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No. 18

## Senate

The Senate met at 9:30 a.m., and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, You know us as we really are. You see beneath the polished surface of our projected adequacy. You know our true needs. The great need, at the core of all of our needs, is to truly experience Your presence. We need You, Dear God. You delight in us when we desire You above all else. More than anything You can give us or do for us, we long to live in vital communication with You. In this moment of honest prayer, we turn over to You the longings of our hearts: everything from our most personal anxieties to our relationships and our responsibilities. How wonderful it is to know that You have motivated us to pray because You have solutions and resolutions for our most complex problems.

Bless the Senators today with an ongoing conversation with You. Thank you that You are ready to give the guidance, wisdom, and vision that will be required in each hour. Reside in their minds to provide guidance, and replenish their assurance that what You have called them to be and do, can and will make a difference. This is the day that You have made; we will rejoice and be glad in You. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 27, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

### SCHEDULE

Mr. REID. Mr. President, as was indicated last night, the Senate is going to resume consideration immediately of the election reform bill. There will be a 10 a.m. vote on the Schumer-Wyden amendment, and there will be additional roll call votes expected throughout the day. The majority leader has asked me to announce he has every intention of completing this bill today. The two managers have worked hard on it. We ask those who have amendments outstanding to cooperate with the managers and offer those amendments.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now resume consideration of S. 565, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dodd (for Schumer) Modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Schumer/Wyden amendment No. 2937, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

### AMENDMENT NO. 2937

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided in the usual form for debate relevant to amendment No. 2937.

Mr. DODD. Mr. President, I understand that is 30 minutes equally divided?

The ACTING PRESIDENT pro tempore. The time until 10 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. DODD. I ask unanimous consent that the vote occur at 10:05 a.m. so as to provide for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. I ask unanimous consent that the time of the proponents of the amendment be equally divided between Senator SCHUMER and Senator WYDEN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time? If neither side yields time, time will be charged against both sides.

The Senator from New York.

Mr. SCHUMER. Mr. President, I yield myself 2 minutes.

This is a very important amendment. We have done a great deal in this bill to make it easier for people to vote and at the same time prevent voter fraud.

I very much thank our colleague from Missouri for leading the charge on voting fraud. There are lots of provisions in this bill that we have worked on that deal with that. However, in our efforts to prevent voter fraud, we cannot go so far that we actually create barriers to the polls for eligible voters. That would be the antithesis of what this bill is about.

The intent of this legislation is to take people, particularly those who live in the corners of America who do not fly airplanes and use their credit cards all the time but rather people who may not have a driver's license, who may not have a utility bill, and allow them to vote, our most sacred right. This amendment does that. It does it in a way that does not increase fraud at all. It does it in a way that rises to the real purpose of this bill. It is a crucial amendment.

If one believes in extending the right to vote and believes we have to allow people who need that right because that is all they have—perhaps their vote is equal to ours but they may need it even more than ours—then he or she should vote for the Schumer-Wyden amendment. I will have a little more to say later.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MCCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Fourteen minutes.

Mr. MCCONNELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, I am glad we can begin this debate because there is much to be said, but let me go to the heart of the matter. This amendment simply guts the compromise, the key antifraud provision that was carefully negotiated over 6 months as a part of the bipartisan compromise. We asked for some protection against the widespread practice of loading up voter rolls with phony names and then voting those names. It is something that every voter can comply with. It has been negotiated to make sure it did not have any unfavorable impact on people we are trying to get to the polls.

After 6 months of negotiations, I feel like we are playing rope-a-dope. The Senator from Oregon gets up and says, why, this is a photo ID requirement. Everybody knows a photo ID requirement is discriminatory.

Then the Senator from New York gets up and says these antifraud provisions really do not prevent fraud absolutely either way.

I said we devised a compromise that recognized the concerns that their side had about making sure we did not impose any unreasonable restrictions on voters who might not have a driver's license, for example. That is why we said voters can use a bank statement, a government check, utility bill, anything that has your name and address on it, the first time you register.

No, it is not as strong as I would like, but that was part of the compromise. No, it does not limit the identification that must be shown to a driver's license photo ID—which my colleagues on the other side and some of the groups that were supporting this compromise and are now against it are saying would be unfair. So we compromised. And now the people who worked on the compromise say the compromise is not a good one.

I have seen that game before. But the people of America are tired of having their votes diluted because someone in a drop house registers 8, 10 people. Yes, we have had dogs registered. We have had dead aldermen registered, mothers of dead aldermen registered, and dead neighbors registered. Under the current Federal motor-voter registration law it is very difficult to stop the mail-in registration fraud.

We talked yesterday about 3,000 ballots being dropped off before the mayoral primary in St. Louis in 2001. Because of the attention we have brought to this problem, they were reviewed. It was found that most of those 3,000 were in the same handwriting and were for new registrants on one or two city blocks. St. Louis did not have time to check thoroughly before the November 2000 election. There was a registration of 200,000 people, with 30,000 post card registrations that were dropped off in the final days, a more than 15 percent increase. Nobody checked these, but initial suggestions are at least 15,000, half of them, were phony.

One can conjure up all kinds of scenarios where maybe one person will not have the kind of ID needed to vote under the provisions in the underlying bill. We allow provisional voting; 39 States already provide it. We will take care of those people. One thing we have seen for sure—not just in Missouri, but across the country—is fraudulent votes, by nonexistent people. They are diluting the votes of legitimate voters.

I yield the floor and I reserve the remainder of my time.

Mr. WYDEN. Mr. President, there is a reason the American Association of Retired Persons so strongly supports this amendment. They and the sponsors feel strongly that the photo ID

provision in effect is making it tougher for those who saved our democracy in World War II to participate in our democracy today.

Nursing home residents in this country are not asking to be taken to a copy center. The Senate should not be telling them they should have to go to the copy center before they can vote by mail, which is clearly one of the most popular ways to participate in our democracy today.

I am particularly troubled that the tough provisions to deter fraud do not even kick in until 2004. I would like to work with colleagues to address those issues. It seems to me various approaches that encourage voting are not kicking in for quite some time.

Last night, the Senate voted wisely to call this the Martin Luther King Voting Rights bill. If we put in place a photo ID for first time voters, we step back, in my view, to the days when only the enfranchised had the opportunity to vote. That would be a mistake. I urge strongly this amendment be supported.

I retain the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, one of the pitiful results of motor voter registration systems in America is that we have countless dogs registered to vote. That is why Senator BOND's provision makes so much sense. There are countless examples of dead people voting, dogs voting, and people voting multiple times. Nearly all these instances of voter fraud have one thing in common: They were perpetrated through lax mail-in registration requirements.

