

The Electoral College and the Disputed 2000 Presidential Election

By Deanna Jaroszeski, Frostproof Middle-Senior High School

I. Lesson Summary

Summary

The presidential election of 2000 is one that will definitely go down in the history books, especially for Florida. The best way to start is with the Electoral College, which is how the whole state's electoral votes went to George W. Bush. With a total of 25 electoral votes he was able to win the presidency as one of, if not the most, powerful man in the world. We need to ask how he got there and how Florida was involved. The nation sat on the edge of its seat for several days as the recounts began and stopped, and then began again, and then finally stopped by a ruling of the Florida Supreme Court. Once recounts stopped completely, Florida Secretary of State Katherine Harris declared that the electoral votes for the state of Florida would go to George W. Bush. Florida became the punchline of some pretty cruel jokes due to the confusion many people felt while casting their vote; Floridians were called simple-minded. There were people that were not sure which box to punch on their ballots. Some ballots were accidentally thrown in the garbage. Some citizens showed up to vote but were turned away with the excuse that they had been disenfranchised. Some people felt that they were intimidated by police roadblocks and officers outside of polling places. There were many people that did not get a chance to exercise their right to vote. Absentee ballots were not counted. The list goes on and on.

Objectives

Students will:

- 1.) Understand the Electoral College process and be able to explain it to others.
- 2.) Graph the results of electoral votes and popular votes in disputed United States presidential elections.
- 3.) List several reasons many votes did not count or were not counted.
- 4.) Explain why Florida is such an important state for presidential candidates to win.
- 5.) Summarize the events of the 2000 presidential election.
- 6.) Synthesize an entry for their "History Alive!" notebooks.
- 7.) Describe the way disenfranchised voters felt as they realized they would not have a say in the leadership of our country.

U.S. History Event or Era

This unit could be used for American History, Florida History, Civics or Government.

Grade Level

This lesson is designed for middle or high school social studies classes

Materials

Overhead projector, Transparency of election totals, copies of readings, construction paper scissors, markers, and glue.

Lesson Time

The lesson could take two or three days. If you do the anticipatory set and discuss Electoral College system it will take three days. To collect and copy materials takes one to two days. This lesson is day number 4, 5 and 6 of a unit on elections.

II. Lesson Procedures

Procedures

Day One

- 1.) Assign each student a number, from one to thirty or your highest class population. The numbers will be assigned to create a better simulation experience for each student.
 - a.) Assign students that are frequently in the office or serving detentions numbers #1-4;
 - b.) Numbers #5- 20 should go to students that are usually motivated;
 - c.) Students that are of a seldom-motivated nature should be given #21-25;
 - d.) All other students should be given #26-30.
- 2.) As the students enter the room, give each one a card with a number from one to thirty. Tell them this will act as their voter registration card. Tell them they will be voting today for something your students would enjoy. I tell them they will vote for more extra credit or for a place to go on the team fieldtrip; no homework for a week or month is also motivating. My students usually want extra credit or no homework. Write on the board what they will be voting for during the class period. It is important to give them two good things to choose from.
- 3.) Briefly go over vocabulary:

absentee ballot	precinct
ballot	poll
direct vote	swing vote
disenfranchisement	voter roll
early vote	electoral college
- 4.) Have the students vote now for whatever motivators are being used. Tell them they will know the results as soon as all of the votes have been tallied.
- 5.) Pass out copies of Reading Passage #1 ("Origins of the Electoral College," by William C. Kimberling). Read through it as a class and discuss the electoral process.
- 6.) Pass out copies of the U.S. map (you may use the Overhead Transparency Master F-10-2, included in the "Activities" section). On the overhead project an Electoral College map. Discuss why some big states have fewer electoral votes while some small states have several more. Have the students put the number of electoral votes in each state.
- 7.) Send the kids home to ask parents what they know about the Electoral College. Tell the students to ask their parents what are the pros and cons of the Electoral College system.

Day Two

- 1.) On the board have a message that says some ballots were lost and some were marked incorrectly. Once these are found and counted we will know the outcome of the voting.
- 2.) Have the students get into small groups and discuss what they learned from their parents about the Electoral College. Ask them to write a list of the pros and cons of it.
- 3.) After each group has finished have them tell the class what they think are the major issues of the Electoral College.
- 4.) On the overhead put up a transparency with the heading "Open to Debate: Keep or Get Rid of the Electoral College?" Pass out to each student Reading Passage #2 about the pros and cons of the Electoral College system (in the "Activities" section) and have them read the author's findings. Discuss

the reasons and compare the pros and cons the students gave after speaking to their parents. List some of the findings on the transparency.

- 5.) Each student will design a "History Alive!" notebook page on the electoral college system. The best from each class will be chosen as the entry everyone will put in their notebooks.
- 6.) As the students are getting ready to leave remind them we should know the vote outcome the next class period.

Day Three

- 1.) On the overhead put up this quote from Section 11 of the Voting Rights Act of 1965:

"No person acting under...law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote."

