

Remarks for Florida Voting Controversy Conference
Philip A. Klinkner
Department of Government
Hamilton College
pklinkne@hamilton.edu

The facts of what happened regarding racial disparities in spoiled ballots in the Florida 2000 presidential election were first established by Allan Lichtman for the U.S. Civil Rights Commission in the spring of 2001. Since then, additional analyses, including that done by myself, including those with more detailed, precinct-level data have only reinforced Lichtman's earlier findings. The only exception to these results are the analyses conducted by John Lott, first for the dissenting commissioners for the U.S. Civil Rights Commission and then in the *Journal of Legal Studies*.¹ Nonetheless, Lott's findings beggar belief and have been thoroughly refuted by Lichtman in his accompanying *Journal of Legal Studies* article. Thus, on the matter of racial disparities in rejected ballots in Florida in 2000, the case is closed and no amount of statistical legerdemain can reopen it.

What then remains to be said of the Florida controversy? First, and most importantly are the reasons for racial disparities in spoiled ballots. Precinct-level analyses done with the *USA Today* data show that even after accounting for variations in education, income, age, first-time voting, and machine and ballot types, these racial disparities do not disappear. Depending on the specifications of the particular model, the disparity in spoiled ballots between blacks and non-blacks remains on the order of 3:1 or 4:1.

Several factors might account for such continued disparities. First are possible flaws in the education data. The education data compiled by *USA Today* were obtained from Claritas Corporation, a market research firm. According to Paige St. John, one of the journalists who helped compile the data, it "combines U.S. Census estimates (pre-Census 2000) and market research." In other words, we have no idea how accurate it is.

Furthermore, the original data were for Zip Codes that were then mapped out onto voting precincts. As such, this gives only a rough estimate of education levels by precinct and may underestimate the variation in education levels between precincts within a census

¹ Lott also publicized his findings in comments to *USA Today* and in an op-ed for the *Los Angeles Times*. Since the publication of his *JLS* article, he has also summarized his findings in the *National Review*.

tract. Therefore, if we had access to more accurate education data, the racial disparity in spoiled ballots may decrease, or it may increase. We just don't know.

In addition, Census measures of education are problematic since they measure years of schooling rather than education achievement. This difference is a particular problem given the continuing gap in education quality between blacks and whites. As a consequence, the average black with a high school diploma and the average white with a high school diploma might have different levels of actual education. In terms of the data, this means that the Census data probably artificially equalizes actual education levels between blacks and whites. Having measures of actual educational achievement for blacks and whites may well influence the degree of racial disparity in spoiled ballots, but, again, that is unknown. It should, however, be noted that several county-level analyses of spoiled ballots did use levels of adult literacy, an actual measure of educational achievement. Nonetheless, even with adult literacy as an independent variable, the racial disparity in spoiled ballots remained very strong.

A second factor that likely contributed to the racial disparity in spoiled ballots is the greater rate of deliberate abstention by black voters. Various studies have shown that black voters are more likely to abstain from voting than are non-black voters.² Nonetheless, while this impact is real, the impact in presidential elections seems rather small and hardly likely to account for much of the racial disparity evident in Florida in 2000.

A third factor that might have contributed to racial disparity in spoiled ballots is the environment in the polling place. We know that when confronted with confusing ballots, voters were more likely to spoil their ballots. It also stands to reason that indifferent or antagonistic poll workers, including many who were unaware of needs and rights of voters, might have helped to contribute to this problem. On the other hand, patient, sympathetic, and knowledgeable poll workers might help voters overcome the hurdle of a confusing ballot. Race may also have played a role in such situations, since experimental and survey research shows that whites in a variety of settings are less likely to provide assistance to blacks.³ Given this, some of the racial disparity in spoiled ballots might be accounted for by differences in the polling place environment, particularly the quantity and quality of poll workers, between largely white and largely black precincts.

Another issue from the Florida controversy is whether the efforts to fix the problem of spoiled ballots will actually work. Many efforts to reduce ballot spoilage failed to take

² See Michael Tomz and Robert P. van Houweling, "How Does Voting Equipment Affect the Racial Gap in Voided Ballots," *American Journal of Political Science* 47 (January 2003): 46-60 and Michael C. Herron and Jasjeet Sekhon, "Black Candidates and Black Voters: Assessing the Impact of Candidate Race on Uncounted Vote Rates," *Journal of Politics* 66 (November 2004) (also available at http://jsekhon.fas.harvard.edu/papers/BlackCandidates_HerronSekhon.pdf)

³ See Samuel L. Gaertner and John F. Dovidio, *Reducing Intergroup Bias: The Common Ingroup Identity Model* (Philadelphia: Psychology Press, 2000).

into account the factors that led to it in the first place. The data from Florida clearly showed that ballot layout had the biggest impact on spoilage rates, even more than machine type or race of the voters. Given this, the most obvious solution would be to have designed ballots so that all the candidates were on one page and in one column. Such ballots, particularly when used on optical-scan machines counted at the precinct, would have dramatically lowered spoilage rates. Moreover, such a fix would have been relatively inexpensive. Unfortunately, simple and inexpensive is rarely the American way. Instead, many localities have rushed out to implement untried and unproven electronic voting systems. Not only is this technology expensive, but it raises serious issues about security and reliability.