

VOTE NEVER HAD CHANCE BALLOTS AND LAWS WERE CONFUSING, POLL WORKERS WEREN'T WELL-TRAINED AND VOTERS WERE CARELESS.

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Abstract:

In Miami-Dade County, there were 10,750 ballots on which people either didn't vote for president or whose votes were not recorded by the machines. And while those punch-card machines are being targeted for the elections junk heap, each of the 6,700 devices in Miami-Dade displayed a placard warning voters in big, bold red and black letters to check the backs of their ballots for "chad." When the chad is not removed, the machines sometimes don't record the vote.

Full Text:

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Florida is not the only state with election problems -- Insight, G1Coming up

Just about everything that could go wrong did in Florida's 2000 presidential election. In a two-day series, the Orlando Sentinel looks at why it happened and how to prevent it from recurring. Today: Plenty of blame to go around. Monday: Fixing Florida's election system. Debbie Salamone Wickham of the Sentinel staff contributed to this report. The South Florida Sun-Sentinel also contributed.

Fair or not, Florida will be known forever as the state that ruined a presidential election.

For years, inefficiency, inaccuracy and incompetency plagued the state's election system. But hardly anyone noticed the warning signs until Nov. 7 -- when, like an old, neglected car, it broke down.

Given the national spotlight in determining whether George W. Bush or Al Gore would become president, Florida revealed all its election glitches: outdated and inefficient voting machines, poorly designed ballots, ill-trained poll workers and vague laws on what to do when things go wrong.

Add thousands of voters who couldn't follow directions and you got a debacle that dragged on for 36 days -- all the way to the nation's highest court. Twice.

In its opinion that gave Florida and the election to Bush, the U.S. Supreme Court found the state's election system too fractured to allow the vote recount Gore sought.

A new commission, appointed Thursday by Gov. Jeb Bush, soon will begin looking into the boondoggle. And there will be plenty of places to look -- from inattentive voters all the way up to the Florida Legislature.

THE VOTERS MISSPEAK

In Gadsden, a poor, tobacco-farming county in the Panhandle, 12 percent of the votes for president -- about one in eight -- were rejected because voters failed to fill out the ballots correctly. When Gadsden elections officials began a recount, they found something strange in their huge stack of bad ballots.

On some of them, voters had chosen nine out of 10 presidential candidates -- every candidate except Bush. These were the ballots of voters trying to follow advice in pamphlets urging them to vote for "anyone but George W. Bush."

When it comes to voter error, said Osceola County Elections Supervisor Donna Bryant, "You can't legislate competence."

In Jacksonville, 27,000 ballots were tossed out -- most of them in precincts heavily supporting Gore. Among those rejected ballots, 22,000 were so called overvotes, in which voters chose more than one presidential candidate.

In Miami-Dade County, there were 10,750 ballots on which people either didn't vote for president or whose votes were not recorded by the machines. And while those punch-card machines are being targeted for the elections junk heap, each of the 6,700 devices in Miami-Dade displayed a placard warning voters in big, bold red and black letters to check the backs of their ballots for "chad." When the chad is not removed, the machines sometimes don't record the vote.

From her seat on the U.S. Supreme Court, Justice Sandra Day O'Connor wondered why Florida voters couldn't follow directions.

"Well, why isn't the standard the one that voters are instructed to follow, for goodness sakes?" O'Connor asked during last Monday's hearing over the Florida recounts. "I mean, it couldn't be clearer."

Or so it would seem. Elections supervisors share the blame for Florida's fiasco for creating confusing ballots, hiring poorly trained poll workers and using unreliable machines.

CRAZY BALLOTS

Ellen Richman, a retired schoolteacher, fears she voted twice -- once for Gore and once for Reform Party candidate Pat Buchanan. She and many others blame Palm Beach County Elections Supervisor Theresa LePore's "butterfly" ballot.

The ballot design, which listed candidates' names side-by-side instead of vertically as required by law, led to 3,407 votes for Buchanan -- far exceeding his tally in other counties.