- 2.) Tell the students the outcome of the vote from the previous day is still not decided and you are not sure how long it will take to finalize. Tell them it reminds you of the presidential election of 2000 between George W. Bush and Al Gore. Tell them we are having some of the same problems right now that occurred in the 2000 election.
 - a.) Pull out the voting cards from the Day One lesson. Tell them some of these votes cannot count.
 - b.) Everyone with #1-5 have been denied the right to vote due to detentions and ISS they have had to serve.
 - c.) Tell #5-14 that their ballots have been lost and they will not be allowed to vote again, and tell #15-20 their votes are fine and will count.
 - d.) Tell #21-25 that you have their votes but they will not count since they were turned in late or incomplete.
 - e.) The ballots of #26-30 are just fine and have been completed properly, so they will count.
- 3.) Tell the students that we should look at the disputed election in 2000. As the citizens of the U.S. sat home listening to the news reports of the election and waiting to see who would be the next leader of the free world no one expected the events that occurred in the state of Florida. A nation and the world were anxious to get the final count. That did not happen for a few weeks. The world political leaders were as shocked as the Americans were, but no one was as shocked as the people of Florida. There were major problems with the voting systems being used around the state: ballots were lost, some counted twice, and some absentee ballots arrived too late. There were things called "hanging chads" or "pregnant ballots." Others had been turned away from the polls after being told they had lost voting rights for crimes committed by them. Some voters claimed that police roadblocks intimidated them, as did license checks near the polls or police at the poll sites. Polls closed early, therefore denying those precinct voters their civil right to vote. There are numerous disenfranchisement complaints on public record (the U.S. Commission on Civil Rights has many listed in the official report approved by the Commission on June 8, 2001).
- 4.) Pass out copies of the reading passage titled "Voting Irregularities in Florida During the 2000 Presidential Election." List what the commission found to be the major problems (voter disenfranchisement witnessed by both potential voters and poll workers, polling places moving without notice or closing early, "motor voter" issues). Assign student groups one of these major problem areas of the 2000 presidential election in Florida and have them become "experts" on this problem with the objective of leading a discussion on this issue (**Optional:** have students perform "act-it-outs" based on the firsthand accounts provided in this reading passage).
- 5.) Discuss-- not only did the 2000 election open our eyes to major voting problems in Florida, it made us all look back on the popular vote versus electoral system.
- 6.) Discuss the process that took place in the days following the 2000 election. As votes came in it initially looked as though Vice President Al Gore would be the new leader of our country. As the evening went on a nation waited. Most of us just went to bed thinking we would find out the results in the morning; we

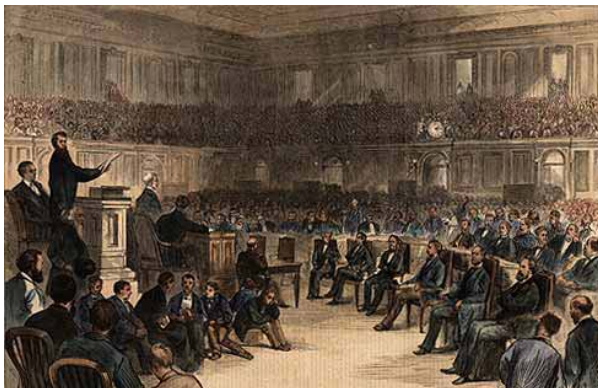
couldn't have been more wrong. It would be weeks before we would see an end to it. It would eventually come to an end at 9:00pm on December 13, 2000. Al Gore conceded that he had lost the election. He asked his supporters to support Bush, saying "This is America, and we put country before party."

- 7.) Tell the students that the two political parties and their lawyers were in and out of court with requests to recount the ballots by hand because machines messed up. Some people had problems with understanding the ballots and made mistakes. Recounts began and ended a few times. The court system got involved in the battle. Some say the courts were crossing the line by declaring the new president. This was because Al Gore had won by popular vote, but lost by electoral votes. Florida's Secretary of State, Katherine Harris, ordered the recounts to begin and then ended them. Katherine Harris had been involved in the politics of Florida for many years. She was a Republican, which caused many to question her objectivity. The Republicans were happy with her. She has since been elected to a higher office. Many say she deserves her new job because she has worked hard. Others say it was in return for declaring Bush the winner. Also involved was the fact that Governor Jeb Bush of Florida was the brother of George W. Bush; many accused the Republicans of nepotism and buying the election with favors. Others feel that the Democrats were not giving credit where credit was due, and that Bush won fair and square.
- 8.) Another accusation was made that the Republicans were racially biased in their actions. Numerous reports in the "Commission on Civil Rights" documented disenfranchisement of minority voters.
- 9.) Ask the students if we should elect our leaders with popular vote or electoral vote? Use Overhead Transparency Master F-10-1 (found in the "Activities" section) to show the results of the last three presidential elections (2004, 2000, & 1996). If able, find the results of some other disputed U.S. presidential election and display them as well (other disputed elections are—1800, 1824, 1876, 1888, 1960).
- 10.) Have students make circle graphs of the 2000 election results. They will make four: one for popular vote and one for electoral votes for each candidate. They must also show that Gore won the popular vote by 543,895 votes yet Bush won by just five electoral votes. They will need construction paper, markers, glue and scissors (use the circle graph method on page 37 of the Dinah Zike's "Our World Today" Foldables).
- 11.) Once they have completed the graphs, glue them into a two-tab book (also found in Dinah Zike's Foldables on page 18). They must also show that Gore won the popular vote by 543,895 votes, yet Bush won the presidency by just five electoral votes.
- 12.) Before the students leave, tell them the results of the vote they participated in.
- 13.) Assign the assessment activity of your choice.

III. Activites

Reading Passage #1 - "Origins of the Electoral College"

By William C. Kimberling, Deputy Director of the Federal Elections Commission
(as appeared in the September 2004 edition of *Cobblestone* magazine)



This sketch by Theodore R. Davis, titled "Counting the Electoral Vote: David Dudley Field Objects to the Vote of Florida," appeared in the February 17, 1877, edition of *Harper's Weekly*. It shows the official counting by Congress of the electoral vote in 1876, a tradition that continues today.

Why did the *Founding Fathers* (also called the "Framers of the Constitution" because they were members of the convention that drafted the U.S. Constitution in 1787) create the Electoral College? In order to answer this question, it is important to go back in time and look at the problems they were trying to solve more than two centuries ago.

The United States was a very nation in the post-Revolutionary War years. There were only thirteen states, which varied in size. All the states were jealous and suspicious of one another's rights and powers, and distrustful of any central government telling them what to do.

The population of this mostly rural country was only four million in the 1780s. Citizens were spread out, up and down about one thousand miles along the Atlantic coast. Nationwide campaigns were impractical, as people barely were connected in

terms of transportation and communication.

At that time, most Americans believed that political parties were evil and not to be trusted. The popular saying of the day, "The office should seek the man, the man should not seek the office," also showed their displeasure with gentlemen openly campaigning.

