

Dogs and Dead People: Incremental Election Reform in Missouri

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In March of 2001, an editorial in the *Springfield News Leader* declared, "[e]radicating kudzu was deemed more important in the House than making sure democracy works."¹ The newspaper editorial staff was commenting on the slow progress that the Missouri General Assembly seemed to be making on election reform in 2001. The progress was so slow, in fact, that the General Assembly passed no major election reform legislation into law in 2001, despite last minute work to make sure the same legislation passed both the House and Senate. Major election reform would not pass until the end of the legislative session in May of 2002. Other reforms followed in the wake of the passage of the federal Help America Vote Act (HAVA) in late 2002. Overall, Missouri enacted comprehensive changes in election law from 2001 to 2003, though it stopped short of making major investments in the election system.

The gradual development of election reform in Missouri can be explained through a combined sequence of six key factors in the reform framework. First, the Florida factor, which in Missouri's case, was compounded by the crisis in St. Louis, was crucial to setting the agenda for reform, though it did not spur the legislature to pass legislation immediately. Second, the crisis did lead to the immediate creation of the Blunt Commission to Review Election Statutes, and later the work of two General Assembly interim committees on election reform following the 2001 legislative session. These committees helped communicate the need for reform and develop the bulwark of legislation that eventually passed the legislature in 2002. Third, the deliberations of the commission and interim committees revealed the limited capacity of election law. In spite of a spirited debate over the well being of the system, legislators from both parties agreed that some aspects of the election process needed strengthening. Yet the scope of reform was limited

by a fourth crucial factor—a poor budgetary outlook which prohibited costly reforms. A fifth factor, key stakeholders, including interest groups and local election officials, played a role in the pace and content of reforms. Finally, leadership played a role throughout the process. Some argued that the failure to enact reforms in 2001 stemmed from a slow start in filing legislation and inexperienced leadership the House and Senate (Ganey 2001). At the same time, Missouri's Secretary of State Matt Blunt played a key leadership role at various stages of the process; he helped to define the problem, imposed administrative changes when the legislature stalled, and worked with legislative leaders to develop reform bills that passed the legislature.

Election Reform in Missouri

In the last minutes of the 2002 legislative session, the General Assembly approved an omnibus bill designed to improve many of the problems cited from the 2000 election. The legislation included the use of provisional balloting and a ban on the use of butterfly balloting, except in cases where it was approved by the Secretary of State. The legislation also allowed computerized voting systems to be certified for use in the state. Missouri's Presidential primary was moved from March to February. Third-party judges were allowed to work the polls, but each also had to have an equal number of Republican and Democratic judges. Early voting, though lobbied for by Secretary of State Blunt, was relegated to the planning stage. Each election jurisdiction created a plan for advance voting, as directed by the legislation, the costs of which were compiled by the Secretary of State.²

A few controversial issues were not included in the bill. The legislature scratched a proposal to allow the Secretary of State subpoena power to investigate election fraud and the ability to refer such investigations to the Attorney General. The law also did not call for

wholesale replacement of voting equipment, rather it noted that "subject to federal funds." Under this provision, the Secretary of State was instructed to administer a grant program to upgrade voting equipment, supply equipment for the disabled, increase compensation of poll workers, and provide for access to polling places for the disabled.³ Besides the statutory changes, and prior to the approval of the new legislation (the summer of 2001), Secretary of State Blunt had also proposed and implemented several rules related to standardizing election procedures in the state.

While Missouri's reform was incremental, it left Missouri in a fairly good position to implement reforms mandated by HAVA. Missouri's newest law, passed at the end of the 2003 legislative session contained mostly technical changes needed to implement HAVA reforms. According to the bill's Senate sponsor, Senator Anita Yeckel (R-St.Louis), the legislation was written to make the state conform to federal grant requirements, clarify provisional voting, implement improvements for the disabled and to note that the Secretary of State is the chief state election official and is responsible for promulgating the various rules in order to implement HAVA.⁴ Missouri already had a statewide voter database, but the legislation also included several changes necessary in order to make the database interactive with local databases, which the new federal legislation required (Mannies 2003). Training courses for election judges (poll workers) became mandatory rather than voluntary under the new legislation.

In order to implement HAVA, the Secretary of State put together a state HAVA planning committee and held hearings throughout the state. A committee composed of different interest groups and citizens from all over the state are organized into three committees to prepare the state plan: a Statewide Database/Provisional Voting/Voter Identification Subcommittee, an Equipment/Accessibility Subcommittee and a Training/Education Subcommittee. Missouri has

notified the federal government that it plans on participating in the voluntary program to replace punch card equipment, but fiscal constraints may make that difficult (Mannies 2003).

