

SB 210: Meeting the Jimmy Carter test for Oregon Elections.

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I am a strong advocate of Oregon Senate Bill 210.

After reading the obituaries and tributes to the late Jimmy Carter, 39th president of the United States, I began to notice a curious omission about his achievements in his later life. There was considerable discussion about his humanitarian work with Habitat for Humanity, but very little about his role as an election observer. I found that puzzling.

Beginning in 1989, Jimmy Carter became the foremost exponent of democracy guided by free and fair elections. He founded The Carter Center, which has conducted 125 election observations in over 40 countries, primarily in the Third World. For those interested, The Carter Center lists their criteria for election certification on their website in great detail, far too much to cover in this essay. I have extracted what I believe are their seven fundamental principles which are essential to certify a fair and secure democratic election.

1. Registration in advance. Voters present their credentials, and are placed on the voter rolls based on their residency and citizenship. They are given a voter identification card.

2. Voting in person on paper ballots. That is, the voter appears at the polls, presents their voter identification card, and marks their ballot, all within control of the elections officials.

3. No intimidation or coercion at the polling place. No electioneering or show of force is to be allowed in or around the polling place.

4. Voting by secret ballot. Each voter casts his or her ballot alone in a private voting booth.

5. Complete ballot control and security. The election officials must maintain secure control of the ballot from the time it is issued, voted, transported, tabulated and stored in case of recount.

6. Hand stamp or dye. After voting, the Carter Center normally used a hand stamp or die marker to indicate the voter had cast a ballot, to ensure one-person, one-vote.

7. Full access and transparency for ballot observers. Throughout the process, the Carter Center observation team insists on access on demand, and full transparency, including ballot handling, tabulation, machines, computers and software.

I find it hard to believe that anyone would object to these bedrock principles. Jimmy Carter did a great service to the cause of democracy by standing behind them. But after some reflection, I began to ask the question, "Would Jimmy Carter certify an Oregon Vote-By-Mail election today?" Let's look at how Oregon elections measure up to Carter's principles.

1. Registration in advance. The Oregon Secretary of State recently admitted that the Oregon DMV had registered many "motor voters" without verifying immigration status. And there is ample anecdotal evidence of duplicate ballots and ballots mailed to the deceased. These are hard to quantify, but suggest a casual and sloppy treatment of the Oregon voter rolls.

2. Voting in person on paper ballots. In-person voting no longer happens. So it is impossible to verify who cast any given ballot. Ballots are certified by signature comparison, through a computer scan which can be dialed to any level of certainty desired by the election officials.

3. No intimidation or coercion at the polling place. Now the polling place is the family kitchen table. Is there no awareness that one spouse might influence another? Or that adult children living at home might be intimidated? Or that a matriarch might suggest, "Get out your ballots and we will mark them together."? All of these events have happened, but are impossible to prove.

4. Voting by secret ballot. As noted above, if the polling place is the kitchen table, is there a truly a secret ballot? Perhaps, but it is out of the control of election officials.

5. Complete ballot control and security. In Oregon, the ballot is issued, enters the U.S. Postal Service, is delivered to a mail box which may not be secure, and then ends up on the kitchen table, is marked, signed, and then ends up back in the care of the U.S. Postal Service in most cases. It is not under secure control through most of its journey. Can we prove tampering or destruction of ballots? Of course not, but the opportunity is always there.

6. Hand stamp or dye. In Oregon, there is no reliable system to stop the casting of multiple ballots. Anecdotaly, we know of people who have received ballots in multiple jurisdictions, and who have voted both of the them. A good example would be the college student from California who receives an absentee ballot from his home town, and also votes in Eugene. It has happened, perhaps systematically, but there is "no proof" and no means of catching the duplication.

7. Full access and transparency for ballot observers. The Carter Center sends non-partisan teams to oversee elections. In Oregon, this is a function of the political parties who send volunteers. Is the process transparent? Do the observers have full access to all voting functions? It varies from county to county, so it is difficult to assess.

So if we step back and compare the Oregon Vote-By-Mail process, and the criteria of free, fair, and secure balloting as described by The Carter Center, Oregon falls short on every principle. Jimmy Carter was a strong Democrat partisan and may have had his faults, but he was also a well-meaning and honest man of principle. I do not believe he would certify an election in Oregon today.

The passage of SB 210 would help resolve these questions

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