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The increasing difficulties facing American elections and possible solutions

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Abstract

This thesis proposes that two of the most serious threats to modern American democracy are declining voter participation and rising perceptions of election fraud. The thesis provides examples that these problems do in fact exist and have been becoming more pronounced in the past twenty years. Of particular interest is that in many elections, especially local elections held separately from national elections, decisions are made by fewer than thirty percent of eligible voters, raising the question of how legitimate the elections really are. The advent of computerized voting is also important as it increases the perception that fraud can occur and will be harder to discover. The thesis then provides theories about what causes are at the root of both problems, such as minority disenfranchisement, and what some possible solutions may be, along with the potential drawbacks of each.

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THE INCREASING DIFFICULTIES FACING AMERICAN ELECTIONS AND

POSSIBLE SOLUTIONS

by

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ABSTRACT

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This thesis proposes that two of the most serious threats to modern American democracy are declining voter participation and rising perceptions of election fraud. The thesis provides examples that these problems do in fact exist and have been becoming more pronounced in the past twenty years. Of particular interest is that in many elections, especially local elections held separately from national elections, decisions are made by fewer than thirty percent of eligible voters, raising the question of how legitimate the elections really are. The advent of computerized voting is also important as it increases the perception that fraud can occur and will be harder to discover. The thesis then provides theories about what causes are at the root of both problems, such as minority disenfranchisement, and what some possible solutions may be, along with the potential drawbacks of each.

The United States of America has, almost since its conception, been held up to the world as a shining example of a successful democracy. However, that reputation is now in serious threat of being tarnished. As the number of Americans that are actively involved in American government dwindles and elections are decided by fewer than half of the citizenry, can we still call ourselves democratic?

The combined forces of voter nonparticipation and the rising threat of mass election fraud may eventually create a "perfect storm" that will forever change American democracy, though not for the better. Fair and trustworthy elections are the only way to convey legitimacy upon government officials, and by extension, the government itself. If America does not prepare for the damage that this gathering storm can cause, democracy in America could falter and the country fall.

There are many who are tempted to say that there is no problem with voting in America. However, that is a simplistic avoidance reaction to a large and complex problem. Although voting rates in the nineteenth century generally saw about 75% of the eligible electorate participating (Neuborne, 18), by 1960, only 63% of the voting age population participated in the presidential election. By 1986, that number had fallen to 36.40%. Although voter turnout improved slightly during the 1990s, it has rarely passed even the 50% mark (FEC).

When looking at state and local elections, if they are held separately from federal elections, the picture looks even grimmer. Local contests do not generate as much media attention as national campaigns. Combine this with the fact that many people do not find local issues, focusing heavily on budgetary matters, as arresting as national elections, which focus more on broad social issues, and the result is even lower voter turnouts.

The Effects

The argument is made that low voter turnouts have no significant effect on the country, and therefore, remedies need not be actively sought. However, this argument is difficult to defend in the face of mounting evidence to the contrary. There are many effects of low voter turnout, several of which have been, and can continue to be, extremely harmful to the country.

Nonvoting has many effects on government legitimacy. One has only to look at the results of the 2000 presidential election to see this in action. The 2000 presidential election between George W. Bush and Al Gore was one of the closest in history. The counting and recounting of ballots finally led the United States Supreme Court to step in and stop further recounts, effectively declaring Bush the President-elect.

Whether Bush would have won after another recount is moot. The fact that many Americans feel that Bush was appointed rather than elected has, however, left a residual feeling of resentment among much of the electorate. This has manifested itself in a general hostility towards the administration and its policies by those that did not vote for him. This hostility was clearly seen in the first year that Bush was in office. His approval ratings never rose much above fifty percent. Despite the rally-round-the-flag effect caused by the attacks on the World Trade Center and Pentagon on September 11, 2001 and extended wars in Iraq and Afghanistan, Bush's approval ratings were once again hovering around fifty percent by September 2003.

