



THREE REASONS WHY ELECTION DAY MAY NOT DECIDE THE ELECTION

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With just days to go before Americans cast their votes to decide who will lead the country for the next four years, federal election officials are staging a battle to avoid a repeat of 2000 when weeks passed before a final election outcome was declared.

The 2000 fracas centered on Florida, where an amazingly close vote triggered a chaotic recount process. The nation watched and waited as election officials held up ballots to the light to try and discern how people intended to vote. Over 22,000 ballots were thrown out because holes were punched for more than one candidate or no candidate was selected at all.

A fight over how to count the ballots ended up in front of the U.S. Supreme Court. The court ruled 5-4 to end a second recount, and George W. Bush won the state by only 537 votes. That narrow victory, out of nearly 6 million votes cast, awarded the state's 25 electoral votes, and with them the presidency, to Mr. Bush.

Now, despite efforts in the past few years to ensure voter rights and to streamline the voting process, situations in three key areas of the country are threatening to delay the final verdict.

Colorado's Amendment 36

In Colorado a new measure on the ballot asks voters to decide whether the state will abandon the winner-take-all system and instead become the first state in the country to allocate its electoral votes proportionately based on the popular vote.

Colorado is worth nine of the 538 votes in the Electoral College. At the moment, whichever candidate wins the popular vote wins all nine electoral votes. Under the proposed system, a candidate who receives 40 percent of the popular vote for example would get four electoral votes, while the candidate with 60 percent of the vote gets five votes.

If the Colorado initiative does become law and the race between President Bush and Senator John Kerry, D-Mass., comes down to the wire, a split in Colorado's nine electoral votes could decide the winner. If Colorado had split its votes in 2000, Al Gore would have been president.

Opponents of the measure say they will appeal it in court if it does get passed, a threat that could delay the final outcome.

Ohio

Perhaps the most contentious state is Ohio. Considered a key battleground state by both parties, Democrats and Republicans are questioning the eligibility of some of the state's registered voters and the accuracy of the state's voter registration rolls.

Ohio Republicans have filed 35,000 petitions against what they say are ineligible voters, according to The Washington Post. They are sending representatives to polling sites to challenge such voters, which could stall the process.

Under federal law, a voter must be over the age of 18 to vote, must be a legal resident of the state or county in which he or she has registered and the voter must be a U.S. citizen. Republicans say many registered voters in the state do not meet those requirements.

"A storm is brewing in Ohio," Columbus Mayor Michael Coleman, a Democrat, told The Washington Post. "The day after Election Day, we've got to make sure the sun is shining. By that, I mean each and every vote has to be counted."

Provisional ballots

Like Ohio, Florida promises to draw a lot of attention on Election Day. Officials have worked hard to prevent a repeat of the mayhem of the 2000 election by installing electronic voting machines and allowing early voting, but a new requirement of the 2002 Help America Vote Act is already causing controversy.

Congress passed HAVA to prevent voter disenfranchisement. As part of the act, voters are now allowed to cast "provisional ballots," ballots that can be counted after Election Day if a voter has been mistakenly left off the registration list.

The rule is meant to prevent what happened in 2000, when voters who thought they'd registered showed up on Election Day and were told they could not vote.

In Florida and 28 other states, officials say they will throw out any provisional ballots cast in the wrong precinct. Opponents of this rule, mostly Democrats, argue it unfairly affects minorities, traditionally Democrats, who move more often than other voters, according to stateline.org., a nonpartisan Web site.

Lawsuits filed in Florida to open up provisional voting to a voter's county rather than limiting it to a person's immediate precinct have failed in court but could lead to appeals after the election.

"I think it's very unlikely that we'll get through Election Day 2004 without some kind of controversy," said Doug Chapin, director of electionline.org, a nonpartisan, non-advocacy Web site that analyzes election reform efforts around the country. "Whether or not it rises to the level of Florida 2000 will depend in large part on how close individual states are."

A disgruntled elector

To add to the brewing storm, a West Virginia elector, dissatisfied with the current administration, recently said he might not vote for President Bush even if he wins the state's popular vote.

"There is an implied duty to vote for your party's candidate," South Charleston Mayor Richie Robb told the Associated Press. "But I don't think it's an explicit duty or responsibility."

Robb has said while he would not vote for Senator Kerry, he might vote for Vice President Dick Cheney or another Republican. That could make a difference if President Bush is one electoral vote away from victory.

--Compiled by Kristina Nwazota for NewsHour Extra

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