Missouri's state plan is multi-faceted but calls for further reforms such as the Secretary of State creating educational plans for the counties who do not meet (or choose not to meet) HAVA's second chance voting requirements through equipment. Missouri will also create a Usability Task Force to advise election officials about equipment that is accessible to the disabled. In addition, the state will also try to get a volume discount on accessible machines for every precinct in the state.⁵

Context of Election Reforms

While Florida was recounting votes in 2000, Missouri was recovering from its own unique electoral situation in St. Louis, where Republicans charged that dogs and dead people voted (Ganey 2001), along with others who should not have voted.⁶ Democrats charged that many voters were disenfranchised and intimidated, and many polls were opened late or not at all (see Blunt 2001b). In St. Louis, Democrats went to court on Election Day, arguing that up to 33,000 voters had been "improperly thrown off the rolls, causing hours of delays to prove they were eligible to vote" (Tuft 2002a). A Circuit Court Judge granted the request and ruled the polls stay open until 10:00 p.m, and midnight at the central office (Cook 2001). On appeal, a three-member panel closed the polls at 7:45 p.m. Senator Christopher "Kit" Bond (R) called for a federal investigation of the irregularities occurring on Election Day. Eventually, the Justice Department sued the St. Louis Election Board, making it one of only five jurisdictions to be sued for actions related to the 2000 election ("Voter Rights and Voter Fraud" 2002).⁷ The lawsuit

"was settled in August of 2002 when the city agreed to spend roughly \$600,000 on new technology to clean up voter rolls" (Election Reform Information Project, 2002: 59).

Allegations of irregularities in St. Louis were all the more clamorous because of the close and controversial nature of the elections in 2000 (Tuft 2000b). Three weeks before the 2000 election, incumbent Senator John Ashcroft (R) and Governor Mel Carnahan (D) were locked in a tight Senate race, with many pundits acknowledging that Ashcroft was ahead (Kropf et al. 2001). Then Carnahan was killed in a plane crash while on a campaign trip. It was too late to take Carnahan's name off the ballot, so newly-appointed Governor Roger Wilson announced he would appoint Carnahan's wife, Jean to take the position if Carnahan won. Indeed, Carnahan upset Ashcroft in a close race, winning 50.5% of the vote to Ashcroft's 48.4%. Whether Carnahan won as a result of sympathy or not, that race affected others. For example, Republican Representative Jim Talent, barely lost a bid for the Missouri Governor's office to Democrat Bob Holden (49.1% to 48.2%, a mere 21,445 out of 2.3 million votes cast). The presidential race was not as close (47.1% to 50.4%), but Missouri was considered a battleground state. On the legislative side, Missouri has also moved from being a solidly Democratic state to a more Republican state. In fact, three special elections gave control of the state Senate to Republicans at the beginning of 2001 for the first time in 54 years (Ganey 2001). In November 2002, not only did a Republican win the U.S. Senate race (gubernatorial candidate Talent came back to beat Senator Carnahan), but Republicans also regained control of the Missouri General Assembly for the first time in 50 years.

The Florida Factor...and the St. Louis Situation

Clearly, Missouri has experienced some close, but unique statewide elections in recent history, so a situation such as Florida's was within the realm of possibility. For some political

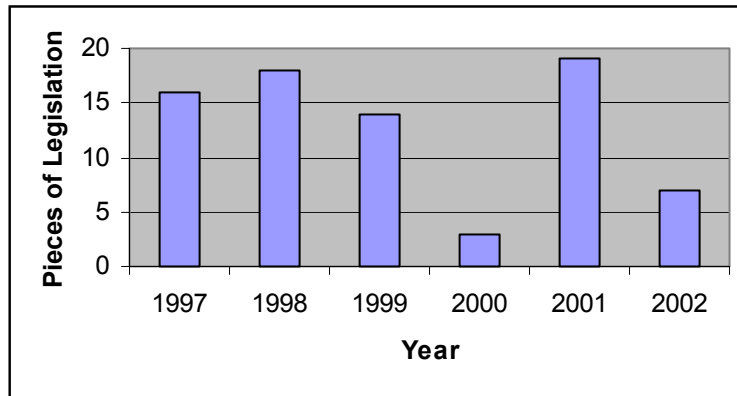
actors in fact, the Florida factor was overshadowed by the situation in St. Louis. The Missouri League of Women Voters Legislative Action Chair Laura Worstell declared, "Florida didn't bother us as much as St. Louis. We just had total collapse in St. Louis."⁸ The Missouri House sponsor of the electoral reform legislation, James Seigfreid (D-Marshall) more quickly blamed Florida. "Everyone was really hep on getting some election reforms because of the problems in Florida and around the state, but mainly in Florida. It was really on everybody's mind."⁹ In fact, some elements of the newly-passed law reflected the situation in Florida, while others responded to the problems in St. Louis. Banning butterfly ballots, widely used in St. Louis County up until the 2000 election, was a response to problems in Florida, whereas the call for provisional voting was a response to the situation in St. Louis.

The problems in Florida and St. Louis also led newly-elected Secretary of State Matt Blunt (R) to empanel a bipartisan commission to conduct "the first comprehensive review of Missouri's election statutes in 25 years."¹⁰ The 22-member commission was composed of 11 Republicans and 11 Democrats. He created the Commission "in response to the disenfranchisement, fraud and election irregularities that took place in Missouri in the November 2000 general election."¹¹ However, the Commission hearings centered around some of the issues in Florida, according to Republican Chair of the Commission Paul DeGregorio. "Everybody focused on Florida, but I think the state that was next focused upon was Missouri because of what happened in St. Louis and Senator Bond made a major issue of what went on."¹² The agenda setting effect of the Florida issue allowed many election reform issues to be aired, according to the Democratic Chair of the Blunt Commission Bob Ravenscraft. "It [Florida] kind of opened the door for every idea there was. I think the Blunt Commission heard the same ideas that were put forward around the country."¹³

Experiences in Florida and St. Louis also caused Blunt to promulgate rules to standardize election administrative procedure. He issued the proposed rules the summer (August 8) after legislation did not pass the state legislature in 2001. The rules concerned the ways in which punch card, optical scan and paper ballots would be counted should a hand count be necessary (Bell 2001).¹⁴ The Blunt Commission had continued its work after May 2001, when the legislative session ended. Blunt divided the group into three subcommittees: a Uniform Standards Committee, The Model Plan Committee and the Election Rules Committee. Out of those committees came some of the standards written into Missouri administrative law.