There are many reasons and theories as to why Bush's numbers, when excluding national crises like those mentioned, have settled around fifty percent. When a candidate clearly receives a majority of the vote, those that did not support that candidate generally

accept the winner as being legitimately elected and move on to trying to win the next election. The knowledge that the majority was pleased and that the minority has a chance to win the next round are absolutely essential to maintaining a sound democracy and a stable society. However, when an anomaly like the 2000 election occurs, the feeling that the fight was won fairly is lost and the legitimacy of the person in office may never be fully accepted by the losers.

Unfortunately, elections like the one in 2000 are likely to increase in the future because perceived illegitimacy increases the degree of political polarization within the electorate. For example, we can look at the off-year elections of 2002. There were no big surprises in these gubernatorial elections. "Red states", or those states that voted for Bush in 2000, went redder and overwhelmingly elected Republicans. "Blue states", or those that voted for Gore in 2000, became bluer and overwhelmingly elected Democrats (Dionne, A31). While these divisions from state to state have existed more or less since the Civil War, they had begun to disappear in the 1990s. However, as suggested by headlines such as the Washington Post's "One Nation Deeply Divided", these divisions have reasserted themselves with a vengeance in the twenty-first century (Dionne, A31).

The importance of fair elections cannot be emphasized enough. If Americans lose faith that their government is fairly and rightly elected, they stop participating in the American system. This does not mean that they simply stop voting. It means that they stop being actively involved in community life, they stop supporting government actions, and may even begin breaking laws and contributing to social disorder. Therefore, if elections lose their ability to provide the American people with a feeling that their

government officials are legitimately in power, American society will begin to fray and may eventually collapse.

Of the many causes and effects of non-voting that are cyclical, the lack of fair representation is perhaps one of the most serious. People who feel that they are not being represented in any or all levels of American government are less likely to participate in elections. This, in turn, makes it easier for elected officials to ignore these groups, further alienating them. Feelings of being unrepresented or underrepresented in a democratic republic can eventually lead to segments of American society lashing out. The race riots of the 1960s are a good example of this.

The effects of non-voting can even extend as far as encouraging corruption in the political system. If elected officials only have to worry about a fraction of their constituents casting ballots for or against them, those representatives are not only more likely to be influenced by special interests in their areas, but they may also be more prone to abuses of power. Low voter turnouts imply that few Americans are interested in and paying attention to their elected officials. All of the sunshine and transparency laws in the world cannot stop abuses of power if no one ever takes the time to look at what is happening in our governmental offices.

The Causes

There are many causes of non-voting. One such cause is ignorance. Some members of the public do not vote because they do not know when or how to do so. While public schools in America historically focused strongly on civics and citizenship, that is no longer the case. In fact, there are now eleven states that do not require a single course in government or civics to receive a high school diploma (CNN Student News).

Many other states only require one, which is usually taken during the junior or senior year of high school.

Of the civics courses that are offered, many focus heavily on governmental basics, such as how a bill becomes a law. While important fundamental knowledge, these courses fail to give students a full understanding of how they can be involved in governmental processes. Also, by only offering civics courses to older students, those students that leave school before their senior year, who are more likely to be uninvolved in the political process for other reasons, are further disadvantaged by their lack of governmental education.

There are many practical difficulties that influence voter turnout. The American system of self-registration has a profound affect on voter turnout. Ignorance, long lines, misinformation, and general confusion all surround voter registration. Questions about when to register or re-register, where to register, how often it needs to be done, and how early before an election someone has to register, plague voters from Alaska to Florida.

Registration methods vary from state to state. All states are required to follow Motor Voter Laws, which were supposed to make registration easier by allowing people to register to vote when applying for their driver's license. However, if Motor Voter has had any success, it is the dubious distinction of showing that there is no quick-fix to solve all election ills. Motor Voter has, instead, caused as many problems as it tried to fix. For example, "nowhere is the situation more strange than in Philadelphia, which now appears to have as many people registered to vote as it has people eligible to vote, a virtual impossibility" (Madonna and Young, 2).

