

Center for American Progress



SPECIAL PRESENTATION:

“ELECTION REFORM: THE TIME IS NOW”

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RIGHT STOLE THE 2004 ELECTION AND WHY THEY’LL STEAL
THE NEXT ONE TOO (UNLESS WE STOP THEM)***

**10:00 AM – 11:30 AM
TUESDAY, OCTOBER 25, 2005**

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JOHN PODESTA: – and thank you for braving the fire. (Laughter.) I think we had some – a little bit of chaos out on the street just a bit ago. I'm John Podesta. I'm the president of the Center for American Progress. And on behalf of the Center, I'd like to welcome you to our discussion, "Election Reform: The Time is Now."

There's an old saying that the only thing we learn from a new election is what we learned from the last one. Unfortunately, when it comes to improving our election system, this saying has proven to be all too true. The irregularities which marred our most recent presidential elections in Ohio in 2004 and in Florida in 2000 revealed just how badly our election infrastructure has crumbled. But today, one year before the midterm elections, we once again are at serious risk of a disputed national election caused by an inadequate election system unworthy of our nation.

Reforming this system is a critically important, nonpartisan issue that deserves the attention of policymakers at the federal, state, and local level. No citizen should question whether his or her vote will be counted, regardless of party, geography or race. Lyndon Johnson famously observed that the vote is the most powerful instrument ever devised by man for breaking down injustice.

Today we mourn the loss of and celebrate the life of Rosa Parks. Her life reminds us that justice demands that we strengthen the most basic element of our democracy. And I'm very proud that we have with us this morning a leader who has spent his entire career strengthening many parts of our democracy, including our election system. A great friend and mentor of mine, Senator Tom Daschle has served his country with the utmost distinction for more than three decades first as an intelligence officer in the United States Air Force, then as a congressman from South Dakota, and then as a United States senator where he was elected Democratic leader in 1994 and majority leader in 2001.

Today, Senator Daschle is a distinguished senior fellow here at the Center for American Progress, which I'm quite proud of, and also a visiting professor at Georgetown University's Public Policy Institute. Recently Senator Daschle served on former President Carter's Commission on Federal Election Reform where he recommended dozens of pragmatic and necessary changes to our election system, including a principled opposition to onerous voter identification requirements that could keep millions of Americans from having the opportunity to cast a ballot.

Senator Daschle recognizes that the quality of our democracy is at stake in this debate, and as a proven leader on this issue he has worked in and outside of government to push for genuine, common-sense reform. It's an honor to have Senator Daschle here today to share his thoughts with us on election reform. Senator Daschle will be followed by a panel of reform experts, who I'm sure will lead a rich and provocative discussion on this important topic. Please join me in welcoming Senator Tom Daschle.

(Applause.)

SENATOR TOM DASCHLE: John, thank you very much for that generous introduction and thank you for your warm reception. Rosa Parks' life was dedicated to the opportunities that we're talking about this morning, the opportunities of opening up this country to greater democracy and greater freedom, the right to speak, and the right to vote, and the right to live in dignity. And it's in her memory, I think, that many of us continue the struggle today and we lament her departure, but we are all inspired by her life.

I'm inspired by the lives of others I've had the opportunity to meet over the course of my political career. There was a woman on Pine Ridge Village in the last election who was in many respects another Rosa Parks. She wanted very much to be able to continue her commitment to democracy by voting on election day. She got up early. She called for a ride to the polls at about 7:00 that morning and waited hour after hour after hour after hour to be able to go vote at a polling place some distance from her home. At 6:30 that evening, somebody finally came to pick her up, just moments before the polls closed. She in a wheelchair, because she had her legs amputated as a result of diabetes, cast her vote one more time. In her exhilaration and the euphoria that she so elegantly expressed as she cast her vote, she simply said, "I've never missed a vote in my entire life, and I wasn't going to miss now."