When they convened to draft the U.S. Constitution in 1787, the Founding Fathers grappled with how to choose a president without using national campaigns and without the backing of political parties. They also did not want to upset their carefully designed balances between a future president and Congress, between the states and the federal government, and between the large and small states. The Framers at the Constitutional Convention considered several possible methods of selecting a president.

One idea, which eventually was rejected, was to have Congress choose the president. Some Founding Fathers felt that doing so would create division and hard feelings in Congress. Others believed that such a procedure would invite inappropriate political bargaining, corruption, and possibly even interference from foreign powers. Still others felt that this arrangement would upset the balance of power between the legislative and executive branches of the federal government.

A second proposal was to have the state legislatures select the president. This suggestion also was not successful, as the Fathers feared that a president would become so *beholden* (meaning "owing something to another") to the state legislatures that federal authority would be weakened. This would undermine the point of having a federation.

A third failed idea was to have the president elected by a direct popular vote. The Framers of the Constitution feared that voters, lacking adequate information about candidates from outside their own state, naturally would vote for a *favorite son* (meaning a man that is favored as a presidential candidate by people in his own state) from their own state or region (which still tends to happen today). At worst, no president would emerge with a popular majority sufficient to govern the country. At best, the choice of president always would be decided by the largest, most populous states, and the smaller states would have little influence.



Henry Clay (framed in the background under the caption, "I would rather be right than President") was a man after the Founding Fathers' hearts: he sacrificed his own political career to keep the country united in the years prior to the Civil War. Politician Mark Hanna (left), however, is portrayed here as the kind of man the Founders feared. To him, the presidency and politics represented fame, money, and power. In this political cartoon, Hanna claims, "It is better to be president than to be right!"

Finally, a Committee of Eleven at the constitutional convention proposed an indirect election of the president through a College of electors. The original idea was for the most knowledgeable and informed individuals from each state to communicate with one another and share their opinions. Then they would select a president based solely on his merit and without regard to his state of origin or political party. Each state would be given a number of presidential electors equal to its number of U.S. senators (always two regardless of the size of the state) plus its number of U.S. representatives (which is based on the number of resident per state). Thus, the smaller states would have a slightly larger voice in choosing the president than they would through a direct popular election.

The individual presidential electors themselves would be chosen by each state in whatever way the state decided. Until 1860, some states decided to let their legislatures choose their presidential electors; in those states, there were no popular elections for president at all!

The Founding Fathers based the structure of the Electoral College on the Centurial Assembly system of the ancient Roman Republic. Under that method, the adult male citizens of Rome were divided, according to their wealth, into groups of one hundred, called "centuries." Each century was entitled to cast only one vote either in favor of or against proposals submitted to them by the Roman Senate. In the American Electoral College, the states can be compared to the Centurial groups of ancient Rome, with the states relying on geography rather than wealth.

The resemblances between the Electoral College and classical institutions such as the Assembly are not accidental. Many of the Founding Fathers were schooled in ancient history and understood its influences.

The Electoral College was designed by the Framers of the Constitution to solve a number of problems America faced more than two hundred years ago. And even with all the changes the United States has encountered (better transportation and communication, along with the rise of political parties and national campaigns, for example), the Electoral College continues to serve its purpose. The balances between the legislative and executive branches, between the state and federal governments, and between the large and small states are addressed by the College. And it continues to face and solve new problems as they arise over time.

Reading Passage #2 – “Open to Debate”

By Kathiann M. Kowalski (*Cobblestone*, Sept. 2004)

*Should the United States keep the Electoral College? Consider the following arguments for and against the Electoral College. Which side do you think has the better case?

<u>Pro – Keep the Electoral College!!</u>	<u>Con – Get Rid of the Electoral College!!</u>
<p><u>-The Electoral College (EC) makes sure a president has support from, and gives support to, all of the United States:</u> The President is not elected to represent just <u>part</u> of the country. To win a majority of electoral votes, candidates need to take a broader view. They need to appeal to both urban and rural states in different parts of the country. This reduces potential regional tensions.</p> <p><u>-The EC fairly balances voting power:</u> States with large urban populations have more voters than other states. Thus, candidates often cater to those states during their campaigns. Voters in those states know how much their votes count, too. The EC makes sure that states with smaller populations still have a say in who becomes president. Ensuring smaller states at least three electoral votes helps offset the advantage larger states have.</p> <p><u>-The EC promotes federalism:</u> The EC recognizes the importance of individual states. It maintains a formal federal structure of government while preserving political power within the states.</p> <p><u>-The EC helps a new president lead more effectively:</u> Because most states employ the winner-take-all system, the winning candidate can have a bigger share of the electoral vote than the popular vote. This gives the appearance of wider support and can enhance the legitimacy of the outcome—even after a close race. That helps the country put aside grudges after a bitter campaign.</p> <p><u>-The EC promotes a strong two-party political system:</u> The American two-party system makes the U.S. government more stable than the governments of those countries where many parties compete for power.</p> <p><u>-Why fix the electoral system if it is not broken?</u> Despite a few unusual cases, the EC has worked fairly well for two centuries. Who knows if proposed reforms really would work better? In addition, amending the U.S. Constitution is a huge task and unlikely to happen anytime soon.</p> <p><u>-The EC gives weight to the needs and issues of minorities:</u> The EC increases the visibility of minority groups. Such groups sometimes can win or lose an election for a presidential candidate, especially in larger states. Without the EC, minority interests probably would be ignored.</p>	<p><u>-The Electoral College (EC) is outdated:</u> Voters do not need electors to pick their president for them. With modern technology improving communications and travel, candidates can organize nationwide campaigns. As a result, voters can just as easily learn about issues and make their own informed choices, for example, via the Internet.</p> <p><u>-Direct election of the President would be more practical:</u> Why wait weeks to declare an official presidential winner? Direct elections are simpler. Some proposals even call for “instant run-offs,” where voters would state their second choice up front on Election Day. That would answer any concern about making sure the winner has a majority of the votes.</p> <p><u>-Direct election of the President is more democratic:</u> With the EC, some votes count more than others. In states with the smallest populations, the value of each popular vote per electoral vote could be worth three times what it would be based on population alone. Shouldn’t all voters get an equal say? Besides, it’s just unfair to have a system that can allow someone to become president if that person did not win the most popular votes.</p> <p><u>-The current electoral system emphasizes approximately one dozen key states at the expense of the others:</u> Candidates focus on states with the most electoral votes and target certain <i>swing</i> states whose votes could go either way (“<i>swing</i>” means having the ability to determine an outcome by going one way or the other). What about the rest of the country?</p> <p><u>-The winner-takes-all system seems unfair:</u> Almost all states award all their electoral votes to whoever wins most of the popular vote, even if that number is less than a majority. So, the rest of the votes in those states become meaningless—this actually could be a factor in people not bothering to vote. Shouldn’t <i>everyone’s</i> vote count toward electing America’s leader?</p> <p><u>-Who needs nameless electors?</u> Electors’ only job today is to <i>rubber-stamp</i> (give a routine seal of approval without taking merit into consideration) the decisions made weeks earlier. Most state ballots do not even list electors’ names anymore. And why run the risk of encountering faithless electors who will not vote as promised?</p> <p><u>-The Constitution is a “living document”:</u> In 1804, the 12th Amendment changed the EC system to reflect the growth of political parties. A new amendment changing how Americans vote for president would reflect the realities of the United States in the 21st century.</p>

