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Secretary of State Debra Bowen, Public Hearing on the Future of Election Systems in California

Public Testimony by **Gail Work** – Chair, Election Integrity Committee for the San Mateo County Democratic Central Committee; Founder – Grassroots for Bowen PAC 2006
g_work@earthlink.net

In listening to the speakers today I am glad to hear that we agree that elections reform is needed.

Thank you to our Secretary of State for providing the opportunity for public comment on this important topic of the future of our elections in California.

I will now address some of the systemic issues we face with elections that have not been addressed today.

Those of us who volunteer to Observe elections and provide citizen oversight are faced with **serious challenges in exercising our legally designated rights as Observers**. In the large majority of counties Observers are being blocked from Observing, even official credentialed party Observers, they cannot see or hear election operations sufficiently to do their job and are often not provided with the documents needed to reconcile the tally. This lack of oversight, inability to reconcile the numbers, along with the accelerated privatization of elections is cause for grave concern among those who love Democracy.

Privatization of election systems is happening rapidly and without the knowledge of the public, candidates, elected officials and perhaps even the political parties. This outsourcing of our democratic process is fragmented, poorly documented and involves companies that may have a conflict of interest with the voters. Who is accountable for performance and transparency? We need election related jobs to stay in California, within our local employee systems, with careful attention paid to who is doing these tasks and whether they have a conflict of interest with the voters. We need sunshine and transparency on any privatization of elections with plenty of time for public comments and influence in the decision making***. These elections belong to the voters, not to private corporations or to invisible interests that may have undisclosed agendas.***

Several systemic factors are challenging the integrity of our election system. First is the fact that **we've allowed the media to call the election winners**. Rather than wait for the votes to be counted, the media jumps in and pressures election officials to report as early as possible the unofficial tally. This unofficial result is considered to be final by the public, effectively allowing the media to have undue influence over our elections. Instead we need to wait until all the votes are counted, even if this takes time, to assure accuracy in the results. If a candidate is given sufficient time to review the results rather than rushed through a media circus, this can permit an election challenge to be made as needed.

Second our **polls and poll workers will be eliminated or reduced even further if we allow sub-standard Vote By Mail to continue to grow**. VBM processes start approximately 45 days before the election and continues 28 days after, leaving a chain of custody gap of up to 73 days when the ballot is not Observed by citizens and subject to manipulation. Voters are forced to trust county officials and private vendors without sufficient public oversight – this is not acceptable.

Far too much is at stake to take this kind of risk, we need systems with checks and balances whereby we are not left wondering what is going on behind closed doors. While we hope we can trust election officials most of the time, it would be naïve to think we can trust all of them and one rigged election is enough to alter the results.

VBM is assumed to increase voter turnout however there is evidence that this may not be the case:

"Academic studies all show that easy absentee voting decreases or has no effect on turnout" said Curtis Gans, the Director of the Committee for the Study of the American Electorate, with the 2004 election a slight exception. This is because "you are diffusing the mobilizing focus away from a single day and having to mobilize the voters over a period of time." Mr. Gans notes that the people who really are helped by absentee voting are those who cast ballots anyway. Source: Absent without Leave, Wall Street Journal, 10-30-06

In other words: the grassroots citizens suffer when VBM diffuses their efforts.

The Task Force on the Federal Election System (part of the 2001 Ford-Carter Commission report) found that unrestricted absentee voting by and large has not boosted voter turnout, or if it has only by a small amount and it's unclear if the gains will endure.

Observers are volunteers doing their civic duty, they do not have the leisure time to provide the long chain of custody security for a 73 day period of time for Vote By Mail, this is not practical. Instead we need the ballots counted at the polls on election night by poll workers, and a shortened chain of custody period. This is the gold standard practiced in countries all over the world. Why has our country allowed machines to have so much control over elections when hand counted paper ballots at the precincts is proven the best for citizen oversight?

The 2001 National Commission on Federal Election reform, a bipartisan group co-chaired by Gerald Ford and Jimmy Carter, concluded that absentee ballots do not satisfy five essential criteria for sound and honest elections, including:

1) Assure the privacy of the secret ballot and protection against coerced voting.
2) Verify that only duly registered voters cast ballots.
3) Safeguard ballots against loss or alteration.

Vote by Mail does not pass the hostile government test. Since the voter's signature or other ID accompanies the ballot, on the envelope or elsewhere, a hostile government could link the voter with how they voted and could subject the voter to persecution.

Vote By Mail eliminates transparency and provides election officials with the maximum degree of control over the ballots with citizen oversight missing. Lack of transparency is a key ingredient for **reducing voter confidence when counting the vote is not visible.**

Third, ballot fraud is an issue that challenges election integrity and Vote By Mail leaves fraud capacity wide open:

For example Jeffrey Garland, Executive Director of Connecticut's Election Enforcement Commission, noted that absentee ballot fraud has been a persistent problem in his state for years and in Hartford alone has resulted in the arrest of at least 8 city politicians. Source: Absent without Leave, Wall Street Journal 10-30-200

www.opinionjournal.com/diary/?id=110009167&ojrss=wsj.

This hearing seems to assume that we need to purchase privately produced solutions, that is a limited perspective. We don't necessarily need to BUY solutions. Procurement is not the only option and it often challenges security of the tally when it involves more machines and electronic programs.

Solutions:

1) Schedule the election on an established holiday and encourage more civic volunteerism to increase poll worker availability.

2) Make election day a holiday.

3) Work with our federal government on education reform to encourage high school seniors to get community service credit for volunteering on election day, during the canvass and for the audit.

4) Eliminate VBM unless the voter has no ability to get to the polls on Election Day to increase transparency and civic engagement.

5) Implement hand counted paper ballots at the precincts to provide chain of custody security and citizen oversight.

6) Extend the time for the canvass to reduce time pressure on reporting. By moving the canvass deadline from 28 days to 35 days the opportunity for a more effective audit can take place.

7) Reprioritize what's important to the voter FROM the speed of reporting and convenience TO chain of custody, transparency, observer access and checks & balances for SECURITY of the tally.

8) Increase citizen oversight and citizen engagement . Volunteerism and public service are alive and well even in this difficult economy. Use some of the many millions now spend on quickly obsolete machines and fund communications with citizen organizations to increase public participation in elections.

9) **Fund and implement scanners for Transparency Projects across many counties. Fund and implement hand count tests for the June and November elections 2010.**

Several years ago I was at this microphone to make this last point that has not been addressed. I will close with comments on the "revolving door" that remains still unregulated, leaving **our county election officials tempted with fat consulting contracts from the private vendors**, or private vendors being hired to run county elections. This needs to be stopped to prevent conflict of interest while county officials are charged with protecting the integrity of our elections. This revolving door policy is subject to corruption and greed, as we saw with the collapse of the financial system recently. We cannot allow our election officials to be subject to corrupting influences. To protect our elections we must eliminate the risks of financial incentives such as the promise of future consulting contracts, to look the other way when security risks are apparent.