“Let every vote count”. That was the mantra of the losing side in the 2000 presidential election. And a good mantra it was. But, why do only election losers worry about ballot integrity. Have you ever heard of someone winning an election, and then calling for an investigation into the voting process? Hmmm!

In any case, the Florida election vote dispute has spawned scores of election study groups; every state has one, some states like Pennsylvania have several. Most of the attention has focused on antiquated election machinery, mismarked ballots, polling place foul-ups, and mistakes with absentee voting. That’s not surprising. Americans mostly vote using technology, and election laws in most jurisdictions are more than 40 years old. No area has been more neglected by state legislatures than the modernization of election machinery. Attention to it is long overdue.

But, virtually ignored in this latest wave of electoral reform are the painful lessons to be learned from the last wave of electoral reform. The lesson concerns, of course, that bureaucratic monstrosity officially known as the National Voter Registration Act of 1993, but more commonly known as Motor Voter. This little blunder of a federal law came to the states as a way to halt declining voter turnout. Democrats lauded it as the panacea for increasing voting participation. Republicans saw it as little more than a Democratic ruse to register the nation’s urban poor as Democrats. Both were dead wrong.

As passed by the Congress and implemented by Pennsylvania state law, Motor Voter seems innocuous enough. The state is required to provide alternative voter registration methods, including when a person renews or applies for a driver’s license. One can also register in unemployment and welfare offices and in many other state offices as well.

As expected, Motor Voter did create a dramatic increase in voter registration. Almost two million new voters registered in the state between 1995 and 2000, while the voting age population of the state changed very little. In some areas there are now more registered voters than there are people eligible to vote. In Allegheny County, for instances, 18 municipalities have more registered voters than voting age adults. Philadelphia is the best example of what might be termed “registration inflation”. There, the number of voter registrations jumped 24 percent from 850,000 to almost 1,050,000 since 1995 - while the city’s population was declining about 12% from 1,121,000 to slightly more than one million.

So, voter registration has increased - that’s the good news. The bad news is that it’s worse than meaningless. The voter rolls are now filled with chronic non-voters, most of who have never voted and have no intention of voting. These phantom voters are registered simply because they were offered the convenience of registering to vote in some state agency. They were asked to expend no effort to register - and they expend the same amount of effort casting a ballot on election day.

In this respect, Motor Voter has been a colossal failure. Voting turnout in Pennsylvania statewide elections has remained flat. In fact, voting turnout in one governor’s election (1998) and two presidential elections (1996,
2000) are slightly lower than the three comparable elections held immediately before the 1995 state law implementing Motor Voter was passed by the legislature.

But while Motor Voter has not worked as anticipated, it has produced some unanticipated consequences-- and they are mostly bad. A series of intricate and arcane provisions in the law requires seven separate, complicated and expensive procedures for maintaining accurate voter registration lists. Many of these procedures deal with removing non-voters from the rolls, a process that may take as long as eight years to accomplish.

As a consequence, registration lists are in a sorry state. No common sense method exists to remove easily the invalid names from the ranks of the voter rolls. County election officials now admit that registration rolls contain the names of the dead, of felons, of non-citizens, of those who have long since moved into another county.

As far as reported, actual voter fraud has not altered the outcome of a major Pennsylvania election, but anecdotal information provided by county election official indicates voter fraud is potentially a serious problem; it could not be otherwise given the flawed state of registration lists. County election officials cannot even require a photo ID for authentication on mail-in registration or when people show up at the polls to vote.

But producing an embarrassing post mortem of Motor Voter is not the point here. Far more important is to understand why a well-intentioned election reform like this one has produced so many negative consequences. The answer is not complicated. In formulating Motor Voter, as with other “reforms,” Congress didn’t take the time to think through the problem it wanted to solve. It committed what has been called “Type III error “ (after statistical proofs). It defined the wrong problem, then legislators proceeded to solve it.

In Motor Voter the problem was defined as getting more people registered; in truth, the problem was getting more people to vote. People fail to vote for many different reasons. Registration is only one of them, and probably not a major one. For one, we have many elections in this country - one estimate is that about a million offices are filled every four-year cycle. It isn’t unusual for a voter to face five or more elections in a single year. It can be hard to take seriously one more election when there are so many.

Another factor in non-voting is the lack of competition in most elections today. With incumbent re-election rates hovering around 90 percent for most offices, it’s easy to understand why voters don’t think their votes are important.

Then there is the plethora of negative advertising that saturates the airwaves with monotonous regularity around election time. If you think campaigners use negative ads to get more people to the polls, then we would like to show you a slightly used bridge in Brooklyn that’s available cheap. The dirty little secret of American campaigns is that negative ads are largely used to discourage voting. When they work, they suppress voter turnout for the other side.

The point here is simple. If we really want to do something about low voting, then we need to give up our fixation with quick fix techno solutions or legal fixes. Instead, we need to understand better why people really don’t vote. Hint: it’s not because they are not registered.
“Voters,” as the political scientist V.O. Key famously remarked, “are not fools.” And they know when they are being fooled with. Too many voters today either think their vote doesn’t matter in the outcome or believe the outcome itself won’t change much. Too often they are right on both counts. Until that changes, voting rates in the U.S. won’t get better.

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