Many of our colleagues were obviously not around last night when we debated this amendment. Let me take a moment to show a copy of a photograph that appeared in the Washington Post last summer, which I discussed last night. This is Mable Briscoe, 82, and Holly Briscoe, her terrier, both long-time registered voters in America. Both Mable and Holly have been registered to vote for quite some time in Maryland. This is a photo of the long-time registered voters—as I said, Mable and her terrier, Holly. According to the article accompanying this photograph, Mable says she registered her dog to prove a point about the lax registration process that opens the door to fraud. Mable's crime was finally detected when her dog, Holly, was called for jury duty. Holly got called for jury duty and then the game was up. Perhaps Mable Briscoe said it best when she said: I just think the system is broke and needs some fixing. Anybody can register. I can register a dog.

The system is broken. It invites fraud. Senator BOND's modest antifraud measure will do a great deal to help make voter fraud more difficult. As he said, he wanted to go further. This underlying provision that the Schumer amendment seeks to strike is quite modest. The amendment of the Senator

from New York amounts to a fraud loophole. It actually undoes what Senator BOND and all five of the original cosponsors worked so hard to achieve, the underlying compromise. If this amendment is agreed to, it is completely stripped out.

This amendment needs to be tabled if we are serious about this legislation. We will have that vote shortly.

How much time remains?

The ACTING PRESIDENT pro tempore. Seven minutes.

Mr. MCCONNELL. I retain the balance.

The ACTING PRESIDENT pro tempore. The Senator from Oregon has 5 minutes.

Mr. WYDEN. I yield 3 minutes to our distinguished colleague from Washington.

Ms. CANTWELL. Mr. President, I am pleased to be a cosponsor of the Schumer-Wyden amendment because I believe it is a critical issue that we must solve before we can pass this bill. Millions of people in my State, and I think across America, will be done a great disservice by making voting harder. If we do not pass this amendment, the bill as currently written forces States to rely on a photo identification as a means of making sure that first-time voters are who they say they are. While I believe we need to be vigilant about preventing fraud in our elections, the provision as currently written goes too far in mandating a particular response and has the real potential to result in fewer legitimate voters having their votes counted.

This bill requires voters who registered by mail to show a photo identification or utility bill when they go to the polls for the first time. This will create a disincentive for seniors, disabled, and those who have a tough time getting that information.

In our State, 64 percent of the voters in the most recent election voted by absentee ballot or mail-in ballot. Requiring a photo identification or utility bill to be enclosed with their ballots is an incredible burden in order to prove they are who they say they are. In fact, in those cases where those copies were not provided, their votes would not be counted.

It is very important we look at the underlying system. The underlying system, based on signature verification, makes sure that people who are attesting under the penalty of perjury are who they say they are and that they are properly registered to vote in that jurisdiction. When the ballot is received, the signature is carefully checked against the registration rolls to make sure they are a match. Only then is the ballot counted.

Unlike the signature, the election official receiving the photocopy has nothing to compare it against, and it is of no use in verifying the authenticity of the vote.

Although the photocopy has little use to officials, if it is not included, as I said, it disqualifies the ballot. That is

correct—if the voter fails to include a photocopy that is of no use to the election official, the vote will still not be counted even though the signature on the ballot matches the signature in the registration rolls. This is simply unacceptable.

This amendment fixes this problem by allowing states the option of relying on other methods to make certain that votes are valid, including signature verification which is currently used in my state and other states.

While I am very concerned about passing this amendment to fix the problems that photo ID requirements create for voters who vote by mail, I am also concerned that the requirements will lead to serious problems for voters who go to the polls. The Secretary of State and other election officials in my State are concerned that the requirements place a huge burden on volunteer poll workers in the polling place, and a Federal court has already ruled that this type of photo ID requirement may present a disparate impact on minorities seeking to have their votes counted. The right to vote is the most important right that we have as citizens, and it is important that we do everything that we can to make certain States can strike the proper balance between facilitating voting and preventing fraud. This amendment helps to do that.

I strongly urge my colleagues to support this amendment and I believe that passage of this amendment is essential to making certain that our electoral system is improved by this legislation. I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time.

Mr. MCCONNELL. How much time remains, Mr. President?

The PRESIDING OFFICER. Seven minutes.

Mr. MCCONNELL. I yield 3 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, we have just heard some inaccurate statements about the underlying amendment. Nobody says you have to go to a copy center. Any antifraud provisions do not hold off in this bill until 2004. They are effective upon the signing of the bill. The provisional voting provision in this bill that says it will not take effect until 2004 was not something I wrote. I will be happy to take an amendment to say it is effective right away as well, because 39 States have provisional voting and we need to clean it up so it works for all 50 States.

It is important to note that, believe it or not, the current system offers few protections to States that want to maintain clean rolls. The Senator from Oregon said we need to make sure registrations are accurate at the beginning. Believe it or not, motor voter actually prohibits States from requiring verification of the cards. Registration by mail makes it much easier to put fake names on voter lists and then voting by mail makes it very easy to vote these names illegally.

The opponents of my anti-fraud provision claim the bill will disenfranchise millions. At the same time, several States, including West Virginia, Virginia, Tennessee, Michigan, Illinois, Nevada, and Louisiana, have tougher standards—tougher than in this bill. I would like to see them as tough as these States'. No one has come forward and shown that these States actually deprive voters of the right to vote on any level, much less on the level claimed here.

Furthermore, the way the amendment is drafted, the steps taken by these States to protect themselves from fraud will be undercut. We will be here, making it easier to cheat. This amendment makes it easier to cheat, not just easier to vote.

There are those who said recently that this will create an administrative problem. Nonsense. The States I just named already keep track of first-time voters. The State of Michigan has offered to provide its software to do this for free to any State that has a problem. If free is not cheap enough, we provide funds in this bill to buy the systems you want, to track the voters. This will not threaten mail-in States. It will actually make it better for them.

As I pointed out last night, when we hear about Oregon, the great State that has no problem with mail-in registration and balloting, Portland State Professor Melody Rose studied the Oregon system and determined that 5 percent of voters had someone else mark their ballot, 2.5 percent had someone else sign their ballot, 4 percent had someone else either sign or mark their ballot. In States with 1.6 million cast, close to 200,000 of them could have had some sort of irregularity.

Carter-Ford noted that signature verification does not work. This is the National Commission on Federal Election Reform, page 31:

Signature verification puts an extra burden upon administrators, especially on often ill-trained poll workers practicing a very subjective, often impossible task.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BOND. I rest my case. Signature verification does not work. I urge people to support the motion I will offer.