Here is a woman who because of ethnicity and physical disability was impeded in many respects not only this time, but probably every time she tried to vote. I think our challenge in this great country is to remember the Rosa Parks and remember those older women, men, and others disenfranchised around this country, including Indian reservations, as we decide what it is we can do to ensure that we increase access to democracy today.

And so my test is really pretty simple. Do we empower or do we impede with the recommendations we make with regard to election reform? If we do empower, how can we ensure that that empowerment can be realized all the way out on a lonely home on a reservation in the middle of the state of South Dakota? Our system today of databases and voter rolls are patchworks that are put together that in many ways confuse and frustrate the typical voters, and that's why I am so impressed and gratified with the work done by the panel and Raj's report, because they have again reminded us how far we have to go if we're going to build on what we promised with the passage of the Help America Vote Act a couple of years ago. Indeed, we have a long way to go.

And for those who are advocating that it is really voter integrity that we've got to be concerned about in the name of election reform, I would argue that we do a disservice to democracy and the constitution if that's all we're worried about. I'm far more worried about system integrity than I am voter integrity. I'm far more worried about ballot access than I am voter integrity, but the point is that it doesn't have to be mutually exclusive. The point is we can do both voter integrity and ballot access, and recognize that we can build upon the things that we've already begun.

My fear is that voters continue to become more disenfranchised, more concerned, more frustrated as we consider what has happened just in recent elections and the efforts now being made that could be so easily misinterpreted. And that's why what we're doing this morning and what the panel and the report exemplify is so critical to the effort underway. I am proud to be associated with John's effort here at the Center for American Progress because I think CAP could actually stand for the center for action and progress, because that is what I believe is the essence of what it is that is being accomplished here. It's not just coming up with ideas. It's putting them to action. And it's that action that's every bit as important as ideas. Ideas come sometimes easily. It's putting them into reality that really makes a difference, and that's really what happens here. And that's been John's call for us all to consider how we might take ideas and make them action.

I'm particularly concerned as we look at recommendations made in recent times about this so-called Real ID. Real ID, of course, is a concept that Congress has recently come up with to deal with immigration through a driver's license and while there may be some merit, I've got my reservations even in that context. But there is absolutely no reason why a Real ID ought to be used for any purposes with regard to voter registration or voter identification. And I say that for three reasons.

First, because I think the whole concept of voter identification in this manner is a solution in search of a problem. I don't really see a long-term national problem that needs to be solved in this regard. Nobody has demonstrated to me that there's some really serious problem with regard to fraud and voter identification.

The second is that HAVA itself has put in place a system of regulatory proposals that I think go a long way to addressing this whole issue to begin with. And the third is the impracticality of using a driver's license like Real ID when we know that 12 percent of the voter population in this country don't even have driver's licenses. And when you consider the disenfranchised and the elderly and the woman in Pine Ridge, there is a higher percentage than that of that particular group of Americans who will be disenfranchised for certain.

I think that it's the equivalent of today's poll tax and I think we ought to recognize it as that: an impediment that would be disastrous if ever implemented, and I hope that we can ensure that that never happens.

We have our charge. We have a responsibility, and we have an opportunity this morning to talk about that charge and responsibility. And I know I speak on behalf of people like that woman out on Pine Ridge to say, thanks for caring, thanks for your interest in empowering, and let us be successful as we begin this morning. Thank you very much.

(Applause.)

RAJEEV GOYLE: Thank you so much, Senator Daschle and John. Those were very eloquent remarks. Senator Daschle, I think, set the exact right tone for this provocative discussion we're going to have over the next hour.

Once again, let me wish you good morning and welcome you to this panel, "Election Reform: The Time is Now." My name is Raj Goyle and I'm the senior domestic policy analyst here at the Center, and I have worked a decent amount of my career thus far on election reform, and it's absolutely thrilling to me to see all of you who care about this issue learn more and, of course, have our distinguished panel to enlighten us all about this important topic.