Interestingly, in contrast to other states such as Virginia, the reaction to Florida and St. Louis did not result in an unusually large increase the number of election reform bills. Missouri legislators did not consider more in quantity of election reform legislation in 2001 and 2002 than they had in past years (See Figure 1).¹⁵ Figure 1 indicates that slightly more legislation was proposed in 2001 (n=19), but not significantly more than in the past (in 1998 for example, 18 pieces were proposed). It should be noted that, for the previous 25 years, most election procedure changes had been in response to very particular problems, rather than large-scale changes.¹⁶ All in all, the passage of new election reform legislation was not the immediate response to Florida and St. Louis, but those situations did set the agenda. The General Assembly passed S.B. 675 in May of 2002.

Figure 1: Election Reform Legislation Proposed Each Year



Source: Author's analysis of Missouri House and Senate Bill Tracking Database.

Commission and Committees on Electoral Reform

The Blunt Commission and Assembly committees played a key deliberative role in the reform process. The Blunt Commission held 18 field hearings throughout the state in January 2001, where approximately 125 individuals testified. The primary purpose of the Commission was to create a series of recommendations about electoral reform/draft legislation for the consideration of the General Assembly. Many of those considerations are reflected in legislation introduced in 2001 by Representative Seigfreid who was Chair of the Elections Committee in the House, and legislation introduced by Senator Anita Yeckel, Chair of the Financial and Governmental Organization, Veterans' Affairs and Elections Committee in the Senate. In 2002, both introduced similar legislation again, Seigfreid introducing HB1461 and Yeckel introducing SB675.¹⁷ The Commission members also lobbied for the legislation and answered legislative questions throughout the deliberation.

The Commission met concurrently with the Missouri's legislature, which runs annually from January until May. The schedule meant a delay in filing a bill with the state legislature during the 2001 session. Important bills are typically pre-filed in the first part of December right

before the session begins, whereas S476 was first read February 13. This delay tended somewhat to "blunt" the effects of the Commission, at least in getting legislation passed in 2001, according to the Secretary of State Legislative Liaison Chuck Pryor. "We met with the Blunt Commission, met the second day he was in office and they had started but obviously in the legislative process it always helps to have something maybe pre-filed in December to get ahead of the curve...I think that was a factor."¹⁸

When legislation did not pass in 2001, both the Speaker of the House and the President of the Senate Peter Kinder (R-Cape Girardeau) created interim committees to study the election issue. These committees played a role in educating those most interested in elections about proposed changes and gaining information from the public. Senator Kinder charged the Senate Interim Committee to Reform Elections and Campaign Finance to "investigate facts and to make recommendations to the Senate to improve Missouri's election process and clarify campaign finance reporting...and more specifically...to conduct an investigation into what happened in Missouri in the elections of 2000." (Yeckel 2002: 1). The Interim Senate Committee held hearings in October and November 2001 in St. Louis County, Cape Girardeau, Kansas City and Jefferson City. The House Interim Committee on Election Reform and Ballot Access, chaired by James Seigfreid (D-Marshall) was appointed in September 2001 and held public hearings in October 2001 in Jefferson City, St. Louis, Parkville (suburban Kansas City) and Springfield. Aside from testimony, "the Committee observed several demonstrations of electronic voting equipment, a video presentation on instant runoff voting, and some members of the Commission attended an exposition on accessible voting technology" (Seigfreid 2001: 1).

All in all, according to Senator Yeckel, "[t]he second bill was not terribly different from the first because a lot of the stuff that had been highlighted in the Blunt Commission showed up

again in our hearings."¹⁹ However, two facets of the interim committees helped the election reform legislation move forward. First, unlike the Blunt Commission, the House interim committee was appointed by the Democratic leadership in the House, which made committee recommendations easier to accept. According to then-Speaker of the Missouri House Jim Kreider (D-Nixa), "[i]f we didn't have that process, we probably would not have let it [the legislation in 2002] go forward."²⁰ The second was that the hearings provided the legislators the chance to interact with county clerks and election officials. "The advantage of the hearings was that we had a lot of input from the election officials themselves. They testified all over the state," noted Yeckel.²¹ Pryor also emphasized the importance of the hearings for communication. "We had the opportunity not only to take public input and have the public inform the legislature of the need for reform but it gave us the chance to also reinforce our case with them and further educate them and stress the need for it."²²

Capacity of Election Law

In terms of the capacity of election law, Missouri only partially met the minimum expectations of reformers. Missouri did have statewide registration of voters, though the state and local databases are not linked. Missouri did not have provisional voting until 2002, and the problem was evident during the 2000 election in St. Louis. Some people were allowed to vote, even though they that were not properly registered, yet many others were not allowed to vote if their names were purged from the register, or if the Division of Motor Vehicles had not yet turned in their Motor Voter application.