Mr. MCCONNELL. At the beginning of the debate we worked with the Senators from Oregon and Washington to fix a provision their State election officials thought threatened their system of voting. That has already been accomplished. Obviously this provision threatens only one thing the way it is now, fraud. It could mean increased work for those who administer elections, but that is a very small price to pay for fair and honest elections. Make no mistake about it, this amendment is the poison pill of election reform.

The bill is a carefully crafted compromise agreed to by all 5 cosponsors, including the Senator from New York. There has been a lot of misinformation about this anti-fraud provision. It applies only to a small number of voters

who register by mail and vote for the first time. As Senator BOND made clear, this is the prime area of voter fraud.

When we negotiated this compromise in December, none of us thought that it was too much to ask that voters be real, live people.

Senator BOND had a bill that would have required first-time mail registrants to vote in person and show a photo ID. He agreed to compromise on that requirement, to reach the agreement we have before us today. Mail registrants who vote for the first time now have many options to identify themselves. Photo ID is only one of them. A current utility bill, bank statement, government check, paycheck or any other government document would serve the purpose. This very broad universe of identification was advanced and advocated by Senator SCHUMER and was even suggested by advocacy groups who now claim it must be changed.

The same groups who originally suggested it now want to change it. The very language of this amendment was also suggested by the advocacy groups, notably in a November 6 document sent to "interested parties." We spent well over a month discussing and debating the very language of this amendment. We agreed on the language in our compromise bill instead.

The bill language does not require every voter to show identification, be they rich, poor, disabled, young, or elderly. Let me tell you what the amendment of the Senator from New York would do.

First, not only does it not improve the current system, it could actually make it worse in many States. It creates new and improved opportunities for fraud in States with more restrictive requirements. Second, this could become the most expensive mandate in this bill. Not only will States have to buy new machines and data bases under this bill, but the 34 States that do not have signature verification will have to buy technology to verify signature and marks.

Third and most important, all of the 1.4 million poll workers nationwide will have to become handwriting and personal mark experts. What a great idea. All of the 1.4 million poll workers nationwide will have to become handwriting and personal mark experts. The shortage of poll workers is already a major problem, as reported by GAO. Now they will have to be handwriting experts.

Finally, the poison pill amendment has already been discussed, debated, and dismissed by the cosponsors of this bill. I urge the other 95 Members of this body to support our joint resolution on the issue and vote against this amendment or vote to table it. Senator BOND will make the tabling motion when all time has been yielded back.

The PRESIDING OFFICER. The time of the opposition has expired. Who yields time?

Mr. SCHUMER. Mr. President, I yield 2 minutes to the Chair of the committee, Senator DODD.

Mr. DODD. Mr. President, let me thank Members here who have argued both in favor and in opposition to this amendment. It has been a very worthwhile debate. Unfortunately, as my colleague from Kentucky pointed out, we didn't have enough Members around last night to hear the full debate, but it was very worthwhile. I repeat what I said a week or so ago. This is one of those issues that has come down and is a clear, almost equal division, I think, in the Chamber about what ought to be done about this particular issue.

I had hoped we would find some compromise to it. That is what you do in the legislative process. We did this on 35 amendments that have come along here. I didn't like voting against DICK DURBIN's amendment. I happen to agree with it. I did not like having to accept amendments from my friend from New Hampshire, Senator GREGG, and other amendments that we worked on to make this process reach the point it has today.

I am still hopeful. I don't know how this vote will come out. But my plea would be, to those on either side of this question, to see if we can't find some common ground. That is not going to happen, obviously, in the next 5 minutes. So this vote will go forward. Then my hope is that we can find some resolution here that will satisfy the concerns that are raised—legitimately, in my view—by the proponents of the amendment and the concerns raised by my friend from Missouri who has raised from the very beginning his concerns about this.

My desire has been to try to find some common ground and compromise on this proposal. That has not happened yet, but I am prepared to try to work that out when the time arrives.

With that, I thank the Members for their time in debate. We still have a few minutes left for the proponents of the amendment to make some closing arguments, and then we will get to the vote.

Mr. MURKOWSKI. Mr. President, I rise to explain my vote in favor of tabling the Senator Schumer/Wyden amendment to S. 565, election reform legislation pending before the Senate.

For United States citizens, voting is a fundamental right guaranteed by the United States Constitution. In no way am I attempting to deny that right by not supporting the Schumer/Wyden amendment. In fact, I believe that strong anti-fraud language strengthens the right to vote, and the integrity of the election system in our nation.

The Schumer/Wyden amendment would dissolve the carefully crafted bipartisan framework in this legislation—designed to ensure proper voter identification methods exist to protect the validity of national elections. This framework allows for a person to use a current and valid photo identification to validate their registration and vote.

Those individuals who lack these forms of identification could also present a current utility bill, bank statement, paycheck, government check, or other government document that shows the name and address of the voter.

The Schumer/Wyden amendment would have gutted these protections by allowing individuals to simply use a signature or a personal mark.

It is important to note that if an individual fails to meet the required identification methods on election day they can still cast a ballot. Provisional balloting protects an individuals' constitutional right to cast a ballot in an election. The validity of provision ballots is determined later, thus ensuring that no eligible voter is turned away.

My fellow colleague from Missouri, Senator BOND, recently spoke on the floor of the Senate about some of the most egregious examples of voter fraud in his home State. Senator BOND explained how the drop house and other scams have been used in St. Louis to register dead neighbors, deceased aldermen, ghosts, and dogs. Drop house scams occur when one person submits multiple mail-in registration forms using one address. Then, as election day approaches, that one person requests absentee ballots for each of his phantom voters, and then votes them all.

There are a number of other examples of voter fraud as well: Over 30,000 illegitimate voters were added to voter registrations in the 2000 presidential election in St. Louis, MO. Over 5,000 illegal ballots were cast in the 2000 presidential election in Florida by individuals who were not U.S. citizens and not permitted to vote. One individual in Missouri actually voted 47 times—and was not even prosecuted!

In fact, voter fraud can be easily traced back over a hundred and fifty years before the 2000 presidential election. In 1844, New York City had 41,000 people in their voter pool. However, on election day, 55,000 people cast ballots!

Clearly, voter fraud is not a new issue in elections. Congress passed The National Voter Registration Act of 1993 ("Motor Voter") allowing States to require that individuals vote in person if they registered by mail and have never before voted in that jurisdiction.

The anti-fraud provisions of this legislation strengthen the provisions from 1993. Under S. 565, any person who registers by mail must, either when registering or voting in a Federal election, provide some form of identification that connects the name on the registration form to a real, live, qualified citizen of voting age. The requirement is not onerous.

In the 2000 presidential election our country contained wide-spread voter fraud and abuses by individuals who were clearly casting illegitimate ballots. This legislation works to prevent such fraud and restore confidence in the election process. I will continue to work towards strengthening voter

rights, but not the ability of individuals to cheat or manipulate the system.