One housekeeping note. Please turn your cell phones and pagers and iPods and Nanos or whatever device there is now onto silent and so that we can listen to the great comments of the panelists.

Last year, the unthinkable happened in the 2004 election and no, it wasn't a repeat of the Florida debacle in 2000, although that almost did occur in Ohio. But in what is arguably an obscure post, the agricultural commissioner of North Carolina, the – but a very important one, they didn't know who won the election because the system failed. The margin of difference was 2,500 votes, but a voting computer lost over 4,000 votes. And it wasn't like a playground football game. You couldn't just call a "do over." They didn't really know what to do. They haggled over it and only months later, actually after a political solution, we have an agriculture commissioner in North Carolina.

Can you imagine what would have happened in a key precinct or county in Ohio in 2004 or Florida in 2000 if the votes had simply been lost? At least in Florida throughout all of the acrimony that went on, there was at least some physical record, and that is just one issue in the set of issues that we're talking about, which is the integrity of the voting machines.

So clearly, we know that election officials work hard. We know there has been attention to this issue, but the system remains fundamentally broken and there needs to be more urgent attention to this from policymakers and the public at large. Public opinion surveys show that Americans are at a historic low in their confidence that their votes will be counted and counted accurately, and I think it's rather – it's disheartening and almost amusing that in this litigious society the last election was viewed a success because it was outside the "margin of litigation," as if that's what we rely on to count our most fundamental exercise in this democracy.

Since 9/11 and Katrina, there's been a growing discussion about physical infrastructure to keep us safe, but we shouldn't overlook our civic infrastructure, and that's what election reform and these set of issues remind us of.

In your packets is a paper that we have released today, and we have focused on three recommendations that are relatively noncontroversial, not in the realm of voter identification laws or provisional ballots, but rather things that we think can be

implemented in time to safeguard the midterm elections. Very quickly, those are centralized, top-down databases. We think those should be adopted by the states. We think that local and county election officials should not be allowed to purge the voter rolls, but that those should be controlled at the state level. And finally, that the certification of voting systems needs to be radically improved because it is essentially dysfunctional now.

And without further ado, I'd like to turn it over to our panel, but before doing so, these panels don't happen automatically. There's a tremendous amount of work that went into them, and I'd just like to say quick thank yous to Cassandra Butts, who runs domestic policy, for making this panel happen; Denis McDonough, who secured Senator Daschle's participation; Mark Lloyd, who introduced us to the good work of Mark Miller; Jay Heidbrink and Danielle Leger, who run a great press shop; Theo LeCompte and Anna Soellner, who run a wonderful events team; Abby Witt and Carter Campbell, who assembled the packets for you and have done a lot of good work; and most of all, to Conor Lamb, who's in the back and a research assistant with us who co-authored the paper with me and has been invaluable in making this morning happen.

The bios of your panelists are in the packet. I won't go over them. I'll just start with Doug Chapin to my right. We're just going to have some brief opening comments and then have a moderated discussion and then engage you in the conversation. Doug is the director of electionline.org. And I think ABC's The Note said that you've got the most street cred among journalists for giving the most nonpartisan and reliable information from an election reform clearinghouse, so we're absolutely thrilled to have you, Doug.

DOUG CHAPIN: Thank you very much, Raj. Actually, that's yet more evidence that you should not believe everything you read from the internet, but thank you very much. (Laughter.) Good morning, my name is Doug Chapin and I'm director of electionline.org. I don't have much time, so I'll give you the short version of the infomercial. We are a nonpartisan, nonprofit, nonadvocacy clearinghouse of election reform news and information supported by a grant from the Pew Charitable Trusts and headquartered just down the street in Georgetown. Our job is to fill the niche of giving people like you a place to go for comprehensive, unbiased, and reliable information on election reform across the country.

Very briefly this morning, there has been a lot of anger and frustration around the issue of election reform across the country. You don't have to go too far into the headlines at electionline.org every day to see the frustration between the parties, the frustration throughout the public that Raj has already mentioned and elsewhere about the issue of election reform and the progress, or lack thereof, around the country.