Another practical difficulty that American voters face is the distance to polls in some areas. This problem is not as uniformly problematic as registration laws. However, it does have a significant impact on voter turnout in some areas. As with many of the practical difficulties that affect voter turnout, this problem disadvantages the poor disproportionately.

The poor, especially the rural poor, are more likely to lack good transportation. In cities, those without personal transportation can usually rely on public transportation such as buses. However, the rural poor are unlikely to have similar options. Most rural poor must rely on their own two feet or the kindness of friends to get around. This provides a powerful disincentive for these people to go through the trouble it takes them to get to the polls.

Work or school hours can also interfere with voting. Polls are open for twelve hours, usually from 8:00a.m. to 8p.m., on an election day. While these hours are adequate for most voters, there are specific groups that are either unable or unwilling to go during those times. It would not be inconceivable for college students, for example, who are likely to have classes and jobs to attend daily to be too busy during those hours to be able to go home and vote. There are also many people who simply do not want to stand in line after a hard day's work.

One option for those mentioned above is absentee voting. However, the absentee voting process is full of disincentives. The current absentee ballot system is extremely complex. Each local election board throughout the country applies its own system for obtaining and casting absentee ballots. This creates confusion and errors whenever a voter changes district (Neuborne, 19).

Complicated ballot designs may also play a role in voter non-participation. One example of this is the infamous 'butterfly ballots' used in Florida during the 2000 election. Unfortunately, current ballots are designed by local officials with little or no technical expertise. Partisan interests are often allowed to shape ballot content, typography, and layout to the detriment of comprehensiveness and practicality (Neuborne, 20).

Voter fatigue is perhaps one of the more complex causes of non-voting. Voters can become fatigued when faced with frequent elections, long ballots, or both. Fatigue from too many elections in a short period of time is especially evident with local elections. Many localities are bound by law to obtain citizen authorization on certain actions, such as bond issues, before the local government can act. This can lead to many special elections if the local government cannot wait until the next general election to receive authorization to go forward.

In order to try and prevent fatigue from frequent special elections, most local governments try to group as many initiatives together for the general election as possible. This leads to long ballots with many complicated issues involved. Related to this is the use of elections at the local and state levels to fill governmental positions that are largely administrative in nature, such as the Register of Deeds or the Medical Examiner. Similarly, ballot initiatives and constitutional or charter amendments add to the length of the ballot (Ohren). It is not unusual then, for voters to ignore many offices or questions on the ballot simply because they do not want to take the time to read through each section.

Another cause of non-voting is apathy. Unlike the other causes of non-voting, apathy does not always have a clearly identifiable rationale. While much apathy can be traced back to lack of understanding, which discourages interest, the truth is that some people will remain apathetic no matter how much education and explanation they receive. Therefore, it is important to accept that there will never be 100% voter turnout.

Yet another cause of non-voting is uncompetitive elections. Gerrymandering has been rising recently, as can be seen with the 2002-2003 redistricting in Colorado and Texas to name a few. Gerrymandering is detrimental to voter turnouts because it prevents meaningful choices for voters. Gerrymandered districts generally create "safe seats" for one party or the other. Therefore, voters opposing the party that has claimed their district and independent voters may eventually give up because they feel that they have no chance of influencing the election.

Discrimination, unfortunately, can also be blamed for many cases of non-voting. Of those Americans that don't vote, it is impossible to determine how many would have liked to, but could not. Despite numerous laws and mandates that elections be accessible and fair, Americans with disabilities, minority groups, and former convicts all face unduly harsh barriers to voting.

For example, all people convicted of felonies lose their right to vote while incarcerated. However, in at least seven states, those felons lose their right to vote for life. The federal mandatory minimum sentencing guidelines for drug convictions and state level "three strikes" provisions have led to a sharp increase in the number of felons throughout the country. These felons are overwhelmingly African-American and

Hispanic. Therefore, a large number of Americans have been permanently disenfranchised due to felony convictions.