Mr. BINGAMAN. Mr. President, I rise today to urge my colleagues to support the Schumer-Wyden amendment to the election reform bill.

This important amendment would fix what I believe is a very problematic provision in the bill. That provision requires first-time voters who registered by mail to provide either a photo identification or a current utility bill, bank statement, government check, or other government document establishing their identity.

I commend the sponsors of the bill for their focus on ensuring strong anti-fraud protection; but I believe this provision goes too far and could end up disenfranchising significant numbers of voters. In particular, the elderly, students, low-income voters, minorities, and the disabled are examples of people who could have a difficult time meeting the requirements of the Election Reform bill, as written.

In addition, the bill would impose a significant burden on many States, including my own, that currently allow the use of signature verification and attestation to verify identity. If the bill is not amended, my State would have to do away with that procedure altogether.

For these reasons, I am proud to be a cosponsor of the Schumer-Wyden amendment, and I urge my colleagues to vote for it.

This important amendment would add two alternative verifiers for first time voters who vote in person: (1) it would allow voters to attest to who they are by signing a sworn statement, falsification of which is punishable as perjury; or (2) it would allow voters to have their signatures verified by matching them to signatures on record with State or local election officials. First time voters who vote by mail also would be given an alternative to a photo ID or other government document—they would be allowed to use signature matching to establish their identity.

I believe this is a sensible and necessary measure. And I'm pleased to report that it enjoys the support of the nation's leading civil rights organizations, including: MALDEF, the NAACP, the National Council of La Raza, LULAC, AARP, the Leadership Conference on Civil Rights, and the League of Women Voters.

The intent of the Election Reform bill is to ensure that every vote counts, but if we do not act now by passing the Schumer-Wyden amendment, I fear that many tens of thousands of voters will once again face significant barriers to voting the next time they go to the polls.

I urge my colleagues to do the right thing today, vote yes on the Schumer-Wyden amendment.

Ms. LANDRIEU. Mr. President, I want to take a few minutes to express my strong support for the amendment

offered by Senators SCHUMER and WYDEN.

History has shown that requiring photo identification or certain other documents most significantly impacts minority voters. It will be difficult for some citizens to meet such requirements. For instance, a rural voter may have difficulty even finding a copy machine to make a copy of his or her driver's license. Individuals living below the poverty level may not have drivers licenses or utility bills. Students who live at home with their parents also may not have a utility bill with their name on it.

Ironically, the current language in the bill puts an added burden on some of the very people that we should be working to make it easier to vote. This is contrary to the purpose behind this legislation. We are not trying to lower voter participation with this Election Reform bill; we are trying to raise it, and make the voting process better for the American people. The photo ID requirement would without a doubt have a chilling effect on voter participation. And while the provisional voting system would address this problem to some extent, it will not be in place in time for the 2002 elections. The language in this amendment is a much fairer way of dealing with this problem, and that is why I want to express my full support for the efforts of Senators SCHUMER and WYDEN.

I want to take one more minute just to go over briefly a couple of initiatives that I proposed for this bill; amendments that I will no longer be offering, but I want to mention nonetheless. My first amendment would establish election day as a Federal holiday. Currently, this bill contains provisions for the new Election Administration Commission to study the possibility of designating Election Day as a Federal holiday. And just yesterday Senator HOLLINGS added language to the bill calling for a six-month turnaround on this study.

I commend Senator HOLLINGS for his amendment, as well as Senators DODD and MCCONNELL for specifying the EAC study in the original bill. I look forward to seeing the results of the study later this year, and I hope Congress will act quickly on the recommendations of the report.

The second measure I proposed would change the Federal match in this bill to be fair to all states regardless of economic circumstances. This is an issue in which I have had a long-standing interest. While Congress often passes bills that provide a Federal match for States in various programs, it is rare that any effort is made to level the playing field for states that have fewer resources. States like Louisiana, with high poverty a generally lower standard of living, receive the same matching rate as other States.

My concern is that in this bill, as well as others, the matching rates for these States are the same. Despite the huge difference in resources in these

States, the Federal matching rate remains the same. To me, this is unfair and counterproductive.

In closing, let me state again that I fully support the efforts of Senators DODD and MCCONNELL, as well as my other colleagues who have worked so hard on this bill, to bring about election reform. In fact, because this bill is so important I have decided not to offer this amendment today on this legislation, but will continue to press this important issue in the future.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 6 minutes.

Mr. SCHUMER. How is that divided?

The PRESIDING OFFICER. Four for the Senator from New York, two for the Senator from Oregon.

Mr. WYDEN. Mr. President, in Oregon, the penalty for registering dogs that have become so famous, the monetary penalty is something like ten times the amount in this bill. When fraud happens with the vote-by-mail system, it is caught and it is stopped. Our penalties prove it. Any way you slice it, making it harder to vote isn't the way to deter fraud.

I come back in closing to why the American Association of Retired Persons and senior citizens groups feel so strongly about this amendment. They like voting by mail. It is convenient for them. They and millions of Americans are saying make it easier to vote. Congress should do everything possible to make it easier to vote rather than to make it harder. I don't think this body this morning should make it tough for those who saved our democracy in World War II to participate in our democracy in the days ahead.

I urge my colleagues to strongly support the amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from New York.

Mr. SCHUMER. Mr. President, as we come to the conclusion of this debate, I ask why so many groups—the AARP, the AFL-CIO, American Association of People With Disabilities, the Mexican-American Legal Defense Fund, the NAACP, La Raza, the National Hispanic Leadership Council, as well as the secretaries of State of so many States—are not opposed to this provision if it is as terrible as the opponents say. I will tell you why—because they know what this bill is all about.

Let us go over the history of this bill for a minute.

There was a national outcry after what occurred in Florida. We realized that millions of people are deprived of their right to vote because of the way we vote. I say to my friend from Kentucky that the outcry after Florida was not because dogs were voting. That argument to use the fact that one fraudulent person might have registered a dog, or maybe five of them,

could deprive millions of people of their right to vote is sophistic, at best. I don't like it. It is not fair.

What are we talking about? What happened in Florida and what moved us to debate this issue is that thousands of people in every city in this country who had the right to vote couldn't.

What the Schumer-Wyden amendment does is very simple. It says we are allowing you to vote. We are not going to make you do things that in your world are next to impossible. If you think of every voter as any middle class person with a lot of credit cards in his pocket and a couple of cars in the garage and several cell phones, sure, there is no problem. But think of the new immigrant who waited five years and has just become a voter, who doesn't have a car, who is just learning English, and who is afraid of the government where that immigrant came from. You say, You have to do this, this, this, and this. When you show up at the polling place, you may not be allowed to vote. Yes. It is the first-time voters.