Looking beyond the minimal requirements, Missouri had improvements to make in poll worker recruitment and voting equipment. Some of the Blunt Commission testimony indicated that some people believed high school students and third-party members should be allowed to be

judges (see The Blunt Commission to Review Election Statutes, 2001). In terms of voting equipment, Table 1 indicates, in 2000, most of Missouri voters used punch card ballots and only about 10 percent of registered voters lived in a county with optical scan equipment that allows them to check their ballot at the polls.

Table 1: Voting Technology Used in 2000 Election in Missouri

<i>Voting Technology</i>	<i>Number of Counties Using</i>	<i>Percentage of Registered Voters</i>
Punchcard	43	70%
Paper Ballots	10	1%
Optical Scan, Central Count	33	19%
Optical Scan, Precinct Count	30	10%

Special thanks to Dr. David Kimball for compiling these data. (See Kimball and Kropf 2002).

The question of whether to replace punch cards with more modern equipment divided election officials. Though Secretary Blunt did call for uniform equipment throughout the state, other members of the commission sought more choices (Blunt 2001a: 2).²³ Several election officials told the commission that punch card ballots worked well (Franey 2001). Senator Yeckel noted that most testimony she heard during the legislative process indicated the major problem was the voters, not the machines.²⁴ Representative Seigfreid agreed. "Most of the clerks that have those don't want to get rid of them because they work well. And, we've had very few problems in Missouri. The only real problems were in Florida."²⁵ On the other hand, the St. Louis (city) Election Board called for state legislators to replace punch card ballots (Mannies 2001). Given this lack of consensus, it is not surprising that Missouri did not mandate a wholesale change in equipment, so reform in Missouri was incremental in that sense.

Moreover, at least some lawmakers thought that election system was fine and did not see the need to pass major reforms. According to the former Speaker of the Missouri House Jim

Kreider (D-Nixa), election reform was not a high priority because many reforms had already been made in the past decade. "In the last ten years, we thought we had already reformed elections. We had done a lot of work on election reforms making it accessible and easier to vote."²⁶ He noted that the political atmosphere demanded that the legislature demanded that legislators look at election reform, even if it was not necessarily needed.

Fiscal Conditions

The fiscal situation was a large concern of legislators and interest groups alike, especially because of the cost of reforms such as advance voting. According to the National Conference of State Legislators in 2001, Missouri was one of 13 states in the "Spending overruns/lower-than expected revenues" category. That is, "[w]ith a couple of exceptions, states in this category arguably are in worse fiscal condition than other states because they are being hit both in the spending and revenue side of their budgets" (NCSL 2001: 30). The year 2002 was not much better; in fact, in his "State of the State" address at the beginning of the legislative session in 2002, Governor Holden announced "'hard times' had come to Missouri" and proposed cutting various social services programs (Bell and Taney 2002: A1).²⁷ Spending on homeland security was a high priority in Holden's budget, as discussed later. Indeed, considering the state needed to cut half a billion from the budget that year, according to Kreider, the cost of the election reform legislation was a large concern.

Clearly, concerns about Missouri's economic situation caused a delay in the 2002 legislation, even though much was cut from the legislation, including advance voting. However, even in 2002, one reason why the legislation languished in the House so long without a vote was because of the Speaker of the House's continuing concern about the fiscal situation (Ganey 2002).²⁸ However, election reform passed, albeit without early voting (or at least, early voting

would only be studied). New equipment was not mandated in SB675. Representative Seigfreid said the 2002 legislation could have mandated equipment replacement, but "I don't know that we ought to mandate that everybody have the same. It might be nice to have uniform equipment throughout the state, no doubt about that, but the cost is so astronomical that that was the main reason."²⁹ The legislation did call on the Secretary of State to certify computerized equipment. One reason why the legislation including that provision passed despite the budget situation was because of the anticipation of federal funds to pay for voting equipment upgrades. However, observers note now that federal funding will not be enough to pay for wholesale update in technology (Mannies 2003).³⁰

Party Control/Partisanship

Allegations of election fraud in St. Louis were traded by Republicans and Democrats on election night in 2000, but there seemed to be broad agreement as to the need for reform (whether it was a political or actual need). As noted previously, party control changed in the legislative terms following the 2000 election. However, it is difficult to find evidence that election reform was greatly partisan in the Missouri legislature. Many of the actors from both sides of the aisle noted that the effort was bipartisan as did at least one editorial in the *St. Louis Post-Dispatch*.³¹ Moreover, both the Senate sponsor of the legislation (a Republican) and the House sponsor of the legislation (a Democrat) indicated they worked well together. However, Kreider noted there were some concerns because the 2001 legislation was based on the recommendations of the Blunt Commission, which Democrats in the state legislative leadership had no say in appointing (even if it was a bipartisan commission, the Democratic leadership did not pick the Democrats).

