Election Reform
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The Harrisburg cognoscenti are reacting with a combination of cynicism and bemusement to the avalanche of election reform proposals made in the aftermath of Florida’s presidential election. The Old Wise Ones have seen it all before --a perpetual succession of great reform movements coming to nothing -- local tax reform, judicial merit system reform, local government consolidation and campaign finance reform, just to cite the most recent examples. The list is long. The reforms are few.

Not that Pennsylvania’s election system doesn’t need some reforms. The specter of Florida’s turmoil in the aftermath of Election 2000 has conjured up a nightmarish scenario for Pennsylvania election officials: What if it had been Pennsylvania instead of Florida?

If it had been Pennsylvania, it would not have been pretty. Pennsylvania is not immune to the problems that plagued the Sunshine State. Indeed, some doubt that the election would yet be settled. The causes for the concern are clear enough. Pennsylvania’s election laws and voting procedures are antediluvian, inconsistent, and byzantine. And that’s when they work.

If you sat down and tried to design a system likely to go haywire, you could not do better then the existing Pennsylvania election process. For starters, county governments decide what voting devices people use when they vote and the practices, similar to Florida, are not uniform -- either across counties or even within some counties. Twenty-one of 67 counties --including Philadelphia and Allegheny -- use mechanical lever machines, a system considered so outdated that the machines themselves are no longer even manufactured. Nor are these the only evidence of the state’s antique election system. At least three Pennsylvania counties still use paper ballots.

Recounts, if necessary, are unbelievably onerous as well as costly. In fact, there is no statewide system in place to carry out a recount. Under existing law it would have to proceed precinct-by-precinct under a court order issued within the county. A statewide recount would require 67 separate court orders and cost a half million dollars or more.

Nor do the problems end there. Opportunities for fraud are widespread and human errors are not uncommon. The Philadelphia Inquirer recently reported that in Philadelphia’s presidential vote numerous errors involving thousands of votes were made because of simple transcribing and arithmetic mistakes. By consensus, Pennsylvania’s election system is a disaster waiting to happen.

The really bad news is that it’s a disaster that probably will happen. In fact, the smart money in Harrisburg is betting on it. Part of the reason for pessimism is the strong tradition of anti-reform that permeates Pennsylvania history. Reform is not a word that glides off the tongue when describing Pennsylvania politics or government institutions. Change is slow here -- very slow. When it comes, it is incremental, at the margins, and not very progressive.
But an equal part of the reason election reforms won’t happen is the way the “reform script” gets written in PA politics. It will go like this: For a while the pols will trip over one another introducing, proposing and advocating measures to bring the states election process into the 21st century. They will make speeches, sponsor legislation, appoint task forces, hold hearings, schedule press conferences, publish newsletters, and issue endless press releases. Reporters will file stories and editors will write editorials. Interest will grow and hopes will rise. And finally, ultimately --nothing much will happen.

Nothing much will happen because -- after all the hoopla dies down, three unpleasant facts will have been uncovered--the same three unpleasant facts that are always uncovered when serious reform is discussed in Pennsylvania. Let’s call them the three C’s: Cost, Change, and Conflict. The first cost is usually about money, more precisely the money it will take to get the job done. . Election administration in Pennsylvania is mainly the job of county government and these entities are not exactly flush with cash. Moreover, they are already overburdened with unfunded mandates, including millions for the cost of running the county court system, despite a decade old Supreme Court order that the legislature cough up the money to pay for court operations. Bottom line: State government gets to pay for election reform, but will never fund its commitment, if it makes one. Nobody knows what it will cost, but just buying modern equipment for California is estimated to cost 300 million.

Then, the second C, the threat of change, will be uncovered. Election reform will mean change. Change means conducting elections differently. Counties, for example, will oppose relinquishing control over the conduct of elections. Candidates may have to file their petitions earlier. Poll workers may have to be supervised differently. State government may exercise more control. For sure, counties will be asked to do more with less, continuing a 50-year old tradition of legislative mandates with inadequate funding.

Finally, the third C, and usually the most fatal to reform, will be uncovered. Reform brings conflict. In the beginning, most will agree about what needs to be done. But soon not everyone will agree about what to do or even how to define the exact dimensions of the problem. Other issues will be joined to election reform. Campaign finance reform, for example, will vie for attention, as probably will proposals as diverse as restoring voting rights to ex felons or providing for same day registration. It will get messy.

So in the end, the three C’s will prevail. Monetary cost, the threat of change, and the reality of conflict will doom meaningful election reform, just as they many past reform efforts. Reform may not be, as some have claimed, a dirty word in Pennsylvania. But it is still a Pennsylvania oxymoron.

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