Electoral Reform:
Charting the Course to Voter Engagement
The United States is a microcosm of the world’s humanity. Every ethnic group, every race and every faith is represented here, as is every continent and most cultures. For centuries America has been the land of natives and newcomers. Whether immigrants have come here for religious freedom, political asylum or security, education, economic opportunity or reunification with family members who preceded them, they have all shared an optimistic belief that, once in their adopted land, they would have the chance to become masters of their own destiny.

The essence of our democracy lies in the proposition put forward in the Declaration of Independence, that we are created equal, that we are endowed by our Creator with certain inalienable rights and that among these rights are life, liberty and the pursuit of happiness. In other words, a free people can be trusted to know what is good for them. But there is another side to that coin—meaning, that with rights come responsibilities. After all, a democratic government is only as effective as it is held accountable by its citizens and by their commitment to participate in the fundamental processes of democracy, such as developing an understanding of how democratic government functions, going to the polls to vote and by being attentive to the public issues that have an impact not only on our national life but that also affect people around the world and around the corner, in our own neighborhoods—even in our own homes.

Voting, in particular, is how we as individual citizens directly engage with our system of government and with the leaders that, as a society, we have put into office. Pulling the lever in the voting booth is not an act that Americans should ever allow themselves to become complacent about: it is an endorsement of the principles, policies and institutions that have provided freedom, political equality and educational and economic opportunity to all Americans over the course of more than two centuries. The polls also provide an avenue for citizens to register their criticism of how these principles and policies are being implemented. That ability, that freedom to vote yeos or nays on the great issues of the day, with confidence and without fear, is the legacy that our founding fathers passed on to us and that we continue to hand down to the generations to whom we will be—one hopes!—equally responsible and vigilant ancestors.

For more than a decade, as noted in this review, Carnegie Corporation of New York has been at the forefront of efforts to catalyze engagement with the electoral process; to promote access to the voting booth for all who have a right to it; to remove the impediments to voting and civic participation that disproportionately affect minority groups, immigrants, the poor, the elderly, the disabled and all others who have been unjustly disenfranchised; as well as to improve the voting process itself. This work has been carried out by Corporation grantees across the country through research, education, get-out-the-vote campaigns, as well as by promoting advances in technology and disseminating knowledge and information aimed at combating the corrosive cynicism that has too often diminished Americans’ trust in our electoral process. Today, that work continues to go on because it must.
As Andrew Carnegie said in his 1887 manifesto, *Triumphant Democracy*, “…the light continues to shine as before from age to age to guide upon the true path of progress the ship of Triumphant Democracy, freighted with the richest experience, the ripest knowledge, the deepest wisdom, the brightest hopes, the highest aspirations, the magnificent destiny of Man.”

Our nation is the embodiment of those high aspirations held dear by both men and women. Carnegie Corporation of New York is proud, as well as grateful, to have been mandated by Andrew Carnegie to help strengthen the enlightened ideals of democracy that have been the hallmark of our past and beckon us on into the limitless promise of the future.

Vartan Gregorian
President, Carnegie Corporation of New York

Carnegie Review is a publication series that generally focuses on program areas as they come to their natural conclusion. Its aim is to assess a cluster of grants, providing insight into how a particular program area developed, the grantmaking and people involved and the lessons learned.
So declared Charles M. Vest, president of the Massachusetts Institute of Technology (MIT), at a press conference shortly after the 2000 presidential election. The validity of Floridians’ ballots was still in dispute when George Bush was declared the victor by the U.S. Supreme Court, and Vest and his colleague, California Institute of Technology (Caltech) president David Baltimore, joined Carnegie Corporation president Vartan Gregorian to announce their plan to create a uniform national polling system. With an initial grant of $250,000 from the Corporation, the Caltech/MIT Voting Technology Project was launched, involving professors of political science, cognitive science, design, computer science and engineering in a comprehensive analysis of the nation’s voting system.

Michael Alvarez, Caltech professor of political science and codirector of the Project, recalls that he was in the hospital awaiting the birth of his daughter while watching the 2000 presidential election unfold on TV. When his cell phone rang, he was expecting to hear congratulations about the baby, but instead, it was a call to let him know about the funding from Carnegie Corporation. “My reaction at the time was that this is a fascinating but daunting task; that it would always be about more than just the voting machines themselves.”

Like a network of tributaries, electoral reform links many streams—the enfranchisement of voters, public advocacy, litigation, research to support the advocacy, education to inform the voting public and the accurate machinery to make the system fair and accountable. If any one of these streams ceases to flow, the entire system is affected. That’s what happened in 2000, when, after years of malfunction and strain, our nation’s voting apparatus imploded. It took a disputed presidential election to prove to the electorate, and to the world, that it was time for a correction. Bush v. Gore brought the country to a political standstill, exposing the massive flaws in the system and forcing the United States to seek change. The incident shone a spotlight on an issue Carnegie Corporation, whose core mission includes strengthening U.S. democracy, had been working on for some time.

Electoral Reform:
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A nation that can send a man to the moon and that can put a reliable ATM machine on every corner has no excuse not to deploy a reliable, affordable, easy-to-use voting system!
Early Attempts to Get Out the Vote

Although the Corporation’s support for electoral reform began in 1997 as part of its Strengthening American Democracy program, in many respects the seeds for this grantmaking had been sown decades earlier under the leadership of Alan Pifer. The Reverend Martin Luther King had put the United States on notice in 1963 when his march for civil rights in Washington ignited a movement that aimed to make the country live up to its founding ideals. From then until November 2009, when U.S. voters turned out in record numbers to elect the first African-American president, the campaign to deepen civic participation and guarantee every citizen’s right to vote has made significant strides, with Carnegie Corporation playing a key role.

The Corporation’s initial efforts in this field augmented those of foundations like Ford and Rockefeller, which were already promoting a civil rights legal defense fund strategy, providing underrepresented groups with the funds to take their fight for equal voting rights to court. The Corporation soon put its own stamp on the work under the leadership of program director Geri Mannion, working mainly to remove barriers to voter participation while supporting efforts to “Get Out the Vote.” The Corporation’s board emphasized reengagement on the state level, Mannion explains, and the work comprised a deliberate threading together of advocacy, research, policy and litigation, along with strategic leveraging of funds in partnership with other foundations and individual philanthropists.