While most of the other major actors did not admit there was partisanship involved in the decision, one could argue that partisanship did play a role in the delay of legislation in 2001, though not a great one. The House was Democratically controlled, yet the Secretary of State was a Republican, which could have caused some hesitancy on the part of Democrats and of course, Kreider did have his concerns about the source of the legislation. Kreider delayed the legislation for a long time in the House before bringing it up for a vote,³² and once it was voted on in the House in 2001, it was not entirely clear that the correct legislation was sent to the Senate. There was last minute confusion, according to observers. There was about 20 seconds left on the clock timing the legislative session, according to Laura Worstell, Legislative Action Chair of the Missouri League of Women Voters, and the leadership did not hold the clock, which they occasionally do when they are working on a piece of legislation. Additionally, "[t]here was some confusion about which bill they were actually working on and I think Senator Yeckel was even handed the wrong one to speak from and it was just one of those messes that they get into at every last day of every time."³³ Other evidence of the effects of partisanship and party control: even though the Secretary of State took actions such as forming a bipartisan commission (appointing a Democratic and a Republican Chair and an equal number of both parties), observers noted that he is running for Governor in 2004, so it may be inaccurate to characterize him as non-partisan.³⁴

Certainly, there were some traditional divides on some of the issues involved in the election bill. For example, Representative Seigfreid and Senator Yeckel had disagreement initially over the photo identification requirement considered in the legislation.³⁵ Seigfreid believed that picture identification was not necessary for some individuals, or would cause inconvenience for voters without photo identification. Eventually, the photo identification

provision was modified to mean almost any government or officially-issued identification, such as an electric bill. Finally, there were likely some legislators who opposed the section of the bill that gave the Secretary of the State subpoena power to investigate election fraud, since he was a Republican.³⁶ Subpoena power was not in the final version.

Vested Interests

Interest group involvement in election reform was rather limited in Missouri in terms of number of groups involved in the passage of the legislation. Still, some of these vested interests played a role in the delay, as well as eventual passage of the legislation, either by their action or inaction. Two groups stand out: the Missouri Association of County Clerks and Election Authorities and the League of Women Voters. Other groups testified, but were not as important or active. A more diverse set of interests served on the State Planning Committee for HAVA, including the Coalition of Hispanic Organizations, the Missouri Council for the Blind, the Missouri NAACP, and the Missouri AFL-CIO.³⁷ Another important actor was the Missouri Disability Vote Project.

One of the more vocal groups in deliberation and testimony in 2001 and 2002 was the Missouri Association of County Clerks and Election Authorities. Representing the 116 jurisdictions, various members testified before the Blunt Commission and lobbied the General Assembly for desired changes in the legislation.³⁸ Since election administration in Missouri is decentralized but statewide elections themselves are funded by the state,³⁹ this group worked to oppose unfunded mandates, such as early voting had the potential to be. "If the legislature wants to do it, then the legislature needs to find the money to do it," noted Wendy Noren, the Legislative Co-Chair of the group.⁴⁰ She said that there are many things that election officials would like to do such as advance voting, but don't have the funding.⁴¹

The County Clerk's Association worked mostly behind the scenes. Noren said they supported the bill from the beginning, but worked on wording changes. "There were concerns on that original version, on the early voting...it didn't provide any funding and didn't say who was going to pay for it. There were some other issues we had, provisional ballots....I don't remember from version to version, but in the end, it was a great bill." Noren said she spent at least 400 hours between the two years (2001-2002) "working out problems with committee people and various legislators, the Secretary of State's office and clerks." She said that deliberation with the relevant policymakers worked better for her group than news conferences or other tactics because "it [a news conference] generally ticks off some people...I've never found that as effective as sitting down at the table and saying here's where we're in disagreement. How do we get where we want to be?" In the end, advance voting was relegated to the planning stage; where the legislature called for the Secretary of State to solicit the potential plans of county clerks about advance voting and its costs. It is not clear whether advance voting will be implemented in Missouri.

More overt and less "behind-the-scenes" than the clerks, the Missouri League of Women Voters⁴² made election reform one of their legislative priorities in 2002, but not in 2001. Their concentrated efforts at lobbying in 2002 were important, according to some observers. Since election reform was not a League legislative priority in 2001, it did not throw its 1,000-member statewide weight behind the legislation then. According to the Worstell, "we always have a priority that is very, very important to us" and since this legislation was not introduced until "the middle of the session" in 2001, the League did not have time to make it a priority.⁴³ Most of their decisions are made in November before the legislative session ever starts (much legislation is pre-filed or the group knows it will be). Certain legislation may be discussed at their board

meeting in January, but it will not be a priority, though it may be supported. "We're pretty well thought-of because we don't do anything rash and we only support or oppose things that we have positions on," said Worstell.