From almost the very moment the 15th Amendment was passed, there were some people that sought ways to keep black voters from exercising their right to vote. The emergence of poll taxes, literacy tests, and grandfather clauses all worked to keep potential black voters disenfranchised. While all of these practices have been outlawed, their effects have rippled throughout time and African-Americans are still one of the groups least likely to vote and one of the groups most likely to experience new forms of disenfranchisement.

We can again look to Florida in the 2000 election to see this. According to the United States Commission on Civil Rights, "restrictive statutory provisions, wide-ranging errors and inadequate and unequal resources in the election process denied countless Floridians the right to vote…On a statewide basis, while African Americans comprised about 11% of all voters in Florida in the November 2000 presidential election, African Americans cast about 54% of the ballots that were rejected in the election" (Voting Irregularities).

The Civil Rights Commission also notes that not only were African Americans less likely to have their votes counted, but they were also disproportionately purged from the voter rolls, with at least some malicious intent.   For example, "over 65% of the names on the purge list consisted of African Americans who represent only 20.4% of the [state's] population." In comparison, whites, who represent 77.6% of Florida's population were only 17.6% of those purged from the voter roles (Voting Irregularities).

Efforts to attribute those wildly disproportionate percentages have been unconvincing at best. In fact, according to the United States Civil Rights Commission, "the evidence shows, moreover, that an official of the Division of Elections encouraged representatives of the DBT Online to employ an error-laden strategy that resulted in the removal of a disproportionate number of eligible African American voters from the voting registration rolls" (Voting Irregularities). Findings such as these do more than point out weaknesses within the American electoral system; they also suggest another serious threat facing American elections, fraud.

It is not a question whether there have been cases of election fraud throughout American history. There undoubtedly have, especially on local levels. The question is how these stolen elections have shaped the minds of American voters.

It is important here to distinguish between the effects of fraud and the effects of the perception of fraud. Our interest is the latter. It is not so important when looking at how fraud affects voters to note all of the ways that fraud weakens American government. Instead, it will be more useful to look at how perceptions of fraud turn voters away from the polls.

Beyond any of the aforementioned causes of voter nonparticipation, fraud has the ability to truly repel potential voters. All of the practical difficulties related to voting can be overcome if people are willing to work for it. However, what incentive is there for someone to overcome those barriers if, in the end, their vote does not count?

Since the United States' very first election, there have been accusations of foul play and nefarious plotting. However, with the advent of the computer the number of

questioned elections has risen and there is a growing concern among the American public that election fraud is on the rise.

For example, in 1992 the book Votescam: The Stealing of America, by James and Kenneth Collier (New York: Victoria House Press, 2000), was written carefully detailing accusations of election fraud in Florida. (Note: while Florida coincidentally provides numerous examples of election irregularities, it is by no means the only state to do so.) This book names names and points fingers at many high-ranking United States officials and does so convincingly.

As more books like Votescam become popular, the American public will be increasingly convinced that election fraud is occurring and spreading. Once again, the presidential election of 2000 is illustrative. The many anomalies and contested results left many Americans unsure about whether the election was fair. In fact, three years later, there are still many Americans that believe that the election results in Florida were fraudulent.

Perceptions of election fraud are more likely to increase than decrease in the future. The advent of computer voting has increased the chance of fraud exponentially, while making it harder to discover. For example, touch screen voting systems, now being used throughout the country, are full of security holes. A report by the Information Security Institute at Johns Hopkins University stated in no uncertain terms that the touch-screen machines are full of holes and that "common voters, without any insider privileges, can cast unlimited votes without being detected" (Boutin, 1).