Voter registration and voter access have been longstanding problems, especially among minority and new voter populations. That’s why, in the late 1980s and the early 1990s, the Corporation and other funders supported nonprofits like HumanSERVE and the legal defense funds in their efforts to encourage easier voter registration. This support led to passage of the 1993 National Voter Registration Act, commonly referred to as “motor voter.”

Though successful for many voters—ones who were now able to register when applying for a driver’s license or registering a car—the law was poorly administered in social service agencies. Only recently, through efforts by grantees such as Demos, the Nonprofit Voter Engagement Project and the Brennan Center for Justice, has the law been fully implemented, resulting in thousands of low-income citizens registering and voting.

Currently, there are federal efforts underway to expand the National Voter Registration Act to an automatic voter registration system. In states like North Carolina there are other campaigns underway to encourage all
high schools to register eligible students so that they can vote when they turn eighteen. The Corporation has funded all these efforts. We also supported efforts to make sure that voters had the information that they needed to vote. Corporation grantees Project Vote Smart, the League of Women Voters Education Fund, and Democracy Net saw the Internet as an opportunity to get voters the information and tools they need to make the best decisions on voting for candidates and public issues.

Our previous work made it logical that we were among the first foundations to step in to respond to the 2000 election debacle. To see a presidential race in disarray was new, and Bush v. Gore would begin a decade that would illustrate how the most technologically advanced nation in the world still conducted its elections as if it were the 19th century. As experts would soon reveal, voting machines were often inaccurate; election results, especially when the results were not in dispute, were rarely audited. There was an array of problems afflicting the system, and we supported a range of organizations to consider ways to reform and improve it.

There were no national standards and each state or city handled elections differently. Boston, for example, allowed a voter no more than five minutes to cast a vote. There were concerns about ongoing voter fraud, especially related to online voting. Election administrators in turn were overwhelmed when there was an increase in voter registration. They had to deal with volunteer, often poorly trained, poll workers. For every step forward, there were two back.

In truth, the American voting system, with an approximately fifty percent voter participation level, is just not prepared for full participation. What would happen if everyone who is eligible voted? An entire new industry to promote and protect voting rights seems to have sprung up since the 2000 elections. As academics, advocates and election administrators have learned to work together, what started as an adversarial relationship between election administrators and everyone else following the 2000 election has become productive partnerships in many places, where all work together to ensure voters are served and able to vote.

Progress is being made. In the 2008 election cycle, we saw a lot of positive changes in place. Same Day Voter Registration is increasing in popularity, and more states are adopting this reform, which is well known to increase voter turnout. Early voting and mail-in voting in many states allow voters to cast their ballots in advance of Election Day and avoid long lines. Permanent absentee voting is increasingly allowed, ensuring that voters can cast a ballot when convenient. With increased media attention, provisional ballots are more readily available; voting snafus on Election Day are handled expeditiously and voter confidence is increasing.

At the same time, all problems haven’t gone away. Out-of-state students are often given the wrong information about where and how to register. Long lines on Election Day persist, especially in low-income areas. Voter ID laws are often implemented haphazardly. And, voter registration and voting still lag. More needs to be done to increase full participation.

Given increased investments in this area—for instance, the Pew Charitable Trusts and the Open Society Institute have joined the fray and increased their support substantially—the Corporation is phasing out its support. One of our final grants was awarded in March 2009, $250,000 to the Lawyers’ Committee for Civil Rights Under Law, in partnership with the Brennan Center for Justice, for a public education effort to modernize voter registration administration.

In the future, we will be more narrowly focused on electoral reform issues as they relate to current priorities, such as immigrant civic integration and youth voter engagement. School-based voter registration, streamlining the naturalization system and ensuring that voter ID laws aren’t discriminately enforced, especially against young and/or new voters, are areas where we may focus in the future, continuing the Corporation’s history of ensuring that voting rights are protected, especially for those most likely to be disenfranchised.
Among Mannion’s colleagues in the foundation world at the start of this effort was The American Prospect magazine’s editor, Mark Schmitt, who led democracy funding at the Open Society Institute (OSI). “We saw in 1998 or so that what was needed was some attention to states as states,” Schmitt recalls. Until then, funders had viewed the states primarily as an incubator for, or strategic stop en route to, making change on the federal level. “There was an actual recognition that more of what happened in people’s lives happened at the state level,” he explains. “Geri recognized earlier than any other funder that you needed to build resilient, flexible institutions at the state level. You didn’t need to build more single-issue shops. You needed to build overall capacity to engage.”

Carnegie Corporation helped increase collaboration among funders interested in growing nonpartisan civic/voter engagement, especially among those least likely to participate, with political reform at the center of their work. One of the main vehicles for encouraging such collaboration has been the Funders’ Committee for Civic Engagement, a funder affinity group that Mannion has co-chaired on and off since the mid-1990s. Most recently, Mannion, in collaboration with her colleague and co-chair Allison Barlow, guided the Funders’ Committee for Civic Participation from an ad hoc group to a staffed, nationally recognized and robust national organization of funders committed to electoral reform and civic participation. Larry Hansen, vice president of the Joyce Foundation, remembers working with Geri Mannion in the early 1990s when there was less than a million dollars, total, among all the foundations working on electoral reform. At the time, Carnegie and Ford were the key players, and OSI was just starting. At Hansen’s suggestion everyone increased their support, and there was a considerable upsurge of funding by foundations in this area since that time.

**Lawrence N. Hansen**

**Vice President**  
Joyce Foundation

In the early 1990s, I intersected with Geri Mannion when I was consulting for the Joyce Foundation. The Foundation asked me to look at their old elections program. One of the things I did first was to suggest that they focus almost exclusively on campaign finance reform at the state and federal levels.

In the Midwest, where Joyce had historically done most of its grantmaking, the terrain was pretty barren, so we created institutions there. When we started the work, the civic infrastructure was so feeble that the local organizations we created became the go-to place for everything related to the problems of the political system, not just for campaign finance issues. The organizations found themselves being dragged, for example, into the debate about the Help America Vote Act of 2002 (HAVA), federal legislation designed to fix many of the problems that surfaced in 2000 elections. Based on that experience, and given the interconnectivity of the issues, I argued that we should be positioning ourselves to advance a more holistic agenda.