I say to my colleagues: I have seen the look on the faces of first-time voters who waited in line with their eyes bright with the first chance to exercise their franchise and then were turned away. And they never come back again.

We do plenty in this bill about fraud, but the key in this bill is balance because every time you make it easier for people to vote, you may make it a little easier for a nasty person to commit fraud; if you want to eliminate fraud totally, eliminate the right to vote.

That is not the argument. The argument is do we take people who are elderly, who are new immigrants, who are poor, who are members of minority groups, and say, Yes, we welcome you into the American family, we welcome you into the franchise of voting.

If you go through the process that 40 States have used, we are not going to create signature experts. We have them. Every bank teller is a signature expert. In my State, we have used signatures for years with no signs of fraud.

We are saying to them, We welcome you into the American family. We are not going to put 17 laws in the way before you vote. Your right to vote is a right. It is not an obstacle course, which is what this amendment creates.

I urge my colleagues to support the Schumer-Wyden amendment.

The PRESIDING OFFICER. The Senator from Oregon has 1 minute remaining before the conclusion of the debate.

Mr. McCONNELL. Mr. President, we are out of time on this side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WYDEN. Does the Senator from Kentucky desire time?

Mr. McCONNELL. No. We will make a motion to table when the time is used up.

Mr. WYDEN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded.

The Senator from Missouri.

Mr. BOND. Mr. President, this amendment undoes a carefully crafted compromise and opens wide the door to fraud. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. Mr. President, on this vote I have a pair with the Senator from Nevada, Mr. ENSIGN. If he were present and voting, he would vote "aye." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—46

Allard	Fitzgerald	Nickles
Allen	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Helms	Snowe
Campbell	Hutchinson	Specter
Chafee	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Lugar	Voinovich
DeWine	McCain	Warner
Domenici	McConnell	
Enzi	Murkowski	

NAYS—51

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Smith (OR)
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Reid, nay

NOT VOTING—2

Ensign Hatch

The motion was rejected.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the amendment is still pending before the Senate. We would like to continue discussing that matter. I know the Senator from Missouri is going to talk on the subject. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DODD. Mr. President, before my colleague speaks—and I will be 30 seconds on this—I had hoped, and I say this to my two friends on the other side with whom I have worked very closely to put this bill together, I had hoped we could find compromise language on this last provision. That is still my hope. We have worked very hard. We have considered around 35 amendments. Both sides have added to the bill with accepted amendments. We have modified some; some have been withdrawn.

We are very close to final consideration of this bill. We still have to go to conference—the White House, obviously, will get involved—with the House-passed bill. We will not have completed this process when we vote this bill out of the Senate.

My hope is we can find some way to work on this amendment while we are considering other amendments—the energy bill is waiting to be considered—rather than have this now splintered off. Too much effort has been made to get us to this point.

It is my fervent plea to my friends on the minority side to try and work on some resolution of this issue. That is what we ought to be doing as legislators. That is my plea to my colleague from Missouri and my colleague from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the vote was not a good sign. It was almost totally a partisan vote on a bill we had been advancing on a bipartisan basis. We had long and difficult negotiations across party lines to achieve the core agreement that was represented by the bill that was brought up by the majority leader.

The vote that was just taken, should that amendment ultimately be successful, strips out one of the core principles of the bill.

So I am not terribly optimistic, I must say, about the future of this bill. Maybe something can be worked out, but this was certainly a dramatic step in the wrong direction.

I know the Senator from Missouri seeks recognition. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2940 TO AMENDMENT NO. 2937

Mr. BOND. Mr. President, I send to the desk a second degree amendment to the Schumer amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2940 to amendment No. 2937.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, I would like to see a copy of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DODD. Reserving the right to object, if I can see a copy of the amendment so I can know what we are talking about. Maybe my colleague would like to explain what we are doing.

The PRESIDING OFFICER. The clerk will continue to read the amendment.

The assistant legislative clerk continued with the reading of the amendment, as follows:

At the end, add the following:

**SEC. . SIGNATURE VERIFICATION PROGRAMS.**

Notwithstanding any other provision of this Act, a State may use a signature verification or affirmation program to meet the requirements of section 103(b) relating to the verification of the identity of individuals who register to vote by mail only if the Attorney General certifies that less than one-half of 1 percent of votes cast in the 2 most recent elections for Federal office were cast by voters who were not eligible to vote under the law of such State.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as I think the Senator from Kentucky indicated, we were very disappointed that after working 6 months to establish a very modified, watered-down provision to help prevent fraud, the other side chose, without objection, on a party line vote, to refuse to table a motion to strike an amendment that really guts the compromise.

When we began this debate, I said I thought every American understood the importance of the vote. There are two aspects to that which are involved in this bill. One is making it easier to vote for those who may have had difficulty in the past. We worked on those items and many of them went further than I and some of my colleagues would like.

Coming from Missouri where we have seen significant vote fraud, which we believe may have affected close elections in our State, I said we needed to change some of the provisions of the motor voter law which permits mail-in registration and prevents the States from verifying the bone fides of the registrant.

As a part of the compromise we reached over 6 months, we said one does not have to show up with a photo ID with their address on it the first time they vote after they have registered by mail; we will let them bring in or send in either a photo ID or any of a number of documents which would tend to show that they are a real person, such as a utility bill, a government check, a paycheck, bank statements.

That would be supplanted under this amendment, if unamended, to say you can sign your name. We have seen the wholesale fraud that signing one's name can bring in Missouri: Drop houses, 3,000 almost assuredly phony registrations before a mayoral primary in 2001 in St. Louis; 30,000 last-minute mail-in registrations prior to the No-

vember 2000 general election in St. Louis. The guess is at least 15,000 of them were phony. That was followed by an effort by the Gore-Lieberman team in St. Louis and Kansas City to continue fraudulent voting by getting courts to keep open the ballot boxes in both cities on the theory—and I have to say the laughable theory—that the Democratically-controlled election boards in St. Louis City and Kansas City were conspiring to keep the Democratic voters in Kansas City and St. Louis from casting their votes in a general election for the Democratic candidates. Now that does not compute.

So we are saying, number one, we stopped the effort to keep the polls open in the Missouri Court of Appeals, pointing out that it is just as much a denial of civil rights to have one's vote deluded by an illegal vote as it is to be denied the opportunity to cast a vote yourself.

This amendment I proposed is the starting point to continue and reopen the negotiations. As I said, it is important that we balance this bill, make it easier to vote but make it tougher to cheat. This is one minor suggestion I am offering to avoid wholesale fraud through signature verification and affirmation. Frankly, I think we have seen enough to know that signature verification and affirmation does not work.