Most of the current criticism of computerized voting machines is aimed at Diebold. Diebold currently has about 33,000 machines in use nationwide, but that

number is expected to jump by tens of thousands each year, due in large part to HAVA, the Help Americans Vote Act passed in 2002, which requires that state and local governments update their election equipment (Boutin, 1).

The Johns Hopkins report is especially scathing of Diebold's machines, stating that, "the code is riddled with unauthorized privilege escalation, incorrect use of cryptography, vulnerabilities to network threats, and poor software development processes" (Boutin, 1). The report even accuses the Diebold systems of allowing a hacker to steal votes by using only a $100 printer.

Americans could probably be convinced that faulty systems were just a business mistake with no ill intentions really meant. However, it will be harder to convince them if people such as Walden O'Dell, Diebold's chief executive, had not been caught making statements such as that he "was committed to helping Ohio deliver its electoral votes to [President Bush] next year" (Gumbel, 2). When faced with statements such as those, coupled with the inexcusable security flaws in its systems, it is no wonder that more and more Americans look skeptically at today's election results.

Perhaps the most fatal flaw of computerized voting systems is that their results cannot be challenged. Some would argue that elections unable to be challenged were the point of HAVA from the very beginning, that it was, in fact, the very intention of a President that barely escaped from a challenged election as it was. This accusation is impossible to prove, but also to disprove.

If there is no paper trail, there is no way to go back and search for fraud. Rerunning a computer's memory would simply give the same results as the first report,

without there being any way to determine if those numbers were, in fact, accurate portrayals of votes cast.

Internet voting is also unforgivably vulnerable to fraud. According to a report headed by Aviel Rubin of Johns Hopkins University, internet voting could compromise the security of secret ballots, allow multiple voting, and would be vulnerable to tampering from both internal and foreign sources (Schulte, 3).

The Solutions

Education has the potential to be one of the simplest and most effective ways to increase voter turnout. When public education began in the 1800s, its primary focus was on citizenship, on educating Americans how to be Americans. Over the last two hundred years, that tradition has been forgotten as public education's goals have changed.

Instituting four years of civics courses from grades nine to twelve would go a long way towards improving voter turnout. Currently, only thirty-nine of the fifty states require even one civics or government course to receive a high school diploma. Even in those states where a course is required, it is often overly simplistic and generally offered only to juniors or seniors. By requiring four courses, topics such as economics and law could be covered. Requiring four courses would also allow those students that will eventually drop out of school to receive at least a basic understanding of the rights and duties of being a United States citizen.

Working to ensure that the nation's young grow up understanding how the country works would improve voter participation because a better-informed citizenry automatically equals a more interested citizenry. If American students understood what

was being done and had a more accurate way to measure if a policy or program was successful, they would be more inclined to express their opinions through voting.

A better system of education would also work to encourage voter turnout by making the government more accountable to the citizenry. A public that understands basic governmental concepts is better able to know when their representatives have good ideas or are trying to equivocate. This would lead to better government, which would also encourage more people to vote.

Implementing more civics education is not a perfect solution; it would have problems of its own. There are costs associated with beginning any new educational program; there are new teachers to hire, new books, classrooms, and administrative costs. These costs are not prohibitively high, but the public education system is not currently in good financial health and many states would be hesitant to incur new costs.

Another consideration that would need to be taken into account when implementing this proposal is what other classes would have to be canceled to make room in the curricula for more civics classes. While many schools could cut programs such as study hall or library without much trouble, many other schools may be tempted to cut arts classes or other less 'fundamental' classes. Cuts in these areas would have profound consequences of their own and a healthy public discussion of the pros and cons of cutting anything would be needed before any action is taken.

Another change that could improve voter participation would be to assign independent judicial councils to determine voter districting. Gerrymandering, especially when used as blatantly as it is today, erodes voter confidence in a democratic system. Independent judicial councils would take most of the politics out of districting. Fair

districts would encourage voter turnout by increasing the competitiveness of election contests.