We decided that we would create a well-rounded democracy agenda, and that we would surround the on-the-ground organizations with some of the best talent in the country, both academic and legal. In 2006, we created a consortium called the Midwest Democracy Network to create a sense of community across the region. The Network, which meets physically twice a
year, combines state-based reform organizations, academic institutions and national research and policy organizations to enhance democracy in five Great Lakes states—Illinois, Michigan, Minnesota, Ohio and Wisconsin. The groups pool resources, share strategies and combine their efforts in a regional grassroots effort.

As Cynthia Canary, executive director of the Illinois Campaign for Political Reform, and Mike McCabe, executive director of the Wisconsin Democracy Campaign, wrote recently about their work in *The American Prospect* magazine (January 2009), “What we have in common is a view of democracy as an ecosystem. It’s been said time and again, ‘all politics is local.’ Truth be told, most people think of politics in national terms—this year more than ever. But the greatest potential for rethinking American democracy may lie in working at the regional level. A largely under-the-radar experiment underway in a politically important five-state area of the country could change that. Through collaboration, the Midwest Democracy Network has already established a far bigger presence on the public policy stage than any single state-based organization could.”

Joyce has had backup from such national groups as Justice at Stake and the Brennan Center in building and strengthening this regional network. The interconnectedness among issues related to democracy continues. We are currently working on ensuring a fair census count, and to help achieve that, we will weave together the civil rights work with the work in the good government community.

Michael Waldman, executive director of the Brennan Center for Justice at New York University School of Law, a nonpartisan public policy institute that focuses on democracy and justice, details the arc of these foundations’ efforts. “When the Brennan Center started in the mid 1990s, its main focus was campaign finance reform. We began working on voting reform first through our work on felony disenfranchisement, to undo this remnant of Jim Crow. We started with one staff member working on voter registration issues years ago. We have taken that work and built it out so that we have become one of the significant entities effectively protecting voting rights in the country. Based on the research and advocacy of the past several years, there is now a chance to solve some of the major problems in the long run by enacting legislation that will modernize the way voter registration is done.”

Carnegie Corporation, a longtime core supporter of the Brennan Center’s campaign finance work, helped build its democracy program, beginning in 2000 with an effort to end felony disenfranchisement by litigating a case in Florida’s Eleventh Circuit, *Johnson v. Bush*, to overturn the lifetime ban for anyone with a felony conviction. Not allowing former felons to vote was keeping over one million people in Florida from exercising their rights as citizens, Waldman says. The Brennan Center didn’t win the case, but the historic facts that were uncovered generated more public awareness of, and organizing around, the issue. In addition, during the 2008 election, Florida’s Republican governor, Charlie Crist, tried to end felony disenfranchisement entirely, and restored the voting rights of approximately 250,000 people for the election.

As in their other democracy grantmaking, the Corporation’s electoral reform strategy was to bolster advocacy work with research and dissemination of findings. Through grants to institutions like the Brennan Center, Demos and the Reform Institute, the Corporation’s actions were fueled by hard data culled from research and policy analysis, along with strategies for promotion and mobilization. Former Carnegie Corporation board member Shirley Malcolm, head of the Directorate for Education
Criminal Disenfranchisement Laws Across the U.S.

States vary widely on when voting rights are restored. Maine and Vermont do not withdraw the franchise based on criminal convictions; even prisoners may vote there. Kentucky and Virginia are the last two remaining states that permanently disenfranchise all people with felony convictions, unless they receive individual, discretionary, executive clemency.

- **Permanent disenfranchisement for all people with felony convictions, unless government approves individual rights restoration:** KY, VA
- **Permanent disenfranchisement for at least some people with criminal convictions, unless government approves individual rights restoration:** AL, AZ, CA, DE, FL, MS, NV, TN, WY
- **Voting rights restored upon completion of sentence, including prison, parole, and probation:** AK, AR, CA, CO, GA, ID, IA, KS, LA, MD, MN, MO, NE, NJ, NM, NC, OK, SC, TX, WA, WV, WI
  - *Nebraska imposes a two-year waiting period after completion of sentence.
- **Voting rights restored after release from prison and discharge from parole (probationers may vote):** CA, CO, CT, NY, SD
  - *In New York, people on parole may vote if they have received a Certificate of Relief from Disabilities.
- **Voting rights restored to people on probation and parole:** DC, HI, HI, IL, IN, MA, MI, MT, NH, ND, OH, OR, PA, RI, UT
- **No disenfranchisement for people with criminal convictions:** ME, VT

From *Restoring the Right to Vote* by Erika Wood, Brennan Center. [http://www.brennancenter.org/content/resource/restoring_the_right_to_vote/](http://www.brennancenter.org/content/resource/restoring_the_right_to_vote/)
and Human Resources Programs of the American Association for the Advancement of Science (AAAS), points out, “If we hadn’t been funding both policy and research, the policy would not have had an opportunity to draw on the research.”

The Corporation began to support advocacy on the ground. One early mobilization effort in the 1980s was in support of a “motor voter” law. The idea—to register voters when they made use of governmental services like the Department of Motor Vehicles or social welfare offices—was the brainchild of political scientist Frances Fox Piven of the City University of New York and her husband Richard Cloward, who taught at Columbia University’s School of Social Work. To promote federal legislation, they organized a grassroots mobilization called HumanSERVE to establish motor voter plans in the states.

In 1993, newly elected President Clinton responded by signing the National Voter Registration Act, allowing people to register through the motor voter mechanism when applying for or renewing their driver’s licenses, and making voter registration available by law in government social service offices serving the poor and the disabled. Among other protections, the 1993 act also forces states to allow residents to register by mail, and it prohibits states from purging nonvoters from the voter rolls.

In the 1990s, Carnegie Corporation also turned its attention to Get Out the Vote (GOTV) efforts and the naturalization of new citizens, an undertaking that continues today. At the same time, the foundation began to address the structural issues in the system that were diminishing turnout or canceling out people’s votes, such as redistricting and voter suppression. While GOTV efforts became increasingly successful and more and more voters went to the polls, other strains within the electoral system were revealed in the 1990s, as politics became more polarized.