When an issue is one of their priorities, as election reform was in 2002, they push hard for it, according to Worstell. Since their membership is dispersed statewide, a grassroots strategy of getting their members to call their representatives works well. At the beginning of the session, the League also has coffee with the new members and takes measures to publicize their priorities. "[W]e print a letter to every legislator and I carry it around and give it to everybody as a League person to welcome and so forth, but these are our priorities for the year, these three." Additionally, the group held a "lobby day" and a news conference featuring the important legislative supporters of the election reform bill. Worstell also provided testimony on the 2002 legislation and testified in front of the Senate Interim Committee to Reform Elections and Campaign Finance.⁴⁴

The Missouri Disability Vote Project played a much larger role in the Help America Vote Act State Plan deliberations than they did in legislation in 2002. Additionally, they began their work in July of 2001, too late to influence possible 2001 legislation. The Paragard Center for Independent Living⁴⁵ and the Missouri Disability Vote Coalition focused on the identification requirement in the state legislation, because many in the disabled community do not have driver's licenses.⁴⁶ However, as far as accessible voting equipment, Kelly Anthony, Director of the Missouri Disability Vote Project noted it was not included in the 2002 legislation. She said that the Secretary of State's office was not ready to certify any equipment until they had a better idea of what the federal law would be. "It is hard to pass legislation when things were still as fluid as they were with the federal law. But once that law was passed, we really took off."⁴⁷

After HAVA passed, Anthony worked to join the Missouri Disability Vote Project with other civil rights groups in the state. Eventually the coalition became the "Help Missouri Vote Coalition" and included members such as American Association of People with Disabilities, AARP Missouri, the Brain Injury Association, Metropolitan Congregations United, Missouri Association of Social Welfare, the League of Women Voters and the Missouri NAACP.⁴⁸ This coalition has representation on the State Planning Committee, but not just on the Accessibility Committee, but all the subcommittees. Anthony served on the Training/Education Subcommittee of the State Planning Committee.

Leadership

In Missouri, Secretary of State Blunt provided strong leadership for election reform, with the Blunt Commission recommendations as well as his own recommendations (together which yielded the legislation that was eventually passed) and working on legislation after it had been introduced.⁴⁹ He and his staff worked closely with the sponsors of the reform legislation in 2001 and 2002. "We were in constant communication with these two legislators throughout the process and worked diligently to provide them with information and background material to share with colleagues."⁵⁰ When the legislation failed in 2001, Blunt issued administrative rules for counting standards. He also laid groundwork to get the legislation passed in 2002. "We did not re-tool our strategy, but we did use the time in between the 2001 and 2002 sessions to visit with legislators about the need for comprehensive election reform in Missouri.... We were also able to build greater public support for the bill by pressing our case with editorial boards and citizens groups all across the state."⁵¹ Another way that Blunt and his staff kept the issue on the front burner was to issue a report during the summer of 2001 concerning his office's investigation of the St. Louis situation (Blunt 2001b).⁵²

Not only that, but national representatives also played an agenda setting role in election reform in Missouri. In particular, Senator Bond made a special issue of election reform, both nationally and on the state level. On the night of the election, Bond was known for his "ranting and raving" about the election, but he continually kept the issue of election reform in the media. Two days after the election, Bond was calling for a federal investigation of the actions in St. Louis (Tuft 2000a). Both Bond and Representative William "Lacy" Clay (D-MO) testified at the Blunt Commission, the Senate Interim Committee hearings, and both kept informed on the legislation. According to Pryor, "Congressman Bond's office contacted me basically just for updates wanting to know what was going on. They were interested in how it was progressing and what divisions were and it just more for information than anything and again stressing to us to push forward."⁵³ While it is clear that both Bond and Clay played an indirect role, it is not clear from the information gained how much Bond and Clay interacted with Missouri officials to let them know what was coming in terms of federal legislation, so that the state could prepare. However, Missouri was fairly well-prepared when the federal government passed HAVA, needing mainly mechanical changes to implement the bill.⁵⁴

Actors in the process seemed to agree that both Bond and Clay played an important role in getting provisional voting passed. One thing that Bond and Clay could agree on was that Missouri needed provisional voting, but for different reasons. According to the Senate sponsor of the election reform legislation Senator Yeckel, "I had Senator Bond and Lacy testify at the hearings. Provisional voting was the result of their testimony...Kit was just so firm about these things that had happened in the election and then Lacy came up...So he testified that, contrary to graft and cheating, his people were not allowed to vote. And the answer for both of them was provisional voting."⁵⁵

External Events

The prospect of federal legislation had a great effect on changes in Missouri, but September 11 had no discernable impact: election reform passed anyway in the wake of the tragedy. State observers agree. "I don't think September 11 detracted from the need for election reform," noted Pryor.⁵⁶ Clearly, the Governor made spending for homeland security a high-priority budget issue (Bell and Ganey 2002), which may have caused legislators to be more cautious with the budget when adopting new legislation, but election reform passed nevertheless. A more important "external event" was probably the close election in 2000 and the problems in St. Louis, alerting legislators that reform was necessary.

Conclusion

With the election being so close and controversial in Missouri in 2000 and with the situation in St. Louis causing so much controversy, it not surprising that reform legislation was passed by the Missouri legislature. Missouri adopted many new election statutes, and certainly the most it ever had since 1977. However, these reforms are incremental, because they were not as extensive as other states. Missouri political actors note that the incremental development of legislation in Missouri is not negative; in fact Missouri may benefit from the experience of those states that adopted major reform (such as wholesale changes in voting equipment). Not only that, but the incremental development of reform in Missouri allowed it experience with provisional voting, before many other states tried it. The state was able to overcome many of the fears, such as being overwhelmed with requests for provisional ballots.⁵⁷ Missouri was not overwhelmed.