One of the many options considered for increasing voter turnout rates is making federal election days a national holiday. A holiday would place a new emphasis on elections, giving them more importance. While a holiday would certainly remove the practical difficulties of work and school for most citizens, it does have a few drawbacks. There are economic costs to every national holiday. Businesses, banks, and markets close and, therefore, little economic progress can be made. There are also people who argue that a national election holiday would just encourage people to sit around and do nothing instead of actually going out to vote. However, other countries, such as Canada, have successfully applied this technique to improve their voter turnout rates.

Although there are many concerns about new voting technologies, there are also many potential benefits of new technologies. Of those, error-correction technology has shown great potential to help voters avoid mistakes that might result in their vote being discarded. One example of this technology was studied after the 2000 election in Illinois. Of those counties studied, those that used optical scan technology with error-correction had an error rate of 0.88 percent, which was vastly superior to the 4.08 percent rate of error in neighboring counties that did not use error-correcting technology (Judis, 1). Error-correction technology would help prevent ballots spoiled by "over-voting," or voting for more than the allowed number of candidates for each office. This technology could encourage voters that are either afraid of or confused by voting technologies. The two groups most likely to be encouraged by this technology are seniors, although they have the highest voting rates of any age group, and young voters, which have the lowest.

By giving young, inexperienced voters a way to ensure that they have done everything correctly, this technology may encourage more of them to vote, although it is important to remember that the 18-25 year-old age group has low voting rates for many other reasons as well.

Although perceptions of election fraud are difficult to counter directly, there are many, relatively simple ways to prevent fraud from occurring which could go a long way towards altering bad perceptions as well.

The most obvious and simple way to address fears about touch-screen voting machines and fraud is to ensure that paper trails are preserved. A federal law mandating that every touch-screen machine must also print out a paper ballot for the voter to certify would address many citizen fears that their votes are going into a black hole. It would also allow for recounts. As of January 2004, Rep. Rush Holt had introduced a bill to require that all machines have a verifiable paper trail by the 2004 elections and that surprise audits be conducted in each state (Krugman, 2). If this bill passes into law, many concerns about computerized voting could be allayed.

Also, the idea of internet voting should be abandoned completely, at least until better and more secure technology is created. Internet voting would be especially vulnerable to hackers, not only from within the United States, but also from any country around the world. This type of voting system would also be vulnerable to identity thieves, who could steal thousands of identities and cast ballots with them without the state ever knowing. Internet voting is also undesirable because of the lack of a paper trail. There is no practical way to allow voters to certify that the computer did in fact

record their votes correctly and preserve that on paper in a way that would allow recounts.

Although preserving paper trails is one of the simplest and most effective ways of reassuring voters that election fraud is not occurring, there are several problems related to implementing this solution. There is a cost associated with the purchase of the paper, ink, and equipment needed. These costs may be significant as the three largest companies that provide voting machines seem more inclined to discourage paper printouts than allow for them. For example, "ES&S [Election Systems & Software] claims it will be able to add a printer to the existing machines for $500 each – a 10 percent markup" (Boutin, 3).

Another very simple way to help solve the problem of election fraud is simply to provide better training for election workers. Most election workers are volunteers and state and local governments do not want to risk turning them away by requiring intensive and tedious training. However, since many volunteers are already willing to donate a significant amount of time, they may not be as unwilling to donate a little more for training as many officials may think.

Although current training methods seem to be fairly effective, in that election workers are able to keep polls running relatively smoothly, specific training in detecting fraud could still be useful. This type of training would allow election workers to be better able to notice obvious cases of fraudulent activity, such as one person coming in to vote under many different names, and may even allow them to notice more covert activities, such as the use of fake voting cards.