From the 1994 congressional election and the resulting ascendency of leaders like Congressman Newt Gingrich, to the 1998 impeachment of President Bill Clinton, a growing cultural divide characterized the politics of the decade. The overall impact, perhaps ironically, was an increasingly sophisticated and massive Get Out the Vote effort by all factions, even at a time when the electorate in general doubted the efficacy of politics. But the period of polarization also resulted in more highly contested challenges of voter eligibility, more purging of the voter rolls and more tampering with the system of “free and fair elections” established to sustain U.S. democracy. It is hardly surprising that the decade ended with a split in the national consensus and a questionable outcome of a presidential election conducted in what was arguably the most partisan electoral atmosphere of modern times. However, the 2000 election also provided a wake-up call to politicians of all leanings: something had to be done to reform the electoral system.

### Millions of Missing Votes

The 2000 presidential election highlighted dozens of ways that the electoral system shortchanged the citizenry and, consequently, the very promise of democracy. The litany of things gone wrong included myriad voting systems that didn’t work—from punch cards to paper ballots, creaky old machines to untested electronics—plus uncounted and disputed ballots and illegal purging of the voter rolls. “There were always cracks and glitches in the system,” comments Geri Mannion. “Then with the huge increase of glitches and with increased public polarization, the problem became painfully obvious.”

In the aftermath of the Florida vote recount, many groups initiated studies of the 2000 presidential election and presented policy proposals. One
of the most intriguing ideas was the Corporation-supported joint proposal by the Caltech/MIT Voting Technology Project, a collaborative effort of social science and technology experts from both universities. The ambitious goals included identifying and rectifying the numerous technological challenges associated with counting ballots in American elections. Such an overhaul wouldn’t come cheap. As Steve Ansolabehere of MIT remembers, “We started to scale up, and I worked closely with Geri to build up a foundation support for this and other efforts.”

After an initial round of research, the Caltech/MIT team’s March 2001 report generated enormous publicity. *Residual Votes Attributable to Technology: An Assessment of the Reliability of Existing Voting Equipment* was the first systematic study of voting systems conducted in the wake of the 2000 elections. “Our report focused solely on what we called the ‘residual vote rate,’ which is the total number of uncounted ballots,” explains Caltech’s Alvarez. “What we found in the data we collected, ranging from 1988 through 2000, were two clusters of voting systems. In one cluster, paper ballots, lever machines and optically scanned ballots were shown to have the lowest rate of residual votes throughout this period...We were not terribly surprised to find that punch card systems had high residual vote rates. What was surprising was that electronic voting systems, the so-called “direct recording devices” and newer ATM-style voting systems, had residual vote rates roughly comparable to those of punch card systems.”

The group discovered that electronic voting systems fared poorly for a number of reasons: Poor ballot design, need for a technology learning curve and a similar voter learning curve, inadequate administration in polling places and substandard maintenance all played a part. The study also revealed that votes went uncounted for reasons other than system problems. According to their survey, between 4 and 6 million votes overall were lost in the 2000 presidential election, approximately 1.5 to 2 million of them due to voting system issues including faulty equipment, confusing ballots and bad technology. But even more votes—between 1.5 and 3 million—were lost due to voters being turned away because of an error in their registration and similar tactics. Last, up to a million votes were lost due to problems in polling places, particularly location mixups and long lines on Election Day.

**HAVA: An Empty Promise?**

In addition to creating their July 2001 report, the Caltech/MIT group also began working informally with colleagues on the task force for the National Commission on Federal Election Reform chaired by former presidents Carter and Ford, which issued its own report. Out of these efforts came the blueprint for the Help America Vote Act (HAVA), which was signed into law by President George W. Bush in 2002, just one week before the mid-term Election Day. While Carnegie Corporation grantees helped provide a lot of the research and advocacy that led to the Act, the momentum for HAVA largely resulted from frustration with the events of the 2000 election, which the American public and the government wanted to be sure would not happen again.

In 2002, with HAVA in place, states were required to put together statewide voter lists. Additionally, the new law called for the establishment of a program to provide funds to states to replace punch card voting systems, to establish the Election Assistance Commission to aid in the administration of federal elections and to otherwise support the carrying out of certain federal election laws and programs. It also called for the establishment of minimum election administration
Unfortunately, the Help America Vote Act didn’t put an end to lobbying and contributions on the part of the voting machine industry, nor did it have the teeth to make a substantive difference in the critical area of protection.

standards for states and units of local government with responsibility for running federal elections.

One of the most important aspects of electoral reform is voter protection. Unfortunately, the Help America Vote Act didn’t put an end to lobbying and contributions on the part of the voting machine industry, nor did it have the teeth to make a substantive difference in the critical area of protection. As a consequence, its passage could not automatically bring an end to voter suppression, intimidation or other maneuvers preventing votes from being counted accurately. Corporation support for voter protection had begun in earnest in 2000 and 2001, with funding for grantees such as the Advancement Project, a nonprofit national civil rights and racial justice organization founded by civil rights lawyers in 1999. Joining this field just as the 2000 elections were about to hit propelled the Advancement Project to the center of the debate about how elections should be conducted.

The Advancement Project’s highly specialized lawyers work with local pro bono lawyers and law firms on litigation and advocacy to promote voters’ rights. Upon identifying a voting rights problem, the group alerts local elected officials, or begins litigation when necessary. If the particular problem isn’t solved, the lawyers go to the media and work with advocacy groups to educate the public about the issues and garner support. Advancement Project codirector Judith Browne says, compared to a decade ago, the field “is much more built-out, more sophisticated...There actually is a field.”

By 2004, the Advancement Project was working in nine states: Florida, Ohio, Pennsylvania, Missouri, Michigan, Wisconsin, Nevada, Arizona and Louisiana. Virginia, New Jersey, Maryland and Colorado have since been added to the roster. “People didn’t think about who their secretary of state was until Katherine Harris (Florida’s secretary of state, who determined that her state had gone to George Bush in the 2000 election), and now people think, ‘Oh goodness, there are thirty secretaries of state up for election in 2010 and how important is that!’” notes Browne. The Advancement Project’s goal is to do whatever work is required ahead of time to guarantee a smooth election. “We hope that on Election Day our staff can go fishing because we have done so much work in advance,” she adds.