Voting Totals in Recent Presidential Elections

<u>2004</u>	Electoral	Popular
Bush	286	51% -- 59,459,765
Kerry	252	48% -- 55,949,407
Nader	0	1% -- 400,706

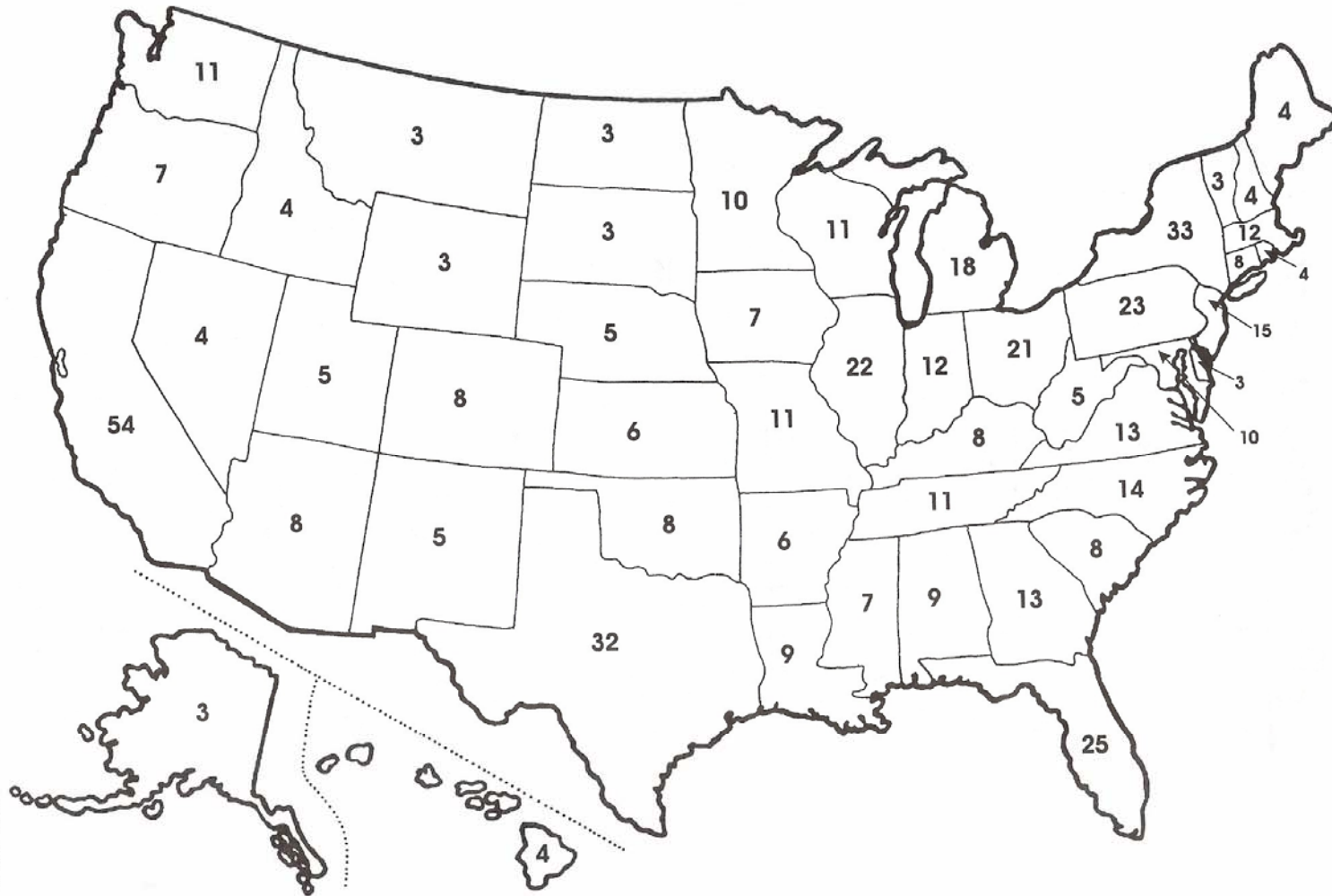
<u>2000</u>	Electoral	Popular
Bush	271	47.9% -- 50,461,092
Gore	266*	48.4% -- 50,994,086
Nader	0	2.7% -- 2,882,728

*One elector from the District of Columbia left her ballot blank as a protest of DC's lack of representation in Congress.

<u>1996</u>	Electoral	Popular
Clinton	379	49%-- 47,401,898
Dole	159	41% --39,198,482
Perot	0	8% -- 8,085,373

Sources: <http://www.cnn.com/ELECTION/2004/>,
<http://www.presidentelect.org/index.html>

Electoral Votes



Voting Irregularities in Florida During the 2000 Presidential Election: A Draft Report by the U.S. Commission on Civil Rights, June 8, 2001

Background

The November 7, 2000, presidential election and its aftermath became the focus of international attention on the application of America's election laws and policies. The state of Florida's electoral process took center stage as the world paused to observe the unfolding drama of identifying the next President of the United States. During this time, countless allegations of voting irregularities arose as to whether eligible voters were hindered from voting for the presidential candidate of their choice, and if votes that were cast were properly tabulated.