I ask my colleagues from New York if they know how many of the New York City voters, 14,000 of them who are registered in South Florida, voted only in one place in the 2000 election? I think that is something we need to find out.

There are real problems with the amendment that is now pending. I urge my colleagues to consider my second degree amendment favorably. We will look forward to continuing negotiations but, frankly, unless and until this is resolved this bill is a significant step in the wrong direction.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, this is the first time we have seen this proposal, but certainly on its face it raises a number of very troubling issues. To start with, it seems it goes after the wrong end. Our view has been if the question of vote fraud is really going to be tackled, we have to go after the registration kind of process. That is what we have sought to do.

Once again, this goes to the process of signature verification, which is basically trying to deal with the problem after it is all out of the barn and off to the races.

I think what really troubles me is that this would make a presumption

that in scores of States, the State and local officials are not doing their jobs. They are essentially bad guys. They would have to go through a very cumbersome, almost incomprehensible process, to try to prove they are good guys.

In our State, it has empowered thousands and thousands of people, without instances of fraud. We are running a system that has not been a sieve of fraud and abuse. To say they are now going to create a presumption that people who are running effective, efficient vote-by-mail systems are essentially bad guys and they should have to go through a process from Washington, DC, to prove they are good guys does not make a whole lot of sense to me. Hopefully, there will be further discussion how this will work, how you would even go about determining who these so-called abusers are in the two most recent elections.

I have great reservations about what I have seen at this point. First, it seems to go at the wrong end of the process. We ought to be trying to address voter fraud questions at the registration level rather than essentially so late in the process. Second, I am very troubled by the presumption that seems to underlie this amendment that all these State and local people are bad guys, they are doing an inefficient job, they are not up to the task of challenging fraud, so what we ought to do is create a presumption, in effect, that they are the problem and that somehow they ought to have this convoluted process to convince the Federal Government they are not.

I yield the floor.

Mr. DODD. Mr. President, I inquire of my colleague from Kentucky, I don't know know if we can resolve the amendment at this moment, but there are other matters we might consider on the bill. I don't know if there is the appetite to temporarily lay these aside to consider the other matters, knowing nothing gets resolved until this issue gets resolved. I know there are colloquies, including Senator THOMAS, and Senator SMITH had an amendment we can try and work on.

Mr. MCCONNELL. I think we need to resolve the current pending matter. It goes to the heart of the bill. I know even if I didn't object to laying aside the amendment to go on to other matters, others would object. We need to stay on the amendment, the second-degree amendment and continue to discuss how we might unravel the knot which we find ourselves.

There would be an objection to laying the amendment aside and going on to other matters.

Mr. DODD. Mr. President, the authors, the direct opponents of the amendment are not here. I will make the case again, as I tried a week or so ago. I see where we are headed with this. We need to try and find a compromise. Obviously, people feel strongly about this. The debate went on for some time. When Members feel strongly, no matter how you try and resolve



it, sometimes you have to go through the vote process to have some clarity. Then a compromise can emerge. That is how this works from time to time. We have all been in that situation at one time or another.

Certainly, that is where we find ourselves in this case. I have great respect for how Senator BOND feels. We all bring a very strong local experience to this national debate. He had a very strong, in his view, local experience which provoked his interest in the matter. I respect that.

I respect very much the point of view of others that feel there are ways, particularly with statewide voter registration efforts, that we can take major steps to reduce the dangers of fraud or the realities of fraud. The establishment of our Election Commission in this bill will allow on a continuing basis examining the election structures of the country, rather than waiting for a crisis to occur, so we can continue to address matters like this and others we have not considered in this bill.

I had hoped that might occur. I think it will. We can find a way to get together. There are only 6 or 7 other amendments that I know of to consider on the bill. There could be more out there. We were down to either amendments that could be accepted or modified to some degree and become acceptable. I am still hopeful that can be the case.

I know where some of the Members are now on this issue. Perhaps we will go into a quorum call for a while and see if we can find some language that could satisfy both sides.

Mr. MCCONNELL. Mr. President, we are happy to have discussions. I assume there will be on this issue, sooner or later. Our view is sooner rather than later, which is why we are going to stay on this subject.

Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the underlying amendment offered by the Senator from New York, Senator SCHUMER, which would permit people to vote by mail with only an authentication of a signature. The amendment modifies the underlying bill, which would require that there be either a photo identification or a government check which would establish that the individual is, in fact, in existence, not a false person; or a paycheck, again establishing the person is in existence; or a utility bill or a bank statement or some other governmental document.

There is no doubt that it is in the interests of democracy to have as many

people register to vote as possible so that people can express themselves in the electoral process. That is very fundamental. It is also fundamental that we ought to do whatever is reasonably possible to avoid vote fraud. This is an issue which I faced to a very substantial extent when I was District Attorney of Philadelphia. Philadelphia is a rough, tough, political town.

When I was DA in the 1960s and 1970s it was a rougher, tougher political town. I had the responsibility to enforce the election laws. In that capacity, on a bipartisan, nonpartisan basis, I prosecuted both Republicans and Democrats alike for vote fraud, and there was a lot of it in the city of Philadelphia. We could only detect a relatively small amount of it, but that was a real problem in our city elections.

When motor voter came up, I supported it, to try to broaden the availability of registration for the broadest number of people. However, there have been very substantial problems with people purporting to vote when those people are not in existence.

When I was DA of Philadelphia, we had a great many people purporting to vote where there was no such person. It is a difficult matter to police and to enforce. The underlying bill has a minimal check, to see to it that there is, in fact, a person who is registered to vote. If you have somebody who has a government check, that is a solid indication. It is not absolute proof that the person is in existence, but they wouldn't be getting a government check or paycheck or utility bill or bank statement. The photo ID, of course, is the best, but the underlying bill does not require that. It is a modest stand in seeing to it that somebody actually is in existence.

If we are to continue motor voter and to have the broad sweep of availability for people to register so you do not have to go down specifically to the registration spot—which is the customary way, in many, many jurisdictions—if we are to have these procedures which make it very, very easy for people to register, and they are to be maintained and continue in existence, then we are going to have to take steps to stop fraud.

It seems to me the provisions of the underlying bill are minimal. So, if you have an amendment which the Senator from New York has offered, that says all you have to have is a signature, anybody can sign a purported signature. Anybody can sign a name. Then, if securing the right to vote simply requires putting that writing down again, it may be the signature of someone other than the person which it purports to represent. So, I believe the underlying Schumer amendment is unwise. That is why I voted to table it.

Now we have a second-degree amendment, offered by the Senator from Missouri, which would seek to limit the applicability of the underlying Schumer amendment. I think that would at

least take some steps to safeguard against voter fraud.