Rage against the Machine

In October 2004 Carnegie Corporation supported a workshop on developing a research agenda for electronic voting technologies, held by the American Association for the Advancement of Science (AAAS) program on Scientific Freedom, Responsibility and Law. Local election officials who attended bemoaned the chaos of the system. “What can go wrong? Everything,” said panelist Susan Inman, director of elections for the Pulaski County Election Commission in Little Rock, Arkansas. “If the method of voting is made too complex for a poll worker to manage, it can create more problems than are solved.” Panelist George Gilbert, director of elections for the Guilford County Board of Elections in North Carolina, was even harsher, calling the system “a Rubik’s Cube inside a maze.”

As conference participants pointed out, most
electronic voting systems left no paper trail by which to verify the final count. In 2003, computer scientists at Rice University and Johns Hopkins University had reported significant security flaws in Diebold’s AccuVote-TS electronic voting system, forcing another round of scrutiny. While the search for the perfect voting machine continued, local officials set about squelching the potential public furor over solutions that didn’t work. By 2006, watchdog groups and the media were citing serious security flaws in the Diebold Election Systems touch-screen voting machines, as well as with the Sequoia machines, which were used in many states. The New York Times reported that year, “Computer scientists said the problem might allow someone to tamper with a machine’s software, some saying they preferred not to discuss the flaw at all for fear of offering a roadmap to a hacker.”

Looking back, Geri Mannion suggests that many states moved too quickly to the new technology. People thought it was easy to simply change machines as California had done, but she notes that the new technology, unlike an ATM, left no paper trail. As a result people’s confidence in the system was shaky. “It was a broken system,” Mannion says, “and every single community handled it differently.”

The Caltech/MIT Voting Technology Project was initiated to study and fix problems associated with the machines, but the researchers quickly learned there were more complications than at first appeared. “Fixing the problems with voting systems technologies, while obviously important, also requires fixing voter registration systems, polling place practices and various issues associated with election administration practices,” stresses Alvarez. Steve Ansolabehere of MIT adds, “There were really big differences between rural and urban areas, which we heard about from local election officials. The rural officials were often part-timers with no capacity to deal with sophisticated technology.”

Steve Ansolabehere
Professor of Political Science
Massachusetts Institute of Technology (MIT)
Caltech/MIT Voting Project
This started when Caltech president David Baltimore and MIT president Charles Vest reacted in the same way to the Florida recount problems. Florida was still using punch cards, even though no other computer applications that Baltimore and Vest knew of used punch cards, which were a 1960s technology. So they decided to form a team between the two schools to design a new voting machine. They spoke to Vartan Gregorian about putting together some initial funding. The next several weeks were a bit of a nightmare since everyone who had an opinion and nowhere to go sent us e-mails. We started to scale up and I worked closely with Geri Mannion, starting to build up a consortium of funders—including the Knight Foundation, and some others.

We immediately began to collect data to measure what happened [in the 2000 election]. I went out and acquired data very quickly and in early January 2001, Pat Foote, the outgoing president of the University of Miami, contacted us to go to Florida and testify in the Florida task force forming around this issue. This was the first time that we saw what was going on in these reform efforts. I said I wasn’t interested in testifying, but wanted to listen. It was a real eye-opener. The whole research group started attending these task forces locally and figuring out what was going on, measuring what the failures were, and listening to what was happening.

Our team started meeting weekly during the winter of 2001 regarding problems as we saw them and machine
design issues. The really big problems were in voter registration, not in machines. The machines were very dependent on the system in which they were located, with poll workers, election officials and so forth. The computer technology community has accepted our recommendations regarding technology. We worked informally with colleagues on the task force of the Carter–Ford Commission—officially the National Commission on Federal Election Reform. They issued a report about a month after our July 2001 report. Out of these efforts came the blueprint for the Help America Vote Act (HAVA).

Most of what came out of the House bill came from working closely with congressional staff. We started assigning people to go to Washington, DC because requests for our expertise intensified. Each of us gave testimony at least twice to different committees, including the House Science Committee, Government Operations, Senate Rules, House Administration and Senate Commerce.

Punch cards were dominating everything. You could make the system better by buying up the punch card machines and getting rid of them. We were rabid about that. There were points when the Republicans took that provision out of the bill that became HAVA and we had to scream to get it back. Election officials were not helpful at times because they didn’t want change.

There was a really critical need for factual information, and at that time nobody knew anything. What we contributed was the need for factual evidence on the question of what equipment to buy. We pushed for statewide registration lists, which is still in process. The other problem we observed is a huge tension between counties and states. They completely distrust each other. The counties don’t want to give up any power to states so they won’t accept help or regulations. They don’t want to do simple things to improve their systems if it means giving up authority. There has been backsliding in Florida, for instance, on just these grounds of authority.

So, if people move between counties, there is no way to update lists and no way to link them. You move from Los Angeles to San Bernardino; there’s no way to link. We are still in the middle of registration list reform. We insisted on the development of statewide registrations, which is a first step in the solution. Forty or fifty states have something in place now. Michigan has a really good office, the Office of the Qualified Vote File. U.S. Senator Debbie Stabenow was integral as a state senator to putting that into place. We were insistent on this as a way to solve mobility problems, but also as a way to empower states to take greater authority in this domain. This could also help with purges and the sheer number of people disqualified due to errors on the list. We will see soon if that has made a difference. We also recommended provisional ballots, as a backup system. Having a backup saved 800,000 to a million votes in 2008.

Some other issues need encouragement, like certification of the vote and reporting of the vote. There were eleven states that didn’t certify the total number of votes cast in 2000; subsequently, four more states have backed off on reporting turnout. Today, fifteen states don’t report turnout. That is a big problem. There’s nothing to verify if you don’t know how many people turned out. It’s not very glamorous, but we should have a good certification of the vote; it’s hard to get a read on any of these problems without having that number first. States and counties don’t want to be studied, so they are pulling back.

The federal government could say that as part of the reporting of the certification of the vote to the House clerk and to the Senate that you have to report the official number of total votes cast. There are all sorts of distressing errors in the official numbers. This is a case of backsliding among election officers.

There are also a lot of closely related issues, like racial discrimination and so forth. Subsequently, in 2006 and 2008, we have been continuing to monitor this area and collect data on administration and election performance. I have been doing a lot of work on congressional elections and started a survey of 35,000
people nationwide regarding voting behavior at the congressional district level, which provides an opportunity to ask such questions about election experiences as how much time did someone have to wait in line and were they asked to show voter identification.

