

UNSTUFFING THE BALLOT BOX



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BY DAVID BRAUER

In the 2004 election, 126 million Americans voted, up a staggering 15 million from 2000, and voter registration soared to 72%, according to the U.S. Census Bureau. Call it the silver lining in the divisive Bush Presidency, a tribute to registration and get-out-the-vote campaigns by political parties and ideological groups ranging from progressives to evangelical conservatives.

But since then, the right has sought to consolidate its gains and cripple the left's successes at the ballot box. The chief vehicle is state-by-state legislation to stiffen photo ID requirements for registration and voting — supposedly to reduce fraud that even proponents allow is minimal, while fundamentally erecting a huge barrier for millions of voters who don't drive or have recently moved: people in urban areas, seniors, minorities, and the disabled. Not surprisingly, those groups are among the electorate's most progressive.

Thanks to John Kerry's quick concession, 2004's troubles were swept away like so many fallen chads. But that election was rife with problems that could well be repeated in this fall's midterm elections and in 2008:

~In Ohio — 2004's Florida — voters in poorer areas found far too few voting machines, subjecting them to the "three-hour poll tax" and discouraging unknown numbers from voting. No federal legislation exists to mandate a minimum ratio of reliable machines to registered voters, and state minimums are often inadequate to handle large voter turnout.

~Partisan secretaries of state, charged with monitoring the election system, actively discouraged turnout. In Ohio current Republican gubernatorial nominee Kenneth Blackwell initially disqualified voter registrations that weren't on 80-pound card stock until a public uproar caused Blackwell, who was then secretary of state, to reverse the ruling. Katherine Harris' Florida successor, Sue Cobb, ordered registration forms trashed because applicants failed to check a box indicating they were citizens, even though they signed a statement elsewhere on the form attesting to the fact. In Minnesota, Secretary of State Mary Kiffmeyer demanded that local officials post warnings that terrorists might attack polling places. In Ohio, a referendum to take away such power from partisan officials (Blackwell also co-chaired his state's Bush-Cheney campaign) failed in November 2005.

~In North Carolina, a new electronic voting machine lost more than 4500 votes; without a verifiable paper record of ballots cast, at least one close state race was thrown into chaos. Nationally, VoteProject.org tallied more than 1,000 "machine problem" complaints, and despite millions of federal, state, and local dollars spent on new electronic machines since 2000, many that will be used again in 2008 are susceptible to hacking, result-switching, and faulty vote-tallying equipment — making their lack of a paper trail truly frightening.

~In the state that became election reform's poster child, Florida, GOP governor Jeb Bush installed in Democratic Broward County a Republican elections supervisor who came under fire after 58,000 absentee ballots disappeared in the mail in the 2004 race. Many replacement ballots were issued too late to be counted. Nothing has been done to prevent a reoccurrence.

"What we learned after Florida needs to be 24/7 and aware of all aspects of the threat to voting rights," says Mark Ritchie, who coordinated the wildly successful "November 2 Campaign," a consortium of nonprofit groups that registered 5 million voters in 2004. "We're seeing more and more networks of state-based groups that are fighting for good legislation and getting the public involved."

Citizen voices have been remarkably effective at turning back some of the worst abuses and advancing the best reforms. Because states and localities administer elections (as Florida proved), the voter-rights movements have sprung up in nearly every state. Good lists of issues and groups in your state can be found at www.electionline.org and www.voteraction.org.

In Minnesota, the Voting Rights Coalition — which yoked traditional volunteer groups such as League of Women Voters to progressive-action groups — got model legislation passed in 2005 to block voter-intimidation efforts. The bill outlaws tactics such as importing out-of-state challengers to harass voters at polling places and requires challengers to have personal knowledge that an individual isn't eligible. It also allows employees at nursing homes, shelters for battered women and the homeless, and other licensed residential facilities to vouch for residents, allowing them to vote.