Mr. BOND. Mr. President, does the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I yield, Mr. President.

I am reluctant to do so, knowing the cross-examination expertise of the Senator from Missouri, but I will take my chances.

Mr. BOND. Mr. President, I am not here to cross-examine. I am just here to ask some experience from a Senator who is distinguished by his career as a prosecutor previously. Many people have said that if anybody votes fraudulently, they will be prosecuted.

I have looked long, far, and wide to see any consistent pattern of prosecution of vote fraud. I just do not know that there has been any significant effort. I wonder if the Senator from Pennsylvania can inform me to what extent vote fraud is even prosecuted and what are some of the problems that are entailed in a prosecution for vote fraud?

Mr. SPECTER. Well, vote fraud is prosecuted. When I was District Attorney of Philadelphia, I prosecuted Republicans and Democrats. Customarily, vote fraud is illegal assistance when somebody goes into the polling place, and this happens, and pulls the lever. There you can have a witness. You can identify the individual, and you can prosecute them. If you are seeking to prosecute someone who has sent in a purported signature which matches the signature on record, and there is registration by mail so that no one ever sees the person, you don't have an identification of the voter in the first instance. If you do not have an ongoing identification of that person's actual existence, it is not virtually impossible. It is impossible. How are you going to find the person who signed their name, even if you ascertain that there is no such person as the purported signature? How are you going to find them? It is not a needle in the haystack. It is a needle in a city of more than a million people.

Mr. BOND. Mr. President, the Senator from Pennsylvania pointed out precisely the problem with motor voter making it impossible for States to require a positive identification with the registration. As the Senator from Oregon I think wisely said in his debate, we ought to be making sure the registration is legitimate and that there is a real person behind it. Right now you can't do that under motor voter. The underlying bill, section 103(b) provides that.

But the Senator from Pennsylvania is saying that if somebody registers the name of a dead person, a non-existent person, or even a dog, sends in that registration, writes the name on a card, gets the absentee ballot, and sends it back in, it is next to impossible from the prosecutor's standpoint to prosecute the unknown person who has done the registration and cast the vote.



Is that a fair assessment?

Mr. SPECTER. Mr. President, the Senator from Missouri articulates it accurately. It is impossible to prosecute an unknown person. That is a matter of the fundamental definition. If you do not know the person, you can't swear out a warrant for an arrest. You also can't take the unknown person into custody. Then you would have the problem of proving that this unknown person committed the crime, and proving it beyond a reasonable doubt. It can't be done.

I am concerned about changing motor voter. There is a lot of criticism of motor voter generally. When I supported motor voter, I got a lot of criticism from many people who thought that it went too far. However, I was willing to support motor voter legislation with that broad sweep to try to encourage people to be on the voter rolls to express themselves. Motor voter works against my interest as a candidate in a city like Philadelphia. That happens to be the fact of life. It works against my electoral interests as a U.S. Senator running in Pennsylvania. But notwithstanding that factor, I have supported it, and I continue to support it.

If fraud becomes so widespread—and I think it is reaching that point—that we really do not know the level of fraud, it is impossible to determine. But, there is a lot of evidence that there are a lot of people who are not in existence who are voting. We do know that, because there is a check back. There is a signature of John Jones at a given address, and you find out that there is no John Jones at that address. Who signed the name? How can you tell? You cannot prove who did it to have a criminal prosecution. It is about the easiest form of voter fraud to perpetrate.

If you go into the polling booth in Philadelphia, as we had a lot of people do, and walk behind the curtain with a registered voter and pull the lever, or give illegal assistance—there are legal ways to do it, if the person can't pull the lever—there the person is taking a chance. You can identify them. You can get a witness. You can prosecute them. You can convict them. But, that can't be done just on signature.

For the people who are urging the enactment of the Schumer amendment to broaden the opportunities to vote, let me say to them head on that they are going to be defeating their cause, because motor voter is going to be in jeopardy unless we are able to work it out in a way so there is not fraud in this manner. The underlying bill is a modest step forward to eliminate that fraud.

I compliment the Senator from Missouri for his diligence in pursuing it. I also compliment him for his diligence in pursuing it over the weekend. It is pretty hard to find most of us over the weekend. But he found me and talked to me about this matter. I told him that my experience supported the

stand that he was taking, and that I was prepared to back him and come to the floor and make this argument.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise to thank my colleague from Pennsylvania for giving us some very practical insights on the difficulties a prosecutor faces in prosecuting a phony mail-in registration. It seems to be an almost impossible task, unless you are fortunate enough to get somebody's fingerprints or have some way-beyond-the-normal way of identifying who sent it in.

Obviously, everybody laughs about dead people being registered and Ritzy Mekler, the dog, being registered. We know they did not register, but finding out who registered them is a problem. Ritzy Mekler's owner claims he did not register her. Somebody else may have done so.

But there is a real problem with the phony registrations piled on to our voter rolls in Missouri, for sure—I know in St. Louis, and I would imagine in most parts of the country.

So since we have undone the compromise that we worked 6 months to achieve, I express, again, my willingness to come to a bipartisan compromise on how we make sure, A, that everybody who is entitled to vote gets registered, and, B, gets to vote. But also how do we get those phony people off of the rolls?

I mentioned, in my earlier debate on this amendment, we know that 3,000 registration cards dumped on the St. Louis City Election Board prior to the mayoral primary in 2001 were mostly phony—most of them in the same handwriting, most of them with addresses from one or two blocks of the city. So we actually got on those, and those have been turned over to the prosecuting authorities.

But there is a little matter of 30,000 voters who were added to the rolls in St. Louis City, MO, just prior to the November 2000 general election. Nobody knows for sure who they came from. But let me tell you, I have some suspicions. I have some suspicions that we are seeing people who might benefit from those registrations opposing efforts to purge.

So I would like to see if we can't work out a way to change some of the onerous provisions that the motor voter bill puts on States in trying to ascertain whether the voters who have been registered by mail are legitimate.

I voted against an amendment offered by my good friend and colleague from Montana, Senator BURNS. It was going to give some power to purge. I told him at the time I thought it was a good idea. I think it is an even better idea now.

So we would like to work on finding a way to make sure we can make it easier to vote but tougher to cheat. As I said, if the Schumer-Biden amendment goes through as is, it makes it easier to cheat, not tougher to cheat.

I started, in my remarks prior to the vote on the tabling motion, to share with some of my colleagues the wisdom from the National Commission on Federal Election Reform. They were talking about accountability. And they said: The question is whether to require voters to display some proof of identification at the polls.