When the U.S. Commission on Civil Rights (Commission) receives allegations of voting irregularities, it is obligated to investigate. Accordingly, the Commission initiated an investigation into these issues. In the area of voting rights, the Commission is specifically authorized to investigate allegations of deprivations "as a result of any pattern or practice of fraud; of the right of citizens of the United States to vote and have votes counted." As part of its investigation, fact-finding hearings were held in Tallahassee and Miami. The Commission's authority to conduct hearings emanates from the 1957 legislation, which established it as an independent bipartisan federal agency of the U.S. government. The Commission is charged by federal law:

- 1.) to appraise the laws and policies of the Federal Government; and
- 2.) to serve as a national clearinghouse for information—all in connection with discrimination or the denial of equal protection of the laws of this nation, because of race, color, religion, sex, age, disability, national origin, or in the administration of justice.

The Commission's investigation in Florida was intended to determine if there were unequal allocations of election resources throughout Florida's localities, and whether there were isolated or systematic practices and/or policies that prevented Florida's residents from voting. Moreover, the investigation focused on who was responsible for making the critical decisions regarding resource allocations for Election Day activities, the reason these decisions were made, and the effect these judgments had on specific communities. The investigation included public hearings in Tallahassee on January 11–12, 2001 and in Miami on February 16, 2001. In total, hundreds of witnesses were interviewed by Commission staff, more than 100 witnesses testified under oath before the Commission, including approximately 65 witnesses who were selected for the two hearings due to their knowledge of and/or experience with the issues under investigation. The Commission heard testimony from top elected and appointed state officials, including the governor, the secretary of state, the attorney general, a representative of DBT Online (a ChoicePoint company that was involved in the state-sponsored removal of felons from Florida's voter registration lists), the director of the Florida Division of Elections, the general counsel of the Florida Elections Commission, and other current (and former) Florida state and county officials.

During the hearing, Florida citizens, registered voters, and experts on election reform issues, election laws and procedures and voting rights provided sworn testimony. Also, the chairperson and executive director of the Select Task Force on Election Reforms, established by Florida Governor John Ellis Bush (Jeb Bush), testified before the Commission. Various county supervisors of elections, county commission officials, law enforcement personnel, and a state's attorney also presented their sworn statements. In addition to the scheduled witnesses, the Commission extended an opportunity for concerned persons, including members of Congress and the Florida legislature, to submit relevant testimony under oath. Furthermore, the Commission subpoenaed documents from witnesses that contained pertinent information that could assist with this investigation, in order to augment submitted testimony. These witnesses produced more than 118,000 pages of relevant documents, computer discs, CD-ROMs, and tapes of data.

After the hearing phase of this investigation, the staff reviewed testimony, posed various interrogatories to a number of witnesses and examined their responses to these interrogatories, conducted a deposition of a hearing witness at the request of Commissioners, conducted supplemental research on area of law and fact, and performed an extensive review of the subpoenaed documents.

During the course of this investigation, Chairperson Mary Frances Berry sent a letter to Governor Jeb Bush expressing her deep disappointment with his failure to "address the most serious problems that occurred in Florida during the 2000 elections." Chairperson Berry was referring to a statement of

priorities that Governor Bush presented during the opening of the Florida legislative session. She indicated that his support for voting technology reforms in Florida was necessary and a step in the right direction. She emphasized, however, that “[t]hese measures standing, alone are insufficient to address the significant and distressing issues and barriers that prevented qualified voters from participating in the recent presidential election.”

At the Commission’s March 9, 2001, meeting, Commissioners approved and released a statement on the status of this investigation. The Commissioners reported that “voter disenfranchisement appears to be at the heart of the issue.” The status report offered a preliminary assessment of the evidence by the Commissioners. It identified an array of problems including, but not limited to, differences in resource allocations “that may have operated so that protected groups may have had less of an opportunity to have their votes counted.” The statement expressed the hope of Commissioners that “Florida officials, as well as officials in other jurisdictions—where barriers existed, will promptly resolve these major problems that occurred on their watch, instead of hoping with the passage of time the public will forget.” The Commissioners also agreed at this meeting to hold a future hearing in Florida to obtain testimony from state and local officials in order to assess what legislative changes have been proposed or enacted at the state and local levels, and to report to the public on what progress has been made.

The day before the Commission’s May 4, 2001, meeting, the Florida legislature announced it agreed upon a legislative package that would overhaul the state’s voting system. The Commission issued a statement commending the approval of Florida electoral reform legislation that “addresses many of the issues presented to the Commission during its investigation that included hearings conducted in Florida in January and February 2001.” Striking a cautionary note, however, Chairperson Mary Frances Berry pointed out, “We are all cognizant of the fact that not all areas of concern are covered, such as the need for language and special needs assistance. We know also that this legislation can only be effective if the implementation matches the legislature’s intent to eliminate the problems.” The Commission also renewed its commitment to “travel to Florida to assess the impact of the legislation and to encourage appropriate distribution of resources to eliminate the well-publicized difficulties that were experienced in the last election.” On May 9, 2001, the Florida Election Reform Act was signed into law by Governor Jeb Bush.

In the final stages of this investigation, the Commission followed its procedures by conducting legal sufficiency, defame and degrade, and editorial policy board reviews. Affected agencies were afforded an opportunity to review applicable portions of this report. The final report was scheduled for completion and release in June 2001.

Firsthand Accounts of Voter Disenfranchisement

On November 7, 2000, millions of Florida voters arrived at their designated polling places expecting to cast their votes. Unfortunately, countless numbers of those voters were denied any opportunity to vote because their names did not appear on the lists of registered voters. When poll workers attempted to call the election supervisors’ offices to verify voters’ registration status, they were often met with incessant busy signals or no answer. In accordance with their training, most poll workers refused to permit persons to vote whose name did not appear on the roll at their precinct. Thus, numerous Floridians were turned away from the polls on Election Day without being allowed to vote and with no opportunity to appeal the poll worker’s refusal. The following are a few examples of experiences that Floridians had who were turned away from their polling places.

