

Newsletter #2.

Bowen Vindicated, the Vote Protected, Registrars Bungle and Blame, and... Voters are Disenfranchised in LA

Despite dire predictions made by various e-voting machine friendly registrars that the February 5th election would bring mayhem, delays, and controversy, instead we had the pleasure of having our votes counted both quickly and accurately. And for that we can thank the majority of California's Registrars, thousands of volunteers and Sec. of State Debra Bowen's unflinching efforts to restore integrity and confidence in our electoral system

Before we get to the actual electoral "debacles" - not due to Bowen, but due to Registrar incompetence and poorly designed ballots - let's play a little "before and after." Specifically, the wide disparity between the "sky is falling" pre-election predictions of delay and controversy with the post election reality that vindicated Bowen's efforts and restored integrity to our vote...and did so on time.

"The Before": "Sky is Falling" Headlines Dominate News

It wasn't long ago that news headline after news headline seemed to be preparing us for the worst. For whatever reason, the press bought - hook, line, and sinker - what some Registrars were selling. Remember some of those pre-election headlines, like: *"Huge Delay Expected In Calif. Super Tuesday Voting Results"* (Bay Area NBC affiliate) and *"Switch to paper ballots ensures long night"* (San Francisco Chronicle).

When Republicans, Vendors and Registrars Attack...

The doomsday news headlines only tell part of the story. Someone must have been relentlessly pitching these reporters to convince them to run with these kinds of "hysterical leads." The drumbeat of attacks on Bowen always points to the same source: an unholy alliance of some county registrars and e-voting machine vendors with consistent help from Republican operatives looking to score political points.

Do a few of these "pre-election" attacks against Bowen ring a bell?

"It's going to be a long, long night...this does not bode well for the upcoming elections in June and November, when the number of contests will be substantially higher."

-- **Steve Weir, Contra Costa County's top election official** and head of the state Association of Clerks and Election Officials

"We will be working all night...Of course it's difficult. It seems like every time we get a new secretary of state there is a new voting system. Who's to say what will happen in four years if we get another secretary of state?"

-- **San Bernardino County Registrar Kari Verjil**

"This was a shoot-from-the hip political maneuver to help her gain name recognition. This is purely a waste of taxpayer money. When the times are lean, this doesn't help."

-- **Riverside County Supervisor Jeff Stone**

(Bowen) has created unprecedented chaos in preparing for the elections... We have no idea how we are going to be running our elections week to week. What is at risk is voter confidence.

-- **San Diego County Deborah Seiler**, former sales representative for voting machine companies Diebold and Sequoia

Reality Check: "The (actual) Price" of ensuring our votes are counted accurately

The idea that poll workers might be "forced" to work through the night or that we may not get a final vote tally until the next day was being spun as if democracy itself was under attack, that riots could ensue, and poll workers may even miss some sleep! What a tragedy! How will our democracy survive a delay of half a day simply to protect the integrity of the vote?

"The After": Election Count Quick AND Accurate

The desire by registrars and e-voting machine vendors to blame any post-election delays, mayhem and confusion on Bowen's "top-to-bottom" review of California's voting systems (that led to the decertification of electronic voting machines in 21 counties), was palpable. But alas, the election results were determined in the same amount of time as they always were - but with one key difference: this time Californians could have greater confidence their votes were counted accurately!

Newspapers across the state ran stories reporting that, well, no, the sky didn't in fact fall, the votes were counted on time, and there was no crisis to report. Newspaper headlines suddenly changed to "*State official says few delays resulted from ballot decision,*" **Contra Costa Times**, or "*Few election glitches, except for independents,*" **Los Angeles Times**.

Post Election Review: Registrar Incompetence, "The Double Bubble," Increased use of Absentee and Provisional ballots Slow Count

After all the hysterical predictions, attacks, and excuses, the only factor in the delay of California's vote count attributable to Bowen was her successful efforts to increase voter participation. Some delays - although not enough to miss the certification deadline - stemmed from higher voter turnout, a lack of preparedness by some Registrars, a poorly designed ballot in Los Angeles County that rivals Florida's "Butterfly Ballot," and a huge increase in the number of absentee and provisional ballot voters.

Key Reasons for Delayed Results...all thanks to Registrar Incompetence

- **The 94,000 "double bubble" uncounted ballots in LA county**

What made this story particularly disturbing was that Election Officials, including Dean Logan, the LA County Registrar, were warned ahead of time that the "Double Bubble" ballot was going to disenfranchise voters. Unfortunately nothing was done.

Come Election Day massive confusion among poll workers and voters alike reigned in Los Angeles as a mysterious "second bubble" was required to be filled out on Non-Partisan ballots by people wishing to vote in either the Democratic or American Independent (AI) Party primaries. Without filling in that additional - and inexplicable "bubble" - the County's electronic scanners could not determine the voters' intent.

According to the Courage Campaign the scale of disenfranchisement was huge – 94,500 of 189,000 decline-to-state votes. That's half of the nonpartisan ballots. By comparison, in the infamous Florida "butterfly ballot" debacle in the 2000 presidential election, 19,120 Palm Beach County ballots went uncounted because of the bad ballot design.

Bowen Critic and Diebold Lackey Designed Ballot

This "major voting disaster" – according to the Sacramento Bee – can be traced back to former LA County Registrar Recorder, Conny McCormack.. McCormack quit just prior to February's Election because of her heartfelt concerns that the profit margins of e-voting machine vendors may be slightly reduced if they were actually forced to prove their products reliable, secure, and accurate.