This is on page 31:

All states hope that precinct officials and poll watchers will have at least some familiarity with the residents of their precincts. Seven states, all but one of them rural, do nothing more. In the rest, the most common practice now is to require voters to sign their names in an official registry or on a ballot application. About a third of the states require poll workers to check signatures against those provided at registration. Fourteen states insist that voters produce some form of identification.

Most states that have histories of strong party rivalry or election fraud require signature verification or voter identification at the polls.

This is the key part:

Signature verification puts an extra burden upon administrators, and especially on often ill-trained poll workers practicing a very subjective, often impossible, task while voter lines lengthen. Also, many polling places lack the means to provide poll workers with accurate copies of the voter's actual signature (the one the voter used in order to register) and a signature may change over time.

One alternative, favored by several Commissioners, is to require those who are registering to vote and those who are casting their ballot to provide some form of official identification, such as a photo ID issued by a government agency, (e.g., a driver's license). A photo ID is already required in many other transactions, such as check-cashing and using airline tickets. These Commissioners point out that those who register and vote should expect to identify themselves. If they do not have photo identification, then they should be issued such cards from the government or have available alternative forms of official ID. They believe this burden is reasonable, that voters will understand it, and that most democratic nations recognize this act as a valid means of protecting the sanctity of the franchise.

They then go on to talk about striking the right balance, and they conclude talking about whether a photo ID is too much. They talk about alternative forms. But they said on page 32:

We do believe, however, that States should be able to verify a voter's identity.

That goes to the sum and substance of the Schumer amendment. The Schumer amendment is flatly contradicted by the National Commission on Federal Election Reform. That is why I have offered a modest amendment to say that verification and affirmation will only go into effect when and if the Attorney General of the United States certifies that a State has had less than half a percent of illegal ballots cast in the last two Federal elections.

Frankly, I don't believe that signature affirmation or verification works as well as my colleagues claim. There are not hundreds of thousands of people denied an opportunity to register because they don't have any kind of photo ID or government check or bank

statement or utility bill or any other kind of paycheck stubs with their name and address on it. Any of those people who do exist can vote provisionally, and they should be able to vote provisionally. I think there is a handful at most, and we will accommodate them through provisional voting. But I am most worried, for future elections, that there were 30,000 names that came in out of the blue, mail-in registrations that had not been checked in the city of St. Louis. I would like to believe they are all legitimate voters who all of a sudden got the real view that they ought to register in one two-day period. But 15 percent of the electorate? I don't think so.

Mr. President, I am not willing to give up on this process. But I am not willing to see a bill go through that makes it easier to vote and easier to cheat. I thank the Chair and I yield the floor.

Mr. DODD. Mr. President, first of all, I thank my colleague from Missouri for his expression of trying to find some common ground. We know each other pretty well, and I would never question the motivations of my friend from Missouri. He brings a lot of passion to matters he cares about. I like people who do that.

As he knows, there has been a tireless effort to cobble together a proposal here that would enjoy the broad-based support of this institution. We are dealing with 98 other colleagues, and when you deal with a matter like elections, everybody is an expert. We have all been through them and everybody has a point of view—unlike in other matters where members can defer to other colleagues. Here everybody has something to contribute to the discussion and debate. I accept his words here to try to find some resolution of the situation we are in. That is what I have tried to do for a couple of weeks. Sometimes you need to have the votes, because then you know where; you are. Votes will let you know.

This place is pretty equally divided on this issue. We have to try to find something here where a center can gather and move the bill forward. We are hoping to do that.

On the second-degree amendment—and I appreciate him offering an amendment that is substantive and that goes to the heart of this. It is not a frivolous amendment. It is one not the least of which is—I presume the amendment refers to the U.S. Attorney General. My colleague indicates that is the case. The concern, I suppose, we hear from all States is that in this bill they want to avoid to have the Justice Department all of a sudden be reaching into States. We are already trying to become a better partner in the election process, and that attorneys general, regardless of party, can all of a sudden, under this amendment, be engaged in some “fishing expeditions” on some of these matters—I think we would all be concerned about that.

There may be something we can work on that may provide a means by which

we can come to an agreement on the issue of signatures and attestations. Let me say to my friend as well—and he and I went through this a great deal, back an forth, on how we can resolve these issues. As I understand it—and it gets hard trying to identify exactly what each State does—there are 28 or 29 States that do an attestation or signature. I may be off by a State or 2. As I went down the list and tried to determine how many States do that, many of these States believe that is a very viable means by which to deal with the fraud issue.

I know my colleague from Missouri has had different experience in his State. I don't argue with that, except to say that around the country there are different views on how best to achieve these results. There is nothing in here, obviously, that precludes the photo ID from being a part of that means of identification. The issue is whether or not we are going to, in some way, restrict these other means of verification that a majority of States have been comfortable with over the years, and then if there is something else we might add to that to address the concerns the Senator from Missouri raised.

Aside from these particular amendments that are pending, I will point out that, historically, the efforts of enforcement have to be in the States; that is, where there is a problem of fraud, the States have to pursue it. The Presiding Officer brings to this issue more than a casual acquaintance with these issues having been—the Secretary of State in his State worked directly in these areas. I presume he could bring to this discussion some additional thoughts and ideas, and I am grateful to him for that.

As I said, the attestation and signature have been used, and many States are comfortable with that. I am hopeful we can find some mechanism which will allow us to get beyond this particular issue in such a way that while it would not do everything, as my colleague from Missouri might want, it certainly will do more than the present situation.

What I suggest, because we have to resolve this one way or the other, is that we take some time and get our respective staffs together and sit down and skull on this and see if we can hammer out some ideas and come back with some proposals on how we might deal with this.

My friend from Missouri is nodding in the affirmative. Rather than talking, it seems to me we would be advised to sit down and see, over the next half hour or hour, if we can come back with some ideas for consideration. That is the path we will follow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until 1 p.m., with Senators allowed to speak for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the Senate stand in recess subject to the call of the chair.

Without objection, it is so ordered.

Thereupon, the Senate, at 12:16 p.m., recessed until 12:27 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Nevada.

#### ORDER OF PROCEDURE

Mr. REID. Madam President, the managers of the bill and staff are working through the amendment that is now before the Senate and trying to resolve this issue. We hope we can move forward on this legislation. There has been a tremendous amount of time spent on it. The majority leader indicated that he wants to move this legislation as quickly as possible. The energy legislation is waiting until this bill is completed in some form or fashion. I hope everyone will understand it will be to everyone's benefit if we can proceed. There has been a hue and cry from the other side that we need to do the energy legislation. The only thing holding up our moving to that is the legislation now before the Senate, the reform bill on the election process in America. I hope that can be done as soon as possible.

We are now in a period of morning business until 1 o'clock. At that time, the decision will be made as to what will transpire thereafter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.