Increased training may also become more important as new voting technologies are introduced. Since many poll workers are retired or senior citizens, some find themselves intimidated and confused by the new technologies (Beaudry, 12). This confusion leads to delays at the polls because workers have difficulty setting up the equipment, checking for problems, repairing minor equipment problems, and assisting confused voters (Beaudry, 13). These problems have the potential to increase non-voting by turning away impatient voters and also could allow fraud to occur while poll workers are busy trying to figure out the technology. Therefore, better training for election workers would have many benefits above and beyond limiting fraud.

Another potential solution that would help counteract public perceptions of fraud would be the creation and enforcement of stricter penalties for vote fraud. There are currently thousands of local, state, and federal laws stating what constitutes vote fraud and what penalties those actions call for. However, very few cases of vote fraud are ever handled through the nation's court system and those that are brought rarely result in convictions. The main problem for enforcing election laws lies in the fact that vote fraud is notoriously difficult to prove. Even when there is a significant amount of suspicious activity, it often is not enough to bring about a guilty verdict. Therefore, government prosecutors are leery of bringing such cases in the first place.

Creating stricter penalties for fraudulent behavior and better defining what constitutes such behavior could help deter would-be frauds. Currently, most penalties for election fraud consist of monetary fines. Changing these penalties to make all, even those considered relatively minor, fraudulent activities felonies and increasing the monetary fines could deter some frauds. Another way to discourage candidates

themselves from encouraging frauds would be to create laws that would demand a new election in any case where fraudulent activity is proven. Currently, the only person who is punished in election fraud cases is the person that *physically* committed the fraud. Since the elected official that benefits from the fraud is extremely unlikely to have personally committed it, there is little incentive for candidates to actively discourage fraud. However, if every proven case of fraud led to a new, fair election, there would be little point for the candidates to allow fraud to occur. This system could be especially effective since a candidate who could have potentially won without the help from fraud will be unlikely to win after the electorate has been made aware that they were, even indirectly, related to election fraud. Therefore, candidates would have an incentive to work actively to discourage fraudulent activity, even if it could benefit them.

Another problem that stands in the way of enforcing election laws is that many of the people charged with investigating claims of vote fraud are elected officials. While the vast majority of these officials probably act in an ethical manner, the fact remains that these officials may be tempted to ignore some cases of alleged fraud in return for securing their own positions or promotions. Therefore, the only way to truly assure the public that all cases of alleged fraud are dealt with seriously is to create an independent, national review board to investigate allegations of election fraud. Such a board, perhaps consisting of members with lifetime appointments, would remove investigations of election fraud from localities, thus assuring a more objective investigation.

The United States Commission on Civil Rights also suggests that

> "Complaint filing and resolution should take place outside the authority of the
> chief election official's office, or the offices of other state or local election
> officials, so individuals are not forced to file a grievance with the same entity

that committed the alleged violation. The Commission thus recommends that the U.S. attorney's office in each state be designated as the entity responsible for complaint resolution. Procedures for responding to complaints must be clearly defined to include strategies for investigation, timelines, and guidelines for remedies. Oversight of state procedures to ensure voting fairness should rest with the Department of Justice's Civil Rights Division, which should perform random administrative audits of precincts' voting procedures. In addition, instructions for filing a grievance must be readily available and highly publicized so that voters are aware of their rights and options" (Election Reform).

As another precaution to reassure voters that elections are not being tampered with, the Commission recommends that "states allow 21 days after an election to perform the necessary administrative and counting duties associated with elections, as well as any necessary recounts. State election officials should be prohibited from "calling" an election until such a time when *all* votes have been counted, discrepancies resolved, and voter complaints addressed. States should develop clear guidelines and/or modify existing regulations for the conduct of election certification, giving consideration to all possible scenarios" (Election Reform).

While nonvoting and election fraud are serious and complex problems, there are many options available to improve the electoral system in America. The only thing that appears to be lacking is the willingness of the country to address these problems seriously. The Help America Vote Act (HAVA) is a start, but it has been plagued by technological and funding problems. What remains is, in fact, the commitment of the American politicians, government officials, and citizens to securing America's future by truly creating fair and democratic elections.

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