a common ballot format in federal elections; first-rate, common voting technology; and effective training for poll workers.

Finally, voting rights laws should be aggressively enforced and penalties for violating voting rights must be strong enough to act as a meaningful deterrent. The Federal Voting Rights Act prohibits a wide range of conduct designed to prevent people from voting because of their race and includes a pre-clearance process applying to jurisdictions with histories of such abuses. However, the law does not explicitly allow retroactive relief except in limited circumstances. This must change.

We have a signal opportunity now to fix systems and end practices that for too long have impaired the exercise of the most fundamental right of citizenship. The raw injustices revealed

in the last election have not yet faded from public concern. This is an extraordinary opportunity to act decisively, and public expectations are rightly high that Congress will do so. Although some are cautioning that state prerogatives in election administration must be protected, the Constitution expressly reposes ultimate authority in the Congress over the times and manner of conducting federal elections. Modern voting rights legislation is premised on that authority, and election reform presents no less compelling a public policy imperative for its exercise.

For all of these reasons, the AFL-CIO urges the 107th Congress to enact fundamental reform of our current election system and dedicate government resources to achieve the goals of full and fair voter participation. The Equal Protection of Voting Rights Act which Senator Dodd and Representative Conyers will soon be introducing would accomplish these important goals. This legislation would let voters verify that they voted the way they intended to, makes sure that voters not on the rolls can cast provisional ballots, and ensures that voters will get sample ballots and voting instructions before Election Day. I have yet to see a cost estimate for this or any other comprehensive election reform proposal that amounts to more than a tiny sliver of annual federal spending in an era when huge surpluses are piling up and mammoth tax cuts are discussed as the order of the day.

History will not deal kindly with us if we fall short in either devising or funding the changes necessary to achieve a twenty-first century system for conducting our public elections.

Thank you for your efforts to advance the cause of election reform and for your consideration of the views of the AFL-CIO.