

Downside UP

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The American System of Elections: Not A Personal Experience and Some Observations

Four to six million votes were not counted in the 2000 US election. I am sure that last month, most readers were as stunned by my quotation of that figure as I was to read it in The Washington Post National Weekly Edition two weeks earlier. (1) I have seen it repeated a few times since and now find it stuck in my memory as an ominous variable in an election system which I have come to realize is not really a system at all.

I wrote extensively last month about various problems with voting in the United States. I noted that we do not have any national system or standards. The Constitution leaves elections primarily to the states. The states, in turn, generally leave the process to local government – counties and cities. So, in fact, there are tens of thousands of different electoral systems using everything from hand-counted paper ballots and mechanical levers to optical scan and, most recently, touch screen voting machines.

Plus, the rules under which each state, or even each county or city, operates, may differ. What if you show up at the wrong voting station? Can you vote? Can you vote only for candidates whose districts cover the precinct you are at? Can you fill out a provisional ballot if you are not on the voter list where you showed up? How much time does the district have to verify your provisional ballot? Will your provisional ballot only be counted if you turn out in fact to be registered in the precinct where you showed up? The answers to these questions vary by state and, in practice at least, by county, city, and sometimes the whim of the elections officer for a precinct. You may not be able to vote for president because you are not registered properly in a particular precinct in a particular county in a particular state, all within the United States.

This crazy quilt of procedures means that, inevitably, some voters are more likely to be able to vote, and have their votes counted, than others. The four to six million number is estimated to be about half the result of registration problems and half the result of votes cast but not counted. As I explained last month, corruption may account for some of the problem, and race is an apparent factor in attempts to reduce the predominately Democratic vote of African Americans. In 2000, African American votes were not counted in the same proportion as white votes. Computers, in turn, make it easier to purge votes and voters selectively as when the governor and secretary of state used lists of alleged felons to target African Americans in Florida.

For the present, we might say that the system we have now is so scrambled that normal human error, inefficiencies, and incompetence are alone enough to explain most of the loss of four to six million out of more than 100 million votes attempted. For the future, however, the question is whether the cure will be worse than the disease. Computerization and a standardized national system offer the possibility of cleaning up

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the organizational mess, but could enable fraud to be carried out on a far larger and systematic scale.

An Unscientific Survey

All these problems and concerns were made very real to me recently when I did my duty for the Democratic Party of St. Johns County, Florida. I called two pages of prospective Democratic voters. This kind of thing is a routine part of the business of running a campaign. Sometimes it is just a "get-out-the-vote" effort to call your own party's registered voters and encourage them to vote. This time it was a bit more refined: my list included everyone except registered Republicans and we were supposed to find out specifically whether they were planning to vote for John Kerry. If not, we said "good-bye." If they were going to vote for Kerry, we made sure they could get to the polls and, if not, offered an absentee ballot or a ride to the polls. We also talked to them briefly about other Democrats at the state and local level.

That was the theory. The reality was that the voter registration list, only recently downloaded from the county's computer, was so incomplete, inaccurate, and out-of-date that I got through to fewer than half the households – even counting the ones that did not answer as if they actually did live there. Out of the total of 78 individuals listed for 60 households, 2 did not live there; 24 had no phone number; 6 numbers had been disconnected; 5 showed an area code outside the county; 3 were new, changed or wrong; 1 was a fax; 1 was not working; and 1, my personal favorite, was in a security lock-up! (2) All in all, out of 78 individuals, the above numbers added up to a total of 43 people, or 55%, without a full and complete voter record.

Considering that one can register to vote without giving a telephone number, I could account for 10 of the 24 who did not list a phone number. For 3 of them, there was a telephone number given for the same address by someone else. Seven (7) others were listed in the 2005 BellSouth phone book. That still leaves 33 people out of 78, or 42%, listed on the county's voter rolls but quite likely not actually living at the address shown. (3)

I don't think there were quite as many incomplete and inaccurate records in the voter list I called from two years ago but that was in a largely African American community with lots of senior citizens who were probably quite stable in their residences. This year's list is from what looks more like a mixed middle class, not wealthy, area. But even if it is a worst case and an average case were only half as bad, the average case would mean that more than 20% of the people listed on the county's rolls were quite likely not living where they are listed.