And many of Buchanan's votes came from precincts populated with his least likely fans: elderly, liberal Jewish voters. In other words, Gore supporters.

Buchanan himself acknowledged that those votes likely were not his. In the end, more than 19,000 ballots in heavily Democratic Palm Beach would be tossed because voters punched more than one name.

"I'm not a doddering old fool. I am a senior citizen with a college degree," Richman said. "I just don't understand how they could have given anyone a ballot like this."

In Jacksonville, a sample ballot published the Sunday before Election Day by the Supervisor of Elections Office contained instructions to "Vote every page." The instructions were changed on the actual ballot to "Vote for every group."

On the sample ballot, all 10 presidential candidates appeared on one page. On the Election Day ballot, they were spread over two pages.

Confusion caused by the two different designs contributed to the thousands of ballots on which voters picked more than one presidential candidate in Duval County, contends U.S. Rep. Corrine Brown in her lawsuit against the Jacksonville elections office.

There were more problems in Jacksonville besides ballot confusion. Voters testifying at NAACP hearings on Election Day irregularities in Duval complained of precincts closing early, falsely being listed as felons on the rolls, poll workers refusing to help and being denied the right to vote even when they were registered.

All those problems were compounded by poll workers' inability to get through to the county elections office.

Duval had 265,000 voters going to 257 precincts, but only seven phone lines to handle questions from poll workers. The result was a daylong busy signal for anyone trying to contact the elections office.

The same thing happened in Palm Beach where poll-worker instructions began with the notice that "voters should NEVER be turned away from the polling place until you have called the Elections Office and you are certain that person cannot vote!"

It was a futile reminder. Given the fiasco over the butterfly ballot, the elections office was inundated with calls, making it all but impossible for poll workers to get through. Many precincts didn't even have dedicated phone lines. At the Mae Volen Senior Center in Boca Raton, the clerk had to leave the precinct -- which is against policy -- to use a pay phone.

"I spent hours hitting the send, end and redial buttons on my cell phone -- my personal cell phone -- trying to help," said Laura Friedkin, 60, who worked at that precinct. "I had one woman who sat there in tears. This woman sat there from 6 p.m. to 7:15 solid while I tried to call. When workers started breaking down the machines, she was devastated."

Across South Florida, poll workers sent voters away because they couldn't reach headquarters to verify eligibility.

"It looked like the Keystone Kops running around all over the place," said Lou Reskin, a North Lauderdale poll worker who said he turned away at least 50 people.

Better-trained poll workers might have eliminated some of the problems. In many counties poll workers received only two to four hours of training.

In Palm Beach, elections supervisor LePore rewarded poll workers who performed well in the primary by letting them skip training for the general election. Some workers called that a mistake.

"I think I was adequately prepared for the primary because we had only 350 or so voters then," said Friedkin, a first-time poll worker. "But quite honestly, more training -- much more training -- should have been done for the general." Many poll workers are retirees eager to help and willing to work 12-hour days in

exchange for a \$90 paycheck. They come to the polls with crossword-puzzle books and good intentions, but lacking knowledge about the process.

Elections wouldn't run without the retirees, but they do make mistakes.

"Poll workers are at a premium, so it's not like you can say, 'I want 4,000 people of above-average intelligence, young and vital,' " said Broward's supervisor Jane Carroll, who is retiring.

THE INFAMOUS CHAD

Union County is one of the smallest in the state, yet was among the last counties to report results on Election Day. The reason: Every one of the 4,084 ballots for president was counted by hand.

Tiny Union in north-central Florida is the only county that does not use voting machines. Paper ballots are marked and stuffed into a ballot box.

Until now, the County Commission has balked at spending the \$60,000-\$65,000 to buy voting machines for the county's 11 precincts. And Supervisor of Elections Babs Montpetit was reluctant to change.

When Union does join the rest of the state, though, it will be with a system that uses optical scanners at each precinct. Those machines use a paper ballot -- making recounts easier -- and avoid the problems of punch-card voting machines.

"I decided about six months ago we need to pull ahead and get something different," Montpetit said. "We won't be going to punch cards, I'll tell you that."