Cathy Jackson, an African American woman, had been a registered voter in Broward County since 1996. Upon registering in Broward County, Ms. Jackson was told that if she ever experienced a problem with her voter registration card, she would be allowed to vote if she could produce a valid driver’s license. Ms. Jackson voted in Broward without any incident using her driver’s license since 1996. However, when she went to her polling place, Precinct 52Z, on November 7, 2000, she was told that her name was not on the list. The poll workers suggested that she travel back to her old precinct in Miami-Dade County to vote. Ms. Jackson did as she was advised even though she had voted in Broward County since she moved from Miami-Dade County in 1996. After waiting 45 minutes at her old precinct, the poll workers in Dade told Ms. Jackson that her name was not on the roll and referred her back to Broward to vote.

When Ms. Jackson returned to the Broward precinct, the poll workers advised her to wait while they checked her registration status. While she waited, Ms. Jackson observed a poll worker from another precinct within the same polling place allow an elderly white voter, whose name did not appear on the roll, to fill out an affidavit and vote. When Ms. Jackson asked if she could do the same, the poll workers explained that she could fill out an affidavit, but that she could not vote until they had verified her

registration. The phone lines to the election supervisor's office, however, remained busy for several hours. Ms. Jackson became upset, and eventually she left in order to go to work. Undeterred by these delays, Ms. Jackson returned to her precinct after work to try to vote again, but the poll workers were never able to verify her registration status and refused to allow her to vote.

Donnise DeSouza, an African American voter, has been registered to vote since 1982 in Miami-Dade County. When she entered the Richmond Fire Station in Miami-Dade County at 6:50 p.m. and showed her identification to the poll worker, Ms. DeSouza was told that her name was not on the roll. The poll worker directed her to the "problem line," so that her registration status could be verified with the election supervisor's office. Ms. DeSouza recalled that the line of about 15 people did not move, but at 7:00 p.m. when the poll began to close, a poll worker announced to the group "if our name was not on the roll that she could not let us vote and that there was nothing she could do." The poll workers stopped their attempts to verify the registration status of the voters who had been standing in line. When Ms. DeSouza asked if there was an absentee ballot that would allow her to cast her vote, the poll worker explained that there was nothing they could do.

Ms. DeSouza testified to the Commission that she was "very agitated" and the next day began to register complaints with various sources about her experience. Upon further investigation with the office of the supervisor of elections, she discovered that the poll workers should have continued their efforts to resolve the problems of those voters who were in the precinct prior to closing. Furthermore, Ms. DeSouza learned that her name was actually on the roll of registered voters because subsequently a worker at the elections office showed her the sheet that contained her name where she should have been allowed to sign. But Ms. DeSouza explained, "at that point [the election was over so] there was nothing they could do and I was deprived of my right to vote."

Angenora Ramsey, an African American, former poll worker with 18 years' experience, had changed her address prior to November 7. Based on her familiarity with election procedures, when Ms. Ramsey went to vote at Precinct 62 in Palm Beach County, she completed a change of address affidavit. But when the poll worker tried to call the office of the supervisor of elections to verify Ms. Ramsey's registration status, she was unable to get through. According to Ms. Ramsey, the phone lines remained busy for three and one-half hours—a delay she had never experienced during her time as a poll worker. Ultimately, the poll workers refused to allow her to vote because they could not verify her voter status.

Margarita Green, a 75-year-old Cuban American woman, went to vote at the same precinct in Miami-Dade County where she had always voted since becoming a citizen in 1966. When Mrs. Green showed her registration card to the poll worker, she was told that her name was not on the roll and that she must speak with another poll worker who would look into the problem. Mrs. Green recalled that it took a long time for the poll worker to reach the supervisor of elections because the phone line was busy. When she finally got through, the worker explained that according to their records, Mrs. Green had called in 1998 and "erased" herself from the voter's list. Although Mrs. Green insisted that she had not called and showed the poll worker her registration card, the poll worker refused to allow her to vote.

R. Jai Howard, vice president of the Florida Agricultural and Mechanical University Student Government Association, testified on behalf of more than 12,000 predominantly African American students attending college in Leon County, Tallahassee. She described the massive voter registration efforts that took place at the school in the months preceding the November 2000 election. The association's efforts continued until October 10, 2000, the last day to register before the election and included a rally in which Reverend Jesse Jackson and Ion Sancho, the Leon County supervisor of elections, participated. Despite its efforts, the Student Government Association learned in the days following the election that large numbers of students had problems voting, "including one student who had two voter registration cards with two different precincts, some students who received no voter registration cards, switching of precincts without prior notification, missed information at precincts, and students who had attempted to register numerous times and never received registration [cards] and were never entered into the system." As a result of these combined problems, many students who believed that they had been properly registered were not allowed to vote.

Poll Workers Confirm Widespread Voter Disenfranchisement

The experiences of these Floridians who were denied their opportunity to vote were corroborated by the observations of poll workers who also testified at the Commission hearing in Miami. Many poll workers attempted to follow the procedures that they had been taught in their training, such as verifying voter registration with the supervisor of elections, but their efforts were largely futile because of the inadequacies they faced throughout the voting system.

Marilyn Nelson, a poll worker with 15 years of experience in Miami-Dade County, testified “by far this was the worst election I have ever experienced. After that election I decided I didn’t want to work as a clerk anymore.” At the North Dade Elementary School, Precinct 232, she observed several voters who had presented their voter registration cards showing that they were properly registered, but the poll workers could not allow them to vote because their names did not appear on the rolls. Ms. Nelson also saw voters with their “orange cards,” which meant that the voter had registered on time and should be allowed to vote, provided that the poll worker could verify the voter’s registration status with the election supervisor’s office. Many of these voters, however, were not permitted to vote because the poll workers could not get through on the phone line to the supervisor’s office.