A lot of my work this year has had to do with the voting rights issue that is raised by the election of Barack Obama. What is the relevance of the Voting Rights Act today? Approximately 130 journal articles have been published on just this topic in a short amount of time, a substantial number in refereed journals, not counting think tanks, like Brookings and the American Enterprise Institute. The money that Carnegie put out there is quite closely tied to making public policy work better, in a way that much academic research is not.

Dealing with Carnegie Corporation was terrific. Geri Mannion was always trying to help build the program up, but not push us to do what was inappropriate. She gave us a lot of freedom, which was needed. We needed to go out there and figure out what was going on without being pushed to become advocates. Carnegie Corporation gave us the intellectual freedom. They want the academics to do the academic thing in a way that is relevant to the world.

It is impressive how many researchers now think of these problems when they create other surveys. It’s good to keep this problem integrated into a broader set of problems. Also, this project brought together people who hadn’t worked together before and we continue to bring other people into the activities. It built a community of academics—a cross-disciplinary field; we now know the engineers really well and also some election administrators and foundations. This network is one of the nodes in a bigger network.

Voting systems problems have been widespread and could not be kept secret. At the end of 2007, for instance, The New York Times reported that all five voting systems used in Ohio had critical flaws that could undermine the integrity of the 2008 general election. By October 2008, Ohio secretary of state Jennifer Brunner filed a lawsuit against Premier Election Solutions, an electronic-voting machine vendor, saying the company should pay damages for dropped votes in the state’s March 2008 primary election. Troubles for the vendor continued to mount in Ohio and other states. Meanwhile, electoral reform advocates and local officials began to look elsewhere to reform the system.

“States all over the country changed their technology from 2006 to 2008 because of the advocacy,” notes Waldman, the Brennan Center’s executive director. “It turned out that eight years after the 2000 vote in Florida, ballots were still being designed by thousands of local officials who had no basis for knowing how to do it.” With a leading corporate designer Brennan conducted a study, Better Ballots, to highlight best and worst practices. They also offered training for hundreds of local officials in seven states. This effort was not partisan; it was technical, according to Waldman.

The issue wasn’t as emotionally gripping as thousands of people waiting in the rain to vote, he concedes, but bad ballots could disenfranchise millions of people—those who can’t read a poorly designed ballot, or the elderly, or less educated voters. Larry Norden, the Brennan Center expert in this field, also conducted research in Ohio, where he advised state officials. He was subsequently appointed chair of a state task force on elections. Norden held a series of public hearings in Ohio and wrote a report about what went wrong and what should be done, all supported by Carnegie Corporation.

The Caltech/MIT group that the Corporation funded was also critical to correcting this situation. Michael Alvarez recalls, “We had launched a massive data project where we tried to figure out in
every voting jurisdiction, at the county and local level, what systems they used, how many people turned out, how many votes registered at the top of the ticket in 2000. It started us on the path to understanding what voting systems seem to be more reliable than others and on another important scientific path—a kind of warpath. It was amazing how difficult it was to find out in every jurisdiction in this country what kind of voting system they use and how many people vote. In some states, they didn’t even require counties to report information to the states; it was a resource issue, and they didn’t have Internet capability.”

Reflecting on the initial investment made early on by Carnegie Corporation, Alvarez says it was a very modest amount of support, but “it allowed us to move quickly. Whatever metric anyone would want to use to evaluate the effectiveness of that investment, I think it is one of the most significant investments that the Corporation made.” While it has not been an easy process over the last nine to ten years, it is the starting point for what he believes could be, ten to fifteen years from now, a set of new academic disciplines in their own right. Some 130 journal articles have been published on this topic in a relatively short amount of time, so the support from Carnegie Corporation is quite closely tied to making public policy work better in a way that is atypical for academic research. Today, the Caltech/MIT group continues to monitor the voting situation and to provide guidance to localities. They also maintain an active Web site at: votingtechnology-project.org and blog-electionupdates.caltech.edu.

**Disenfranchisement by Typo**

During the same time frame that the Caltech/MIT project was underway, the Brennan Center was acting on concerns that voters were being unduly kicked off the rolls because states would not comply with the new HAVA law. Nor did the federal government properly support its own law. A 50-state study released by the Brennan Center in early 2006 found that some states were misinterpreting a provision in the federal law that allowed state officials to check the list of registered voters against other government lists. When there was a variance, many officials were kicking people off the lists claiming voter fraud, despite the existence of myriad plausible reasons for errors, including spelling mistakes or use of maiden versus married names. “It was disenfranchisement by typo,” quips Brennan’s Waldman.

The report received a lot of publicity in the *Washington Post* and other publications, and the group advocated for reform in California and elsewhere. “But some states balked,” Waldman recalls. “Later in 2006, we brought a lawsuit in the state of Washington representing the Service Employees International Union (SEIU) and grassroots groups as well as Asian-American and church groups. We argued that it was illegal to knock people off the rolls this way. But Washington State responded and said it is a ‘phantom problem.’ Then Washington State misspelled the name of the judge in the front page of the argument—so we won.”

Within days of this ruling, people in a number of other states called the Brennan Center, acknowledging that they too had to change their practices and they were asking for help. “Fast forward to 2008,” Waldman says. In Ohio, the Brennan Center was successful, after filing briefs with the state Supreme Court, in arguing against removing people from the lists due to typos in their names. One of the voters in Ohio whose name was misspelled in his file was Samuel “Joe the Plumber” Wurzelbacher, who became famous (or infamous) in the McCain presidential campaign. There was also an issue in Wisconsin, where the attorney gen-
eral was pushing very hard for the state’s canvassing board to purge its lists and take new voters off of the rolls due to data errors. The Brennan Center led the fight against this purge. Ironically, of the six judges on the canvassing board, four had typos in their names, Waldman points out. It helped them realize that “you want to fix the typos not disenfranchise the voters.” With the Corporation’s support, the Brennan Center became a leading force in protecting voters all over the country. They released a report on voter purges that was featured on the CBS Nightly News detailing the technicalities and the questionable reasons behind the purges. They created a presentation for the National Press Club, and within three days Time magazine used the information as a cover story on voting issues in the national election.