The 2000 presidential election illustrated the problem with punch-card systems -- machines so unreliable that Massachusetts banned their use. Florida is likely to do the same at an estimated cost of \$40 million to \$50 million.

Statewide, 180,000 presidential ballots recorded no vote for president, with 80 percent coming from counties using punch-card machines. The now-infamous dimpled, pregnant and hanging chad became the subject of debate all the way to the U.S. Supreme Court.

Much of the furor centers on so-called undervotes, in which someone either didn't vote for president or whose vote was not recorded by the machine.

Typically, the rate of presidential undervotes is about 2 percent. In counties that use punch cards, the rate of undervotes was as high as 9.6 percent.

Yet even elections supervisors who recognize the need for more- accurate voting equipment find it hard to persuade their county commissions to pay for what's needed.

Every year since 1993, Broward Elections Supervisor Carroll made the same request to the County Commission: Buy a new voting system. Get rid of those chads. They could be a disaster in a close election.

"I told them, `Chads may come and chads may go, but an ink mark's forever,' " Carroll said.

Her pleas were rejected. Commissioners opted to upgrade, rather than replace.

Osceola County Elections Supervisor Donna Bryant ran for re- election railing against buying more modern voting equipment.

As a result, 1,600 ballots were discarded in Osceola, which uses punch-card voting machines.

If the machines were unreliable, Florida's election laws proved even more so -- adding another dimension to an already chaotic situation.

FUZZY LAWS

Florida's elections, in fact, are chaos by design.

State laws say that every county has the right to tally votes the way it sees fit. And the repercussions are stunning.

In Lake County, the canvassing board decided against counting votes of residents who filled in the circle next to a candidate's name but who also wrote in the same name on the ballot. The result: 3,114 ballots were not even tallied.

Across the county line, in Orange, canvassing officials counted such votes, saying the voters' intent was clear.

Such situations exist because Florida laws give the final say in counting -- and interpreting -- votes to local canvassing boards. It's part of the state's tradition of giving power to local government.

Vague, fuzzy and conflicting laws written by state legislators only added to the confusion.

On one hand, there is no time limit for manual recounts to be completed during an election contest. But there is a law requiring counties to submit final vote tallies by 5 p.m. on the seventh day after the election. That left counties in a quandary. They knew they couldn't complete manual recounts in time for the seven-day deadline.

The Florida Supreme Court granted more time for the counts because it determined the deadline and the law allowing manual recounts couldn't co-exist.

The law states that a manual count can be conducted when there is an "error in vote tabulation." But officials disagreed over what that meant. Did it mean when voting machines didn't work? Or did it mean when ballots couldn't be read?

Florida law allows for a protest phase that allows a candidate to ask for the manual counts. It also allows for the contest phase, which follows a protest. But state law isn't clear about how the protest and contest phases work together.

And if an election is contested, do you recount ballots in just some areas or statewide? That wasn't clear during Gore's contest, so the Florida Supreme Court ordered a statewide recount.

That led to the last breakdown in Florida law -- the one that defeated Gore.

Florida law has only one clue about how to define legal votes and count them: Determine the voter's intent. Bush's lawyers claimed that was unfair because there weren't any rules about whether hanging chad, dimpled chad or other anomalies should be counted. In some counties they may have been counted but not in others. The U.S. Supreme Court found that unfair and unconstitutional.

That edict turned Florida's election code upside down. Lawmakers already are planning to overhaul the state's election laws. But it won't be easy.

"I think in some ways it will be much better if they start from scratch," said Johnny Burris, law professor at Nova Southeastern University.

[Illustration]

PHOTO 3: Problems. Machines, such as this one in Miami (above), can fail if voters don't punch their ballots cleanly. Figuring out who the voter chose is difficult. A GOP observer (middle) says the chads he is holding fell from a ballot-counting machine. Even a magnifying glass (top) may not clearly show what a voter did. ALAN DIAZ/ASSOCIATED PRESS ED COX/ASSOCIATED PRESS MARTA LAVANDIER/ASSOCIATED PRESS

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