It's become a partisan issue. I think as Senator Daschle's remarks indicate and as you see from the headlines across the country, the parties have divided neatly and quite fiercely on issues like voter identification, on voters like the existence or lack thereof of voter fraud. And as a result, we have seen the same kind of fierce back and forth in the

press and in the public square that we see on many other issues. And as a result, we've had a loss of confidence in the public in the election process.

Unfortunately, that interest in election administration as a political issue has not been matched in Washington with interest in it as a policy issue. Senator Daschle did mention the Help America Vote Act of 2002, which was passed, which committed for the first time in the history of the republic several billion dollars in federal funds to state and local governments to improve their election processes.

I will tell you from our spot in Georgetown that that's pretty much the extent of Congress' involvement with the issue to date. Election reform is essentially dead to Washington or at least to Congress right now. We do have a new federal agency, the Election Assistance Commission. I do want to put in a good word for them. They are doing very good work on a very limited budget to fill in some of the gaps in the Help America Vote Act, but by and large election reform has left Washington and has moved into the states. And you've got state legislatures across the country struggling with many of the same issues that members of Congress struggled with as recently as three years ago.

Having painted a gloomy picture, let me now open the box one more time and let out sort of my favorite point of view and that's hope. I think my grandmother always used to say that every problem is an opportunity. And I really believe that the current state of election reform points the way toward a more hopeful view for election reform and election administration across the country.

Just very quickly, across the nation even though Washington is not moving quickly, there is a small but growing band of researchers, policymakers, and others who are passionately interested in the issue. I call them election geeks and I count myself among them. We are a small, but rapidly growing group. You can – you can Google the words “election reform” and find a host of blogs and other sites, not just electionline.org, of people who are looking at the issue.

There's an increasing interest in the group of election administrators themselves in the notion of professionalism. Election officials by and large do their work professionally, but there is no profession of election administration. I am an attorney, although I'm in recovery. (Laughter.) There are other professions around the country, medicine, accounting, where there are bodies of ethics, bodies of practice where members of the profession learn what is required, and then hold one another accountable. There's interest in doing that across the country in the practice of election administration.

And finally and most hopefully, young people are plugging in. My anecdotal observations from travelling around the country is that the presidential elections of 2000 and 2004 are to this generation of young people what Watergate was to that generation. It is a watershed political event, which has made many young people interested in elections not just for the result, but for the process. And we're seeing young people who

are interested in getting involved at the ground level, not in campaigns necessarily, but with the actual process themselves working as poll workers and the like.

And so what's necessary going forward? Use those election geeks to build a research-based approach, to give us information we can use to validate the claims on both sides of the aisle. Build a profession of election administration so that members of the practice of election administration, as well as members of the public, policymakers and the media, can hold them accountable for what they should do. Nonpartisanship isn't necessarily who appointed you; it's how you do your job and professionalism is a way to get at that.

And finally, we need to reach out to young people. I see several of you in the room here. There are opportunities. Your profession needs you. Your nation needs you, not just in the practice of politics, but in the conduct of elections. There are opportunities to become an election geek in training. It is a remarkably rich profession. It involves technology, law, policy, just about any kind of issue you could be interested in elections touch in one way or another.

So while we're currently frustrated with the way the elections have gone in the last couple of cycles, I think there is real reason for hope and I hope we'll have a chance to discuss that more today. Thank you.

MR. GOYLE: Thanks so much, Doug. I have to say that you dubbed me an election geeking on the phone last month, which, as I told my mom, is a great honor. I'm a geek in the making.

And I also omitted one thank you to Matt Brown, who's our graphic designer, who designed the wonderful report we have and also a one-page summary that we encourage you to take a look at.

To my left is Barbara Arnwine, who's the executive director for the National Committee for Civil Rights Under Law. Very honored to have you, Barbara.

