

# 10 STEPS TO BETTER ELECTIONS

BY STEVEN HILL

The U.S. electoral system is our nation's crazy aunt in the attic. Every few years she pops out and creates a scene, and everyone swears that something must be done. But as soon as election day passes, we're happy to ignore her again — at least until the next time she frustrates the will of the people.

Under a fair, equitable, and democratic system of voting, Al Gore would have been elected President in 2000, and George W. Bush would still be whacking weeds in Crawford. In 2004, even though Bush won the popular vote by some three million ballots, the election was still tarnished. Florida replayed its 2000 debacle with attempts to purge African-American voters from the rolls, and voters who requested absentee ballots but never received them were barred from voting in person. There were hundreds of complaints of voting irregularities in Ohio, with voters in some black precincts waiting in lines at polling places for seven hours because of voting-machine shortages. Some voters were required to show identification even though the demand was illegal. Approximately 92,000 ballots failed to record a vote for President, most of them on the same type of discredited punch-card systems that malfunctioned in Florida in 2000. Ohio election officials may have improperly disqualified thousands of the 155,000 provisional ballots cast. Bush won the state — and thus the Presidency — by 118,000 votes.

Although the United States prides itself as a beacon of democracy to the rest of the world, for the second time in a row our Presidential election appeared bumbling, if not downright fraudulent. Sergio Aguayo, an election observer in Mexico City, told *Business-Week* that the partisan way the 2004 election was run was "looks an awful lot like the old Mexican PRI," referring to the notoriously corrupt ruling party that dominated Mexican politics for decades. President Jimmy Carter, whose Carter Center monitors elections around the world, said that in Florida, "some basic international requirements for a fair election are missing."

When elections are unfair, the environment loses. While polls show that large majorities of Americans favor strong environmental protections, those aspirations are routinely frustrated by a flawed voting system. In November 2004 in San Diego, environmental write-in candidate Donna Frye won the most votes for Mayor, but lost on a technicality when the clear intent of some 5,000 write-in voters was ignored. In Washington State, after Republican gubernatorial candidate Dino Rossi declared victory, it took a hand recount to find that more than 700 absentee votes had been ignored. When all the votes were counted, Democrat Christine Gregoire was declared the winner by 129 votes. And as long as the winner-take-all system remains intact, the Green Party is doomed to retain the role of spoiler instead of electoral leader for environmental issues.

We don't have to quietly accept the status quo. Here are ten ways we could dramatically improve our electoral system... all are worthy of bipartisan consideration. Some could be implemented at county or state levels, and some are more readily achievable than others. All have the same end: to expand the franchise, and make sure that every vote is counted.

## 1. Have nonpartisan officials administer elections

We should have learned this lesson in the 2000 Presidential election, when the co-chair of Bush's Florida campaign, Katherine Harris, also ran the election as Florida's secretary of state. For the 2004 election, it was as though Harris had cloned herself: the secretaries of state overseeing the elections in the battleground states of Missouri, Ohio, and Michigan were all co-chairs of their states' Bush reelection campaigns. In Missouri, Secretary of State Matt Blunt was also running for governor, and so oversaw his own race. In the days leading up to the election in Ohio, Secretary of State Kenneth Blackwell sought to rule out (largely Democrats) voter registrations submitted on paper of the wrong weight, and to strictly limit the counting of provisional ballots. During the election, African-American precincts and other strongholds of support for John Kerry were allocated far fewer voting machines than the Republican suburbs. In the subsequent recount, Blackwell allowed different counties to handle the process according to the whim of local officials. In Florida, a highly partisan Republican secretary of state once again ran the election, as did a partisan Democrat in New Mexico.

Without nonpartisan election managers, the outcomes of elections will always be open to conflict-of-interest questions. In addition, many current election officials are ignorant of the technology of voting equipment, or even how to run elections. Election administrators should be well-trained professional civil servants who know how to make electoral processes transparent and secure.



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## 2. Establish national standards for fair elections

The United States leaves the administration of elections to local officials in more than 3000 counties. This creates different standards and practices for recounts and use of absentee and provisional ballots, as well as wide discrepancies in the quality of voting equipment. Most established democracies use national election commissions to set uniform standards, to develop secure and reliable voting equipment, and to work with state and local election officials to ensure pre- and post-election accountability. The U.S. Election Assistance Commission, established by the *Help America Vote Act* of 2002, is a pale version of such an entity, and needs to be strengthened. A robust elections commission, for example, would crack down on the revolving door between state election regulators and officials and the voting equipment industry (see below).

## 3. Develop "public interest" voting equipment

The voting-equipment industry is dominated by three companies: Sequoia Voting Systems, Election Systems and Software (ES&S), and Diebold Election Systems. These companies develop their own private software and hardware that is then certified by state authorities, although the rigor of the certification procedures varies widely from state to state. Laxness is encouraged by the revolving door between state officials and the industry. New Hampshire senator John Sununu (R) and former California secretary of state Bill Jones (R) have acted as private consultants on behalf of Diebold and Sequoia, respectively. Chuck Hagel resigned as chair of Election Systems and Software's parent company, and eight months later was elected Republican senator from Nebraska, with his own former company's machines counting the votes. And Katherine Harris's predecessor as secretary of state in Florida, Sandra Mortham (R), was hired by ES&S to peddle its voting machines in the state. In Ohio, according to the *Los Angeles Times*, one vendor competing for \$100 million in contracts treated election officials to free meals, limousine rides, and concert tickets. Other vendors have spent thousands of dollars on conferences for election officials, footing the bill for hospitality suites, banquets, lobster bakes, and pool parties.