The worst of all this may be that I would rate St. Johns County very high for intelligent computerization of its records and impressive efficiency in its operations. All county records are on-line from minutes of meetings down to detailed mapping and property information. And its elections supervisor not only runs a good program, but has wisely chosen to stick with optical scan machines over touch screen.

The wonder may be that it is only 4-6% of voters and votes that don't get counted! Probably this is because most transients, who probably constitute a large percentage of those I identified, don't even try to vote! Remember that only around 50% of eligible voters actually vote in US presidential elections and far fewer in local elections when there is no presidential election.

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The fact is that my wife and I could get up and leave St. Johns County two months before an election, move to another county in Florida or somewhere else, never tell St. Johns County, and be registered in two counties at the same time. (4) An October 24 article in our local newspaper reported that what are called "snowbirds" around here – people who live a lot of their time in a more northerly state (maybe only Georgia or North Carolina) and the rest in Florida – may be routinely voting in both of their states of habitation. ("Questions raised about double voting, student registrations," The St. Augustine Record, p. 3A)

Perhaps more worrisome, the – what I might call "empty" – registrations I found are an open invitation to organized voting fraud. What are the chances that I would be caught if I found 33 people to pretend they were my missing voters? The voting rolls include indications of sex, race, and age, but I could find people to fit those classifications easily enough. Florida also requires identification at the polls, but fake ID is old hat in our computerized world. I could probably make a driver's license an ordinary poll worker would accept. It doesn't look to me any more difficult than "voting" the dead people that the political "machines" voted in the 19th and early 20th centuries – and may still be voting. Imagine what someone could do to exploit on-line voting with fake id.

What To Do?

The American election system depends on citizen volunteers to run it at the precinct level. That's who checks you in at the polls and monitors the process, often under the watchful eye of party "poll watchers." (My wife is doing that this year.) The system depends very heavily on the honesty of the volunteers and the American people. As my little survey shows, it is in many ways a very messy system, but it has, on the whole, over the centuries, earned the confidence of an overwhelming majority of Americans.

The 2000 election shook this confidence, and I have to concede that the present system looks broken. Global Exchange, an organization which runs programs to educate Americans about other countries, especially those at odds with the US government, has made the symbolic point of bringing international observers to monitor US elections. Jimmy Carter recently noted in a National Public Radio interview that the Carter Center, even if asked, would not agree to observe elections in the United States because our process did not meet even the minimum standards of the many third world countries where the Center does send observers. A recent article in Business Week points out that the 2000 mess is already leading both parties to prepare to litigate the 2004 election. (Mike France, "One Man, One Vote, Two Lawyers," October 25, 2004, p.43)

A secure, consistent, and efficient national process based on national voter registration sounds appealing. I commented to my wife that I would imagine that in other countries where everyone – citizens, residents, visitors – must carry government-issued identity cards or passports, it is probably illegal not to inform the government of changes in your address or residence. Everyone has a unique registration number. And the electoral system is most likely national too. Even before computerization, it was probably fairly easy to check to see if a person had voted more than once.

The question is whether we have to go that far to correct the system -- when is the cure worse than the disease? Since I was scheduled to be a poll "greeter" to help inform Democrats about whom to vote for as they approached their voting location (5), and my wife is a poll watcher, I decided to vote early to get it out of the way and did so when we

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drove three elderly African American voters to one of our county's early voting locations. As all these people from various precincts poured in to vote, I realized that one thing that could be changed immediately is the requirement in Florida – and most states -- that, on election day, you have to vote at your own precinct voting location. Early voting, like absentee voting, demonstrates clearly that that requirement is bogus. Once the voter had the proper voting form for her or his precinct, the op-scan machine read and sorted all the different forms together!

One of the reforms instituted by the Help America Vote Act (HAVA) calls for provisional ballots to be given to people who, on election day, find that they are not on a precinct's voter list. This can easily happen not because someone is not registered but because voting locations can change as often as voter residences – in part because the county uses temporary facilities it does not own. Our location has changed three times in four years from a mobile home park to a city park to a Baptist church!

Unfortunately, in Florida and a dozen or so other states, what was intended to protect the right to vote has been turned into a device to disenfranchise voters. On election day, if I am not on a precinct list, I can fill out a “provisional” ballot, but if it is found that I showed up at the wrong precinct location, my entire ballot will be thrown out, not just the votes exclusive to candidates in the precinct where I voted. In most other states, if I am a registered voter, at least those votes for multi-district, state, and federal candidates where I am eligible would count. Yet, early voting in St. Johns County clearly demonstrates that even the exclusion of precinct exclusive votes is unnecessary. What a county can do in early voting, it can do on election day.