BARBARA ARNWINE: Yes. Good morning, everyone. It's such an honor to be here today and to address this topic.

Like Senator Daschle and John Podesta, obviously this is an important morning as we gather upon the passing of Rosa Parks. If she left one legacy to all of us, it wasn't just the fact that she was the person who sat down so we all could stand up, but it's also the fact that she reminds us that ultimately change comes from independent individuals who are ordinary citizens who take the responsibility for change into their hands. And that she independently sat down, put herself in the way of danger, was arrested, and had to endure the loss of her job and so many other things, but those sacrifices were absolutely essential. So it reminds us here that this is a critical element of any type of reform is the passionate, committed, and dedicated engagement of individuals.

This is also the 40th anniversary of the Civil Rights Act of 1965. I am aware that when so many sacrifice, such as Medgar Evers, who was assassinated in 1963 as he came home after a voter registration drive to have African-Americans have the right to vote and be registered, that he and so many others would be appalled when they saw the realities that we live in in 2005 with our electoral system.

On August 6th, there was a march that was held in Atlanta, Georgia, and thousands of people turned out – thousands, probably some 30,000 – and marched. And I was very shocked and very interested in two things that really grabbed my attention. One was that the older people who were there talked about how they recalled the literacy tests, the grandfather clauses, the poll taxes, how they remembered some – helping their parents fill out forms, how they stood and how they were so humiliated at the inability of their people to vote. The young people on hearing these stories said, “Yes, and we have our stories because we remember Florida 2000 and we remember Ohio 2004.” So it was an interesting convergence of realities.

When we talk about the legacy of 2004, obviously we know that it’s the good, the bad, and the phantom. The good, of course, was the incredible mobilization of some 30,000 plus individuals who under the election protection umbrella went out and sat out to make sure that we had the ability to break down obstacles and barriers that were confronting citizens. And the genesis of that movement came from people recognizing that after 2000 we had to be proactive. We couldn’t sit back and wait for bad things to happen; that citizens needed to mobilize, citizens need to take responsibility for making sure that our electoral process worked. That movement was great.

The bad, of course, was that everything we feared would happen did happen. That day we saw a system that was creaky, that was underfunded, that was too decentralized. We saw a system where deliberate disenfranchisement took place, where registration obstacles were thrown in the ways of African-American and other voters, where voter identification was only requested of people of color. We saw malicious purging in Florida that we had to jump on before the elections. We saw dirty tricks during the elections where people were getting robo-calls – the automated calls – that were saying, “Oh, you’re such a great voter. You voted for the last five elections. Guess what? You need not come to the polls. You can call this 1-800 number and vote.” Where people were told that you can vote on Wednesday if you’re a Democrat, and all of these other things that happened ad nauseam in our communities. And particularly, once again, racially targeted against African-American and Latino voters.

The phantom obviously is the rumors and the – all of the ghosts. I mean, Halloween is coming up, so this is appropriate. All the ghost stories about all the fraud that was being done against and by voters, ordinary voters; that people were selling cigarettes and all those things for votes, all those crazy stories that always come up and are rarely ever documented, yet they drive this question about what kind of reform.

Our hope, obviously, is that as we go forward that we will be able to create the multiracial, nontraditional partner-type alliances that are so key to demanding election

reform at the state and federal level, that we need to make sure that it's a broad-based campaign that frank – that comes forth and that we take responsibility for framing the debate, that instead of allowing HR1461, which is moving in the Congress as we sit here, which is a horrible bill that would – it's the only election reform bill, by the way, that's moving in Congress, and it's an amendment to the Housing Finance Administration Act and basically what it would do is to keep voter registration groups and nonprofits from engaging in voter registration if they are recipients of Housing Finance Administration monies.

So these are the kinds of reforms that people are talking about. That is to stop people from helping people to vote, to register to vote, to get out the vote, all of these restrictions instead of once again opening up the door. So what we need to make sure is that all of us who are advocates, as we are talking about reform