McCormack – not just a Diebold lackey – also dabbles in creating "double bubble" ballots that routinely disenfranchise thousands of voters. Since the ballot went into use in 2002, it's impossible to know how many more Californians had their votes discarded. Yet, despite such career embarrassments, McCormack has kept busy attacking Bowen's work to protect the integrity of our vote while defending the same e-voting companies that lied to her, our state and California voters – while still finding time to appear in glossy Diebold sales brochures.

Blogger Brad Friedman, who's been investigating this story since day one, wrote:

"Where McCormack now says "no one could have predicted this," – much like planes flying into buildings, or levees giving way in New Orleans – the fact is if she couldn't have predicted this, then she was criminally negligent in her job as Registrar. If, on the other hand, she knew about the problem and did nothing, then she is equally criminally negligent."

Unfortunately, current Registrar Dean Logan, who only recently came to the office after leaving his post as Election Director in King County, WA (where he oversaw the disastrous mess of their 2004 razor-thin Gubernatorial Election.) didn't exactly instill confidence in election integrity advocates that took the rather radical position that all votes should be counted...whether they have an unmarked second "bubble" or not..

Bowen, Courage Campaign, and YOU, Come to the rescue: "Count the Votes"

Between Debra Bowen, and the over 30,000 Californians that signed petitions demanding that all votes be counted, Logan finally succumbed to the pressures of democracy. In a letter to Bowen he indicated that he will count the votes for President of those independents who at least filled in a bubble next to the name of a Democratic presidential candidate. This may affect 50,000 or so ballots from voters in Los Angeles County.

• Lack of Registrar Preparedness, Record number of Absentee and Provisional Voters

Many of the same registrars that claimed Bowen's actions would delay votes from being counted turned out to be woefully unprepared – despite the fact that record turnouts were predicted by everyone. Precinct after precinct ran out of ballots on the big day. Although a full analysis of the causes for these shortages is not available, there is much anecdotal evidence suggesting confusion by poll workers regarding proper procedures

for handling Vote By Mail (VBM) voters who wanted to vote at the polls.

This lack of preparedness by these registrars was compounded by the increased use of provisional ballots (40 percent of uncounted ballots) that are cast by those who showed up at the wrong precinct and that require extra verification and a record number of absentee voters – with 36,000 Vote by Mail (VBM) ballots received after Election Day.

The Unholy Anti-Bowen Alliance: E-Voting Vendors and Registrars

So why was Debra Bowen attacked so relentlessly by so many county registrars and e-voting vendors, while trying to ensure our votes are counted accurately? As we now know, the only real “crises” that arose on Election Day had nothing to do with Bowen, but in fact, were due to the incompetence of some of Bowen’s most ardent critics!

The incestuous relationship that has developed between these Registrars and Vendors begs the question: are election officials' more concerned with the voters or the vendors with whom they have developed such a cozy relationship?

_Many registrars have become blinded to the touch-screen systems – in part because they love the quick, seemingly clean results that make their jobs easier – but also because it was the registrars themselves that made the decision to purchase these machines with taxpayer money. This loyalty to the vendors – who not only provide them technical support and expertise on the complex voting systems they sell, but also sponsor conferences and even social activities and trips for clerks must stop. And that task falls to all of us citizens whose money is being spent to apparently increase the profit margins of the voting machine companies.

_Vendors have also aggressively wooed former secretaries of state, election clerks and their staffs to work for them, creating a revolving door for election officials who can cash in on their expertise and access, signing on with voting machine vendors as consultants, communications experts and sales representatives. __The last thing these registrars want to do is bite the hand that feeds them and admit they were duped into wasting millions of taxpayer dollars on a technology that endangers the very pillars of our democracy: counting votes accurately. In light of these facts, the motives for their attacks on Bowen become clearer.

Bowen Vindicated...Defends Constitution, Protects Voters

Predictions of widespread delays on Feb. 5th’s presidential primary due to a shift to paper ballots in nearly two dozen counties failed to materialize. In fact, in 57 of 58 counties, the election results came in roughly at the same time as they had in previous elections.

Many of the attacks on Bowen challenged the very notion she had the power or authority to take the actions she did. Apparently these anti-democratic voices haven’t read the California Constitution or the California Elections Code. California law is very clear about the Secretary of State's authority – and duty – to periodically review voting systems to determine whether they are defective, obsolete, or otherwise unacceptable. Secretary Bowen's top-to-bottom review earlier this year was just that.

See for yourself:

"A voter who casts a vote in an election in accordance with the laws of this State shall have that vote counted."

_-- **Article II, California Constitution**

Election Code requirements "shall be liberally construed so that the real will of the electors will not be defeated by any informality or failure to comply with all of the provisions of the law."

-- **California Elections Code, Sec. 19001**

Thank Debra Bowen!

Debra Bowen should be thanked and honored for Defending California's Constitution and protecting our vote in the face of such an organized and aggressive campaign to discredit her.

When she was being attacked we fought back. We will need to keep fighting, and keep telling the world: It's more important to count our votes accurately than to count them quickly.

Debra Bowen put her political career on the line to stand up for fairness and to ensure that all of our votes would count.

Thank her for the courage she has shown by standing along side her now.

Things You Can Do

- Contribute to this newsletter! Let us know what's going well – not – in the administration of your elections in your county.
- Share this newsletter... then act on it!
- Commend Registrars of Voters and County Clerks for actively cooperating with the Secretary of State, for the sake of the integrity of the elections which they administer.
- Condemn Registrars of Voters who attempt to undermine voter confidence in our elections, fail to live up to their responsibilities and then attempt to shift responsibility to the SOS.
- Contact your Boards of Supervisors. They control funds spent on elections and they have the power to approve the money spent on conducting elections.
- Send Letters to the Editors. Let them know this story is important to their readers.