Six factors played a role in the adoption and implementation of election reform in the state. **The Florida Factor and the St. Louis situation** set the agenda for reform, but legislators did not jump immediately into reform. St. Louis showed the need for provisional voting (among

other things), as indicated by Senator Bond and Representative Clay. These situations also prompted **Secretary of State Blunt to create a Commission** to study the issue as well as promulgate several rules that reflected the problem with counting ballots in Florida. Through the commission process and other deliberations, most actors agreed that something needed to be done to reform Missouri's election laws, though there was not universal agreement. Thus, the perceived **capacity of election laws** somewhat limited the legislation passed. The **fiscal situation** in Missouri also limited what could be done. The fiscal situation will continue to have potentially the greatest effect on the pace of reform of all the factors as Missouri moves to replace punch card equipment.

Vested interests played a key role; the Association of County Clerks and Election Authorities helped emphasize the fiscal problems, and most likely lead to the relegation of advance voting to the planning stage. On the other hand, the Association also worked long and hard to get reforms worded correctly and passed. More traditional lobbying came from the Missouri League of Women Voters. While there were many other (potentially more important) factors that affected the passage of the legislation, it is interesting that it passed after the League made it a priority and began to lobby heavily. Interestingly, civil rights groups in Missouri have been fairly quiet, at least until the mobilization of the Help Missouri Vote Coalition, spearheaded by the Missouri Disability Vote Coalition.

Finally, the **leadership** of Secretary of State Blunt has emerged as a significant factor in the development and passage of election reform, particularly since much of the legislation passed in 2002 was drawn directly from the Blunt **Commission** recommendations. Work on the part of the interim House and Senate committees on election reform also kept the issue alive during the time the legislature was not in session. Blunt also worked to keep the issue in the spotlight

throughout the summer of 2001. His office has also been mainly responsible for creating the HAVA State Plan. The passage of this legislation may bode very well for him as he runs for Governor in 2004.

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- ¹ "Bill Avoids Florida Fiasco." 2001. *Springfield News-Leader*, March 21: 12A.
- ² See "Early Voting" 2003. See also RSMo 155.126.1-115.126.6.
- ³ For all of these programs, the grants would be on a matching basis, with priority given to jurisdictions with the highest population and number of residents in poverty.
- ⁴ Interview with Senator Anita Yeckel (R-St. Louis), Chair of the Senate Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, March 14, 2003, Jefferson City, MO.
- ⁵ Help America Vote Act: Missouri's Preliminary State Plan, June 2003, Available at <http://www.sos.mo.gov/elections/hava/stateplan/>.
- ⁶ Blunt issued a report in July 2001 that charged that more than 1,200 individuals were allowed to vote improperly (Blunt 2001b).
- ⁷ St. Louis was one of five jurisdictions sued for actions during the 2000 election (see "Voter Rights and Voter Fraud" 2002).
- ⁸ Telephone Interview with Laura Worstell, Legislative Action Chair, Missouri League of Women Voters, April 10, 2003.
- ⁹ Interview with Representative James Seigfreid (D-Marshall), Former Chair of the House Election Committee, April 16, 2003, Jefferson City, MO.
- ¹⁰ Personal correspondence with Matt Blunt, Missouri Secretary of State, April 14, 2003.
- ¹¹ Personal Correspondence with Blunt.
- ¹² Telephone Interview with Paul DeGregorio, Republican Chair of the Blunt Commission on Electoral Reform and the Executive Vice President of the International Foundation for Election Systems, May 6, 2003. In mid 2003, DeGregorio was nominated to serve on the newly created federal Election Assistance Commission.
- ¹³ Telephone interview with Bob Ravenscraft, Democratic Chair of the Blunt Commission, Marion County Clerk, and the President of the Missouri Association of County Clerks and Election Authorities, May 12, 2003.
- ¹⁴ See for example 15 CSR 30-9.010-Uniform Counting Standards--Punch Card Voting Systems, 15 CSR 30-9.020--Uniform Counting Standards--Optical Scan Voting Systems and 15 CSR 30.030-Uniform Counting Standards--Paper Ballots. Available at <http://www.sos.mo.gov/adrules/csr/csr.asp>.
- ¹⁵ Numbers of legislation ascertained using the House and Senate Bill Tracking Search located on the Missouri House of Representatives web page <http://www.house.state.mo.us/>. The search was conducted using the terms "election reform," "voting," and "voter registration." Based on Palazzolo et al. 2003, I excluded legislation that listed "electoral college, campaign finance, and campaign practices" as the main subject. Consequently, political party-related legislation, or initiative or referendum administration proposals, electronic filing of candidates or regulation of lobbying are not included in the count. Discussions about the Presidential primary in Missouri, notice of elections by mail, and state payment for certain ballot re-printing are included. If a piece of legislation was a substitute for another, both were included (in 1998, HB1217 and HB943 were substitutes for HB1273).
- ¹⁶ Interview with Wendy Noren, Boone County Clerk and Legislative Co-Chair of the Missouri Association of County Clerks and Election Authorities, April 16, 2003, Columbia, MO.
- ¹⁷ The House and Senate pieces of legislation differed mainly in that under the Senate bill, the Secretary of State would have had subpoena power to investigate election fraud, and the Attorney General would be able to prosecute cases brought by the Secretary. Currently, local prosecutors are the ones with that power (Ganey 2002).
- ¹⁸ Interview with Chuck Pryor, Legislative Liaison for the Secretary of State, April 16, 2003, Jefferson City, MO.
- ¹⁹ Interview with Yeckel.
- ²⁰ Telephone interview with Jim Kreider, Former Speaker of the Missouri House, May 19, 2003.
- ²¹ Interview with Yeckel.
- ²² Interview with Pryor.
- ²³ The Commission Report to Blunt recommended "more choices" in equipment, but Blunt himself suggested uniform equipment (see The Blunt Commission to Review Election Statutes, 2001 and Blunt 2001a).
- ²⁴ Interview with Yeckel.
- ²⁵ Interview with Seigfreid.
- ²⁶ Telephone interview with Jim Kreider, former Speaker of the Missouri House, May 19, 2003.
- ²⁷ At the same time, Holden also proposed an increase in homeland security measures such as \$2.5 million to finance security recommendations from a security panel (Bell and Taney 2002).
- ²⁸ The bill underwent a fiscal analysis both years (a potential legislative delay), but Kreider maintains the analysis was not a delaying tactic since every bill proposing to spend more than \$100,000 must undergo a fiscal analysis.
- ²⁹ Interview with Seigfreid.