Even more unsettling, the voting-machine companies openly favor the Republican Party. The executives and founders of the big three vendors have poured hundreds of thousands of dollars into party coffers in the past few years. Ciber Labs, one of the federal testing laboratories, has donated tens of thousands

of dollars to the Republican National Committee and to GOP candidates. Walden O'Dell, Diebold's CEO, is a big Bush fundraiser who attended strategy powwows at the President's Crawford, Texas ranch; he famously told Republicans in a fundraising letter that he was "committed to helping Ohio deliver its electoral votes to the President," even as his company was seeking multimillion-dollar contracts to provide computerized voting equipment in that state.

In Hocking County, Ohio, three days before the state-wide recount for the 2004 Presidential election was to begin in mid-December, deputy elections director Sherole Eaton went public with a troubling incident: An employee of Triad Systems, the company that owns and runs the voting equipment in 41 Ohio counties (and is another Republican donor), came into the office, modified the computer tabulator, and advised voting officials how to manipulate the machinery so that "the count would come out perfect and we wouldn't have to do a full hand recount of the county." This prompted Representative John Conyers (D-Mich.) to request an FBI investigation into illegal election tampering.

At the very least, advocates of fair elections should demand a voter-verified paper trail so that any recounts would have a chance of uncovering errors or fraud. We have such an audit trail for ATM transactions; are our votes less important? Better still would be to develop 'public interest' voting equipment. Instead of the nuts and bolts of our democracy being in the hands of private companies, the software code would be subject to the rules and disclosures of open government. And that voting equipment then would be deployed to rich and poor neighborhoods alike to ensure that every voter is using the same, best equipment. Publicly developed voting systems are already in place in Belgium, Brazil, and Argentina. Last year India, which is the world's largest democracy and has twice as many voters as the United States, held nationwide elections, with voters from New Delhi to the Himalayas, illiterate voters and polyglot communities alike, all voting on the same computerized equipment.

## 4. Register every citizen

The United States has some 60 million potential voters who are disenfranchised because they are not registered. In most of the world's established democracies, every citizen who turns 18 is automatically registered to vote. This is known as universal voter registration. Were it implemented in the United States, it would prevent shameful shenanigans such as the Republican-paid registrars in Nevada who simply threw away the cards of those registering Democratic, and the Republican challenges to minority voters at the polls in Ohio.

Under the *Help America Vote Act*, all states need to establish statewide voter databases. Additional state or federal regulations could require these databases to be melded with U.S. Census Bureau databases so that anyone turning 18 is automatically registered to vote.

## 5. Making voting easier

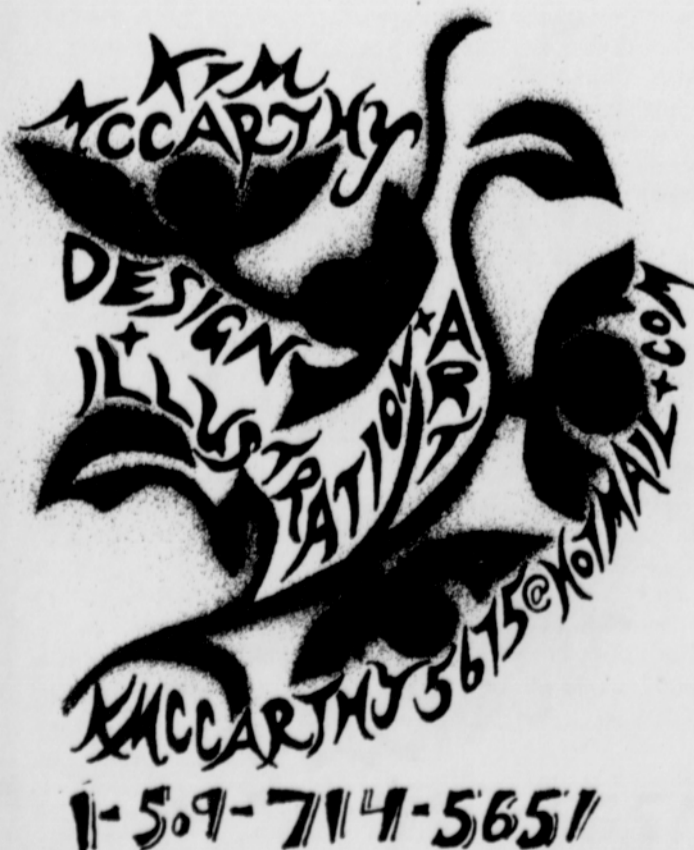
Voting on the first Tuesday in November in the middle of a busy workweek is not a requirement of the U.S. Constitution. It's just a tradition dating from the 1840s, when President James Polk changed the date to make it easier for farmers to vote. Most other democracies vote on the weekend or make election day a holiday. Puerto Rico typically does so, and has a higher voter turnout than all 50 states. The commission established in the

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