Recognizing the polarization in the national electorate, Carnegie Corporation made a point of funding organizations with disparate political views, all with an interest in fixing the system. One example is the Reform Institute, committed to promoting a free market economy and making elections more competitive, which received support in 2001, shortly after coming on the scene. One of the few right-of-center organizations supporting electoral reform, the Institute’s original grant included support for advocacy around ballot access and redistricting reform along with a voter hotline that was set up in conjunction with NBC and CNN television networks.

“We received funding from Carnegie Corporation early on,” agrees Cecilia Martinez, the Reform Institute’s Executive Director. “We are a unique voice in the field. As a free market organization, we believe that competition makes our economy better and our democracy better. We do a lot of this reform work under the framework of making elections more competitive—it is better for our democracy.”

With the Corporation’s support, the Reform Institute became involved in promotion of the Arizona open primary law that was being challenged by Democrats trying to keep Ralph Nader off the ballot in 2004. The Reform Institute was also active in redistricting cases in Texas and Pennsylvania and, while they lost both cases in the Supreme Court, their work advanced knowledge of Supreme Court Justice Anthony Kennedy’s position on this issue, gaining important strategic information. They published one major report, Restoring Order, with political scientist Norman Ornstein of the more conservative American Enterprise Institute and Thomas Mann of the more liberal Brookings Institution both serving on the advisory committee. They also convened a steering committee of former parliamentarians to investigate practical changes that could be made to the legislative process.

The Reform Institute wants to focus public attention on the need for greater competitiveness, transparency and public participation in elections. They consider the redistricting process critical to fair and competitive elections. “Redistricting is unresolved, says Martinez. “We made progress in California and other states to create independent commissions, but we need to do more of that work to take politics out of redistricting and make it a transparent process. It would be helpful to have more of a balance in this field,” she adds. “Funders play a big role in this and to have funders push us to be more bipartisan has helped us to be a broader, better organization.”

One of the voters in Ohio whose name was misspelled in his file was Samuel “Joe the Plumber” Wurzelbacher, who became famous (or infamous) in the McCain presidential campaign.
New Possibilities, Old Problems

The Internet holds great promise for electoral reform—among other improvements, more efficient registration and better education. Carnegie Corporation was an early promoter of Internet-based voter education through support for Project Vote Smart (www.votesmart.org), a Web site updated largely by volunteers, which supplies voters with information on everything from candidates’ records to how the government works and voter registration guidance.

Online voting is also a real possibility, according to Steve Ansolabehere of MIT, who cautions that, “The big problem is, how do you secure Internet voting? It might take 20 years, but it is going to eventually happen, so we need to be prepared for it and to set down ground rules and figure out what technologies can be secure.” He says the 2002 controversy around electronic voting dealt a serious blow to the online option. In the long run, however, he sees Internet voting as inevitable, but worries that we aren’t going to have a secure way to do it. In the 2008 election, for example, several thousand military votes were e-mailed in—but were completely insecure.

Clearly, many kinks in the system remain to be worked out. Although there has been measurable progress since the debacle of 2000, much more must be done to assure voting rights are protected, including monitoring any backsliding among election officers and continuing to address issues like racial discrimination and voter suppression. The 2010 election will surely bring new challenges, since the national Census will mean redistricting of congressional boundaries that could lead to high stakes political questioning of the basic fairness of the electoral system.

Wade Henderson, the head of the Leadership Conference on Civil Rights, the nation’s oldest and largest civil rights coalition, puts it this way: “The 2008 election, by any standard, was a milestone in the evolution of American democracy; an African-American president speaks for itself, a woman senator who was credible in seeking a presidential nomination, a white male southerner who spoke about poverty and have-nots as a theme, and a Latino as a credible candidate. All this told me that the civil rights movement was coming to full fruition.

“When you look at what led to the Obama victory—young people, progressive whites, gays, women, Latinos—he helped redraw the electoral map and dispel myths in our society. This is a moment of celebration and a recognition that the investments that foundations like Carnegie Corporation, Ford and others have made in the last 20 to 40 years, have finally paid off. But having said that, have we reached a period where investment in engagement and antidiscrimination work is no longer necessary? The answer is obviously no.”

And the Supreme Court agreed. In June 2009, in an 8 to 1 ruling, the Court said that there was no need to decide whether a central part of the Voting Rights Act (Section 5) was still constitutional in light of civil rights progress in the South in recent decades, and would therefore leave it in place. Clearly, the Supreme Court believes the Act is still a necessary protection on behalf of voters’ rights.

Voter education is the key not only to catalyzing engagement in the electoral process, but also to improving the process itself. Minnesota secretary of state Mark Ritchie, the state’s chief elections officer (who was in the national spotlight when he oversaw the 2008 Coleman–Franken recount), has spent years as an advocate of electoral reform and greater civic involvement. He thinks it’s vital to build a democracy movement that reaches far beyond presidential elections. According to
Ritchie, the greatest need is to build awareness of voter engagement as a movement. “We have new social networking tools available to us, and other movements to guide us. Will this time of economic difficulty… slow that movement or give us greater emphasis?” he wonders. For Ritchie and others who share his point of view, the solution lies in educating voters long before they can cast a ballot.

He points to the days when high schools taught civics. Those days are long gone, and with them has gone widespread knowledge of the basic workings of our government and of our democracy. The result is what Ritchie calls “amnesia about the origins” of our nation’s founding ideals, including the Constitution and Bill of Rights. “All of these things are really important, and they fit into the larger movement, what we pass from generation to generation and the notion of public service,” he says. “Being in the armed services is one form of public service. Being a public school teacher is another form of public service. Sitting on a town council is, too. These are highly valued and crucial to existence; they are not add-ons. They are as core as keeping the water you drink clean. You can drink dirty water and sometimes you are forced to in a crisis situation; you can let your political system become toxic and polluted, but over time it will kill you. So you need to keep these things in perspective, so that they will be understood as central to life and society.”

Joel Rogers, a professor of law, sociology and political science at the University of Wisconsin, Madison, and the director of the Center for State Innovation (CSI), which supports bold, progressive leadership at the state level, puts it this way:

“Everyone knows that civic education is a real disaster area right now. It is quite easy now to escape such instruction and get a high school diploma without knowing anything about your government. But there are consequences to this lack of education. Despite mobilization among young people, they still have the lowest rates of participation.” Rogers recommends support for civic engagement and education efforts funded through the offices of secretaries of state across the country.