Maria DeSoto, a poll worker in Palm Beach County, testified that she had used on her personal cellular phone attempting to contact the election supervisor’s office all day, but was only able to get through two or three times over the course of 12 hours. Ms. DeSoto added that if voters’ names did not appear on the roll, they were not allowed to vote, even if they presented valid identification.

Barbara Phoele, a poll worker in Broward County at Precinct 6C, observed mostly African American and Hispanic voters being turned away because their names did not appear on the roll. The precinct clerk at her site was not able to get through to the central election office to give affidavits to those voters whose names did not appear. According to Ms. Phoele, the clerk did not communicate with the voters and did nothing to encourage them to vote. In fact, Ms. Phoele noticed later that afternoon that the sign informing voters where they should call if they experienced problems had never been posted. She brought this to the attention of the precinct clerk, who explained, “I didn’t have time to put it up.” Ms. Phoele recalled that in past elections, only about ten minutes were required to reach the elections supervisor, but on November 7, 2000, she turned away approximately 40 or 50 people because she could not access the supervisor of elections.

Marvin Rickles, Jr., a deputy at Precinct 74B in Palm Beach County, observed an African American school principal who was turned away after waiting for two hours because her name did not appear on the roll and the poll workers could not reach the election supervisor’s office. She returned to the precinct later that afternoon and was allowed to vote only after she discovered that her name had been misspelled on the roll.

Millard Suid, a poll worker at the Water Works Department in Boynton Beach, testified that he was not able to get through to the office of the supervisor of elections. He recalled helping only one voter over the course of about eight hours. Mr. Suid stated that the precinct deputy estimated that they “[m]ust have turned away maybe 30 or 50 people that could not vote.”

Randall Benston worked as an area chair overseeing three precincts, 6Z, 5Z, and 7B. Mr. Benston observed poll workers who were unaware that voters who are not on the rolls were allowed to fill out affidavits and vote. He eventually persuaded the poll workers to allow voters to fill out affidavits in accordance with Florida election law.

The pervasive problems that prevented many Florida voters from being able to vote on November 7 could have been alleviated with proper poll worker training, greater resources, and an ability to communicate with the supervisors of elections. In the absence of these provisions, however, countless eligible voters in Florida were disenfranchised and never allowed to exercise their right to vote.

Polling Places Closed Early

Many Floridians experienced extreme frustration on November 7 when they reported to the precincts where they had been voting regularly, in some cases for many years, and discovered that their precincts were no longer being used or had moved to another location, without notice from the elections supervisor’s office. In other instances, some voters who had been standing in line to vote at their precincts prior to 7:00 p.m. were told that they could not vote because the poll was closed. Under these circumstances, the patience of many Floridians was exhausted.

When **Lavonna Lewis**, an African American, first-time voter, went to her polling place to vote, she was told by a white poll worker standing outside that the poll was closed. As she turned to leave, the poll worker allowed a white gentleman to walk in and get in line to vote.

Donnise DeSouza arrived at her assigned precinct at 6:30 p.m., but she could not enter until 6:50 p.m., due to the long line of cars parked on the street waiting to gain access to the polling place. Once Ms. DeSouza was able to finally enter the polling place, she waited for another 10 minutes while poll workers verified her registration status. At 7:00 p.m., however, the poll workers announced to Ms. DeSouza and approximately fifteen other voters who were waiting to be helped, that they could not vote because the poll was closed.

Susan and Joel Newman arrived at the Water Works Department in Palm Beach to vote at approximately 6:15 p.m.^[22] Upon their arrival, they noticed

[T]he iron gates at the entrance were closed, preventing entrance ... Several cars pulled into the entrance lane and tried to attract attention by honking horns and ringing an intercom. We waited 5–10 minutes but no one showed up and the gates remained locked. We drove off thinking we were wrong about the closing time—that the polls must have closed at 6:00. A few blocks away we spotted a police car and pulled up to check. He verified that the polls were open until 7:00. We complained about the situation we had just experienced and he told us to go to the Board of Elections (some 20 minutes away). We drove there and met a policeman as we entered the building. He listened to our complaint and politely told us there was nothing he could do. We would have to register our complaint with the director of Elections, Theresa LaPore. Unfortunately, he told us, her office had closed at 5:00 p.m., and her staff went home. We would have to complain the following day. We left, realizing that we would have no opportunity to vote this year.

Millard Suid, a poll worker at the Water Works Department on John Road in Boynton Beach, confirmed the above poll closing. He explained that the gates to the property are on an automatic timer that shuts them every day at 6:15 p.m. When the automatic timer shut the gates at 6:15 p.m. on Election Day, however, Mr. Suid stated, “it was a disaster. The people at the Water Works Department should have known about it or the people, Theresa LaPore, who runs that particular district, should have known about that.” When asked if he called the supervisor of elections to report the fact that the gates had closed, Mr. Suid testified, “That wouldn’t do any good, couldn’t get in. I had called 911 and told the police. Now there was a young lady at the Water Works Department who worked there all day and she left at like 5:30 and she said, ‘I’ll be back at 7:30 to lock up.’ Now she should have known this gate’s going to lock automatically.... That wasn’t the first time they used that. So somebody screwed up.”

Polling Places Moved Without Notice

If a supervisor of elections determines that a polling place must be moved, the supervisor must “not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change.” Such notice is to be published in a newspaper of general circulation within the county and notices must be mailed to each registered voter at least 14 days prior to the election. In case of an emergency, the supervisor of elections must post a notice at the old polling place advising voters of the new location. Regardless of the circumstance for the change, the new polling place must be accessible to all voters and conspicuously identified by a sign. On November 7, 2000, however, these requirements of Florida election law were not strictly followed.

Felix Boyle, a registered voter in Miami-Dade County described his polling place as a “medieval labyrinth. [There were] sulfuric odors from standing water, orange cones, barriers, deep pits, broken concrete. It was a real problem getting there.” And although Mr. Boyle’s polling place during the primary was very busy, the new location was “deserted” on November 7, 2000. He surmised that the appearance of the site may have resulted in fewer people voting there on Election Day.