In New Mexico, two citizen groups — Verified Voting in New Mexico and United Voters of New Mexico — upended voter-suppression efforts by backing a strong new state law in 2005 that requires voter-verified paper trails. In place of photo-based standards that make society's most vulnerable jump through another logistical hoop, the New Mexico paradigm allows voters to state their name and give the last four digits of their Social Security number, or show as identification a utility bill, a bank statement, a tribal ID, a government check, or an address-bearing paycheck.

Even in the most hidebound states, a single inspired voter has made a difference. David Dill is a Stanford computer

science professor who, according to the *Seattle Weekly*, "became interested in computer voting when the state of Georgia had technical problems with its new voting machines in 2002. When Dill discovered his own county, Santa Clara in California, was about to start using electronic voting machines without paper output, he swung into action." Dill started an online petition calling for paper trails; the nation's top computer geeks hit on it, and he eventually formed Verified Voting (www.verifiedvoting.org), which has exposed programming pitfalls and mobilized citizen lobbyists to fight the reckless purchase of paperless voting equipment. Even though Ohio proved itself a 2004 quagmire, abuses probably would have been worse if Verified Voting action alerts had not prompted 31 counties to delay or reject paper-free systems for use in that year's election.

Bev Harris was another concerned voter who unleashed a firestorm after finding 40,000 files containing proprietary source code from Diebold Elections Systems, a leading touch-screen voting machine manufacturer. Somehow, the information was freely available on the Internet; fittingly, the code revealed serious security flaws.

Harris' group, Black Box Voting (www.blackboxvoting.org), has since become a magnet for whistle-blowers, including a California temp who funneled 500 pages of documents showing that Diebold's law firm had warned its client about using uncertified software in its election machines. Harris' group has inspired investigative reports in major newspapers and Diebold crackdowns by California and other states. Its website continues to feature detailed accounts of electronic shenanigans and the campaigns to stop them.

Established civic groups are also fighting back. FairVote (www.fairvote.org) is working to make registration controversy moot by making it more automatic. One initiative, dubbed Leave No Voter Behind, pushes states to register high school seniors so they can more easily cast their first ballot. The proposal mirrors the ground-breaking 1993 federal "motor voter" bill that pushed registration at motor vehicle and social service agencies. A progressive example is already in place: Hawaii allows citizens to preregister at 16, and FairVote is leading a similar effort in Rhode Island.

The Sentencing Project (www.sentencingproject.org), which advocates more humane tactics to reduce crime, notes that more than 4 million Americans can't vote because they are felons or ex-felons — 13% of all black males, the group estimates. The public generally supports restoring rights for those who have completed their sentences, and since 2000 three states have liberalized their laws: Nevada, Iowa and Maryland now automatically let ex-felons vote (though Maryland requires repeat offenders to wait three years).

A number of fights loom. Retrograde states such as Georgia have tried to make nondriving voters pay for a new photo ID — a very real poll tax — and others are fighting proposed federal legislation (HR 550) to require electronic-equipment paper trails and regular voting-equipment audits nationwide. Some activists argue even this would not be enough. Certain states refuse to enforce 2002's federal Help America Vote Act reforms. For example, the act requires voters whose status is disputed to cast a "provisional" ballot that can be validated later. However, Electionline.org reports that 18 states, including Florida, offer no provisional recourse for voters who registered but whose names were omitted from precinct rolls.

Older gains must also be won again. Key provisions of the 1965 Voting Rights Act — which require federal "preclearance" for election changes by states and localities with a history of voting discrimination — must be renewed by August 2007. Mark Ritchie says there may not be a fierce fight from the right, mostly because the Bush-controlled Justice Department has been a neutered watchdog in recent years. Still, the act remains a powerful tool for future administrations committed to voting rights, and perpetually abusive states, counties and cities can be added to the preclearance list.

On some level, it's disheartening to have to fight for the right to vote in 21st century America. But as Ritchie notes, American history has demonstrated a constant, if wobbly, march forward. "When the Constitution was enacted, 4% of the population could vote — white male property owners," he says. "We added all white men, then women, then nonwhites. I couldn't vote when I graduated from high school; today, 18 year olds can vote. Yes, we're seeing some fairly organized rearguard actions, but history is our side as long as we realize that election protection is not just about Election Day."

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