Unquestionably, a better-educated citizenry, along with the necessary electoral reform, from the registration process to the ballot box, represent key elements of a functioning, viable system. But as Thomas Mann, an electoral expert at the Brookings Institution, points out, something more is needed. “We constantly look at the rules of the game,” he says. “When we feel they are failing us we scramble to make them better, but in the end they require something happening in the real world of politics—the mobilization of new voters, the clash of ideologies and parties, the different ways of raising funds, all those things are an essential part of change. The latter can’t happen without better candidates.”

**Fresh Ideas in Funding**

New sources of financial support in recent years have brought major changes to the electoral reform field. In one notable instance, in 2007, individual donors under the umbrella of the progressive Democracy Alliance joined with a group of national foundations to establish the Election Administration
Fund, which supports reform efforts through a fund managed by the Tides Foundation. The idea was to strengthen and coordinate nonpartisan work and to ensure a fair and trouble-free Election Day in 2008. The member foundations included Carnegie Corporation, Open Society Institute, Atlantic Philanthropies and the Cedar Tree and HKH foundations, and the advisory board included representatives from foundations, individual donors or advisors and Democracy Alliance staff.

The Fund raised $6 million, with $2.5 million coming from Democracy Alliance partners and $3.5 million from foundations. The goal was to identify national pillar organizations, strengthen state coordination, prepare constituencies most affected by voter suppression policies or tactics well in advance of Election Day and develop strong communications capacity across the field. The result was more support for organizations, both old and new. As Bill Roberts, the former president of the Beldon Fund (now with Atlantic Philanthropies) explains, “There began to be an emerging architecture to organize this voter engagement work, including online registration and GOTV techniques that were developed over the last eight years. There is a growing architecture around state capacity in fifteen to twenty states that is mobilizing people to vote.”

The Election Administration Fund’s unique partnership between national foundations and individuals could open the door to other creative approaches. And according to Roberts, the new architecture is being deployed to work on policy, too, not just on Get Out the Vote efforts or advocacy. The Holy Grail is to figure out how to shift funding for issue advocacy into nonpartisan electoral work in an election year and then back to advocacy later on. Roberts believes Carnegie Corporation played a “spectacularly productive role in this 10-year sea change,” leading efforts at important points in the process and pursuing change rigorously. Recognizing how this approach relates to the Corporation’s goal of supporting U.S. democracy (which currently emphasizes integration of immigrants into American society through advocacy, field building, civic engagement and strategic communications), he adds, “Geri has used insights from the civic engagement fund to help push forward the work of the immigration funders. We here at Atlantic are watching these same immigrant groups wield these new tools in the policy arena. She is showing how you can make this tricky pivot from electoral work into the immigration policy work.”

In 2008, even with record numbers of voters, the Election Administration Fund’s advance planning made a huge difference. As Democracy Alliance Fund supporter Allison Barlow noted, it made for “a smoothly functioning election when people were fearful of pressure on the system due to large turnout, because advocates were resourced early to do the work on the administrative level to make sure that systems functioned effectively.”

The Road Ahead

The 2008 election was an unqualified success in terms of making every vote count, yet many challenges remain, spurring advocates and researchers in the field to consider several issues and approaches. Wade Henderson envisions increased activity around implementation of the motor voter law, which has underperformed due to lax government enforcement. The civil rights community is starting a major campaign focused on this effort, attempting to encourage nonpartisan voter registration through federal agencies not presently covered under the law—for example, the U.S. Citizenship and Immigration Services (USCIS) and Veterans Affairs agencies. Meanwhile, Senator Chuck Schumer (D-NY) recently wrote to Attorney General Eric Holder
requesting that he sue states not in legal compliance with the National Voter Registration Act (the official name for the “motor voter” law).

Other areas still in need of attention include (1) maximizing the youth vote and sustaining young people’s interest between elections so that voting becomes a habit; (2) continuing to end felon disenfranchisement in the states, including advocating in Florida, where opponents are trying to upend the progress that has already been made and (3) advocating for same-day voter registration along with easier voter registration.

“Voter registration is vital,” stresses Michael Caudell-Feagan, deputy director of the Pew Center on the States, who promotes getting people to register any way possible, even using ads in movie theaters. He recommends “looking at attempts that are really effective to reach parts of the population who haven’t been participating, and then to begin to measure success.” Same-day voter registration, which made a tremendous difference in North Carolina’s turnout in the 2008 presidential race, is also on the agenda. And there are changes in some states, such as early voting in New Mexico and Florida, and voting by mail in Oregon, that need to be rolled out across the country.

For the Caltech/MIT group, the next phase of work will be more detailed and involve in-depth analyses of voting system problems, such as sorting out the differences among technologies used by different counties and determining which voters are impacted; investigating how minority voters interact with the more error-prone technology and considering the pros and cons of punch card voting systems. They will also be looking at problems related to registration and voter databases, while pushing the trend toward conveniences such as voting by mail or early voting.

The work that Carnegie Corporation has embarked on in the last decade to reform the electoral system has been, by any measure, ambitious, timely and critical to the workings of U.S. democracy.

The work that Carnegie Corporation has embarked on in the last decade to reform the electoral system has been, by any measure, ambitious, timely and critical to the workings of U.S. democracy. In advocacy, research and litigation, dissemination and proliferation, the Corporation’s electoral reform work has made a tremendous difference and is destined to outlast the funding cycle. “An entire industry grew out of Carnegie’s attention to fixing the electoral system,” Geri Mannion says. “It has grown from adversarial to partnership among advocates, academics and state administrators. No one wants to see the system fail on their watch.”

Written by JoAnn Mort. Mort is founder and CEO of ChangeCommunications, New York, NY.

Edited by Karen Theroux
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<td>1</td>
<td>2001</td>
<td>$ 49,900</td>
</tr>
<tr>
<td>University of Wisconsin Madison</td>
<td>1</td>
<td>2001</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Western States Center</td>
<td>1</td>
<td>2001</td>
<td>$ 200,000</td>
</tr>
</tbody>
</table>

**Total:** 103 $ 15.467 million

Voters cast their ballots the old-fashioned way in 1938, Washington, DC.