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- ³⁰ Interview with Charlene Davis, Republican Chair of the Jackson County Election Board, March 11, 2003, Independence, MO.
- ³¹ See for example, "Effort to Reform Election Laws in Missouri is Bipartisan." *St. Louis Post Dispatch*, August 4, 2001: 31. Retrieved from Lexis Nexis.
- ³² However, Kreider may have held the legislation due to the cost of advance voting, in particular, rather than any partisan considerations. According to the *St. Louis Post-Dispatch*, "The Senate passed it, but then it sat for months in the desk of House Speaker Jim Kreider, D-Nixa. Kreider said then that bills with price tags were in trouble" (Ganey 2002: F1).
- ³³ Interview with Laura Worstell, Missouri League of Women Voters Legislative Action Chair, April 16, 2003, Mexico, MO.
- ³⁴ Interview with James Seigfreid. Seigfreid notes that Blunt's office did work well with him on the legislation however and that he believes that Blunt has done a "pretty good job."
- ³⁵ It has been suggested that these differences may be a matter of the urban/rural split in Missouri, rather than a partisan disagreement (though the identification issue is a partisan one), according to several sources such as Senator Yeckel and Betsy Byers, Democratic Director of Elections, Secretary of State's Office. (Interview with Betsy Byers, March 14, 2003, Jefferson City, MO).
- ³⁶ This could also be reflection of the power relationship between the local officials and the Secretary of State. Both Democrats and Republicans wanted to protect the authority of their local prosecutors to take care of local election fraud.
- ³⁷ See http://www.sos.mo.gov/elections/hava/stateplan_members.asp.
- ³⁸ Not only did members of the group work with General Assembly members, but the group also employs a lobbyist to advocate for their positions.
- ³⁹ County election officials may have to go to court in order to **not** run the Presidential primary for which the state has cut funding (Interview with Noren).
- ⁴⁰ Interview with Noren.
- ⁴¹ According to a report prepared about early voting by the Secretary of State's Office, election officials in Missouri estimate it will cost approximately \$2.4 million dollars statewide (about one million would be one-time costs such as equipment purchase), or about \$21,000 per election district. The majority of the counties reported they would hold early voting only at their central office. See "Early Voting: A Report from the Office of Secretary of State Matt Blunt," 2003.
- ⁴² It may be questionable to called the League a "vested interest" because they are a "nonpartisan political organization that encourages the informed and active participation of citizens in government, and influences policy through education and advocacy" but the group also takes a position on a number of public policy issues, especially those affecting women and families (see League of Women Voters, 2002).
- ⁴³ Interview with Worstell.
- ⁴⁴ Three League members had also testified in front of the Blunt Commission, even though election reform was not the League's priority then. Worstell noted that the group still supported the legislation.
- ⁴⁵ Paraquad is a Center for Independent Living in St. Louis which houses a public policy department with four employees. Paraquad hired Kelly Anthony to work on mobilizing disabled voters. Her work resulted in the Missouri Disability Vote Project, a coalition of groups of disabled individuals.
- ⁴⁶ Telephone interview with Kelly Anthony, Director, Missouri Disability Vote Project, May 12, 2003.
- ⁴⁷ Interview with Anthony.
- ⁴⁸ Email correspondence with Kelly Anthony. May 12, 2003.
- ⁴⁹ Governor Bob Holden did not make election reform a strong priority of his administration.
- ⁵⁰ Personal correspondence with Blunt.
- ⁵¹ Personal correspondence with Blunt.
- ⁵² Blunt's office also investigated the primary held in St. Louis on March 6, 2001 (see Blunt 2001c).
- ⁵³ Interview with Pryor.
- ⁵⁴ Interview with Pryor.
- ⁵⁵ Interview with Yeckel.
- ⁵⁶ Interview with Pryor.
- ⁵⁷ Interview with Worstell.