These logistic problems made it especially difficult for far too many voters to exercise their right to vote. In light of the expected high turnout during the 2000 presidential election, which was eventually realized, officials should have made concerted efforts to follow the mandates of Florida’s election laws.

National Voter Registration Act: The Motor Voter Law

In 1993, Congress enacted the National Voter Registration Act (NVRA) in an effort to increase citizen participation in federal elections. Congress gave states three years to implement its provisions. To implement the NVRA, Florida enacted the Florida Voter Registration Act (FVRA) to “provide the opportunity to register to vote or update a voter registration record to each individual who comes to an office of [the Department of Highway Safety and Motor Vehicles]” to apply for or renew a driver’s license, apply for a new identification card, or change an address on an existing driver’s license or identification

card. Since the FVRA was enacted, more than 3,500,000 voter registration applications have been filed. There were 609,389 applications filed with the Department of Highway in the calendar year 2000.

The Department of Highway Safety and Motor Vehicles does not, in fact, register voters; rather, it provides a method for persons to apply to the county supervisors of elections to register while conducting license or identification card transactions. This process is commonly referred to as the "motor voter" process.

Despite this effort to increase citizen participation through motor voter registration, problems exist in the implementation of the registration process. Curtis Gans, director of the Committee for the Study of the American Electorate, testified "[i]n this election, thousands of people, not only in Florida, but in other places, who registered at motor voter places, motor vehicle license bureaus and in social service agencies were not on the rolls when they came to vote." A poll worker who testified at the Commission's Miami hearing corroborated this observation:

[T]here were people who had registered to vote through motor voter and somehow their registration was not transmitted to the supervisor of elections office. I saw that with married couples in my own precinct. One person would be registered to vote, the other person would not. The person who was not registered to vote couldn't vote unless they physically went to the supervisor of elections office and picked up a piece of paper, which they then brought back to me, because we couldn't reach them on the telephone.

Though later investigations found that fault should not be assigned to the motor voter registration system set up by Florida (indeed, many potential voters never mailed in required additional forms or registered in time to vote), many Floridians alleged that they registered to vote through the Department of Motor Vehicles (DMV) and learned later that they were not registered. Many of these disappointed citizens filed complaints with the attorney general's office and/or the Democratic Party. The following are some examples of individuals who used the motor voter provisions to register, but were denied the right to vote.

Marcia and George Seamans of Boynton Beach registered to vote at the DMV on two separate occasions and were told at the polls that their names were not on the voter rolls. While at the DMV to obtain their driver's licenses, they were asked to register to vote. They were directed to fill out a separate registration application, and, upon its completion, were told that they were registered. When they went to the polling place, however, their names were not on the rolls. When the poll worker called the central office to verify their registration status, they learned that their names were not on the central voter file and they were not allowed to vote. Further investigation did show that the Seamans followed all procedures correctly and submitted all necessary forms.

Bill Zannie of Palm Beach County registered to vote at the DMV when he went to obtain his Florida driver's license. He requested a confirmation to ensure that he was properly registered to vote. The DMV staff assured him that he was properly registered, and therefore, he did not obtain a confirmation. When he went to vote on the day of the election, he was told that his name was not on the voter rolls. He also learned that there was no record of his registration. Since he registered to vote at a governmental agency, he assumed that he was registered properly and to his disappointment, he was not registered.

Maria DeSoto, a poll worker from Palm Beach County testified that many eligible voters who registered through the DMV found that their registrations were not transmitted to the supervisor of elections office. She witnessed a couple who registered together at the DMV but only one person's name was on the voter rolls on the day of the elections.

IV. Assessment

You may wish to use one or more of the following for assessment purposes:

- a.) A student -designed “History Alive” Interactive Student Notebook entry;
- b.) Class discussions;
- c.) Writing for Understanding activity – on any of the following topics:
 1. “How did you feel when you found out that your classroom ‘vote’ would not count, or the votes of some of your classmates would not count? What specifically made you feel this way? What were some of the similarities between the classroom vote and the 2000 presidential election in Florida?”
 2. “Why was the Electoral College created over two centuries ago? What were the Founding Fathers trying to avoid? What did your parents or neighbors tell you about it?”
 3. “In your own words, what are some of the pros and cons of the Electoral College? List three of each.”
 4. “Give some examples of how many Florida voters were made to feel disenfranchised during the 2000 presidential election? Do you think that these people had a legitimate gripe? Why or why not?”
- d.) Foldables and circle graphs

V. Resources

Electoral Votes map with vote count (for students to copy) from the 1992 Teacher Created Materials, Inc. #069 Elections

Kimberling, William C. "Origins of the Electoral College." *Cobblestone*, Vol. 25, No. 6 (Sept. 2004).

Kowalski, Kathiann M. "Open to Debate: The Pros and Cons of the Electoral College." *Cobblestone*, Vol. 25, No. 6 (Sept. 2004).

Lichtman, Allan J. "Report on the Racial Impact of the Rejection of Ballots Cast in the 2000 Presidential Election in the State of Florida (written in June 2001; may be found at <http://permanent.access.gpo.gov/lps13588/lps13588/ltrpt.htm>)"

Schulman, Marc. "Close and Disputed Elections." - <http://www.multied.com/elections/Disputedelections.html>

Schulman, Marc. "Why Was the Electoral College Created?" - <http://www.multied.com/elections/Electoralcollgewhy.html>

"Draft Report: Voting Irregularities in Florida During the 2000 Presidential Election" (approved by the U.S. Commission on Voting Rights on June 8, 2001; may be found at <http://permanent.access.gpo.gov/lps13588/lps13588/intro.htm>)

<http://www.historical-museum.org/history/election/1993-234-1.htm>

http://history.osu.edu/Projects/McKinley/Hanna/Hanna_Satire.htm

http://www.awesomelibrary.org/Classroom/Social_Studies/Government/Presidential_Election_2000.html

<http://www.demographia.com/db-flbushgore.htm> - Florida Presidential Election Recount Projection