As I said in last month's Downside Up, another step that could be taken -- this without changing the physical process or machinery at all -- would be to take partisan politics out of both registration and voting. One of the reasons that organizations like the Carter Center would not touch a US election is that we have partisan elected officials running the system. Katherine Harris is surely the most notorious example since, in 2000, she operated simultaneously as both Florida's Secretary of State in charge of state elections and George Bush's Florida campaign chair. But her example is the norm, not the exception, in the United States. Partisan gerrymandering of Congressional districts is why there are only a few dozen competitive districts in the entire United States and they are mostly where independent commissions draw Congressional district lines. Partisan control of elections is exactly what our government would point to in third world countries as evidence of corruption. The recent referendum in Venezuela, which the Carter Center monitored, looks clean by comparison. Ours smells like rotten fish.

Yet, the broader reform of a computerized national system could be a two-edged sword. The concerns of many Americans about privacy and corruption are real. I know that private corporations and the government – the IRS most notably – already have enormous records on us all. But evidence of how that information might be used makes me less comfortable not more comfortable with systematically nationalizing and legitimizing a national database. HAVA has already led us down the wrong path towards touch-screen voting without a paper trail. I am not heartened by the fact that the law was pushed through a Republican Congress without adequate investigation and the prime beneficiaries are two corporations (Diebold and ES&S) whose ownership is closely tied to George Bush and the Republican Party. This kind of partisan odor may even top that emanating from election officials. (See Downside Up, October, 2004.)

I am equally disheartened by Donald Rumsfeld's Pentagon hiring John Poindexter, one of the men convicted under Iran-Contra, to create a national database to fight terrorism.

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Although, when Congress and the media got wind of it, Poindexter was fired and allegedly the project was halted, I am not confident of any such thing.

Perhaps it would be better to have an efficient and consistent computerized system out in the open, including national voter cards which were, de facto, national identity cards. This would replace our mish-mash of decentralized processes and databases. Such a system – **done right** -- could restore the people's confidence in our election system.

Yet, there is also security in inefficiency, decentralization, and disorganization. It would sure be challenging to try to defraud our band aid and bubble gum system on a national scale. As I was talking about this article with my wife and commented on how I assumed it was done in countries that had identity cards, she asked me, "Do you think we should have national identity cards in the United States?" I replied, "Hell, No! I don't want the government to know where I am or what I am doing any more than it and all these private corporations already do." (6) Maybe I am just too much at heart an anti-Vietnam War, anti-government, 60's kid.

- (1) Jo Becker and Dan Keating, "Hanging Chads Still Hanging Around," September 13-19, 2004, p. 11-12.)
- (2) If she was not a felon, she could have voted, but I never got there. She insisted that she could not vote.
- (3) One or two might have had unlisted numbers, I realize.
- (4) Florida may have a way of cross-checking voter registrations through drivers licenses within the state, but it would be an imperfect method. The point remains for most states and we could certainly switch states and have no trouble.
- (5) The fact is that many, even most, voters know little about the candidates below those running for president, governor, and senator. That's demonstrated by how few, as little as 10 – 15%, vote in local elections when there is not one of the big three running.
- (6) In the United States, Social Security numbers are often used as identification numbers by both governments and the private sector, but the Social Security law, since its inception in the 1930's, has specifically forbidden their use in a universal national identity program. Someone in the Bush Government ran the idea up the flagpole after 9/11 but received pretty much the same reaction as mine from people across the political spectrum. Our country certainly tests the limits on national identity cards. Everyone is supposed to get a Social Security number soon after birth. The Social Security number is used widely for financial accounts. Driver's licenses probably come closest for people over 16 or 18 because they have photos. Airport security now requires "government-issued picture ID" cards, for which most people use their driver's licenses. I don't know what people who don't have licenses do.

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Ronald Woodbury is the publisher, editor, and general flunkey for all of Downside Up. While publication benefits from the editorial advice of one of his daughters and occasional other pre-publication readers, they will, for their own privacy and sanity, remain anonymous. The web spinner's name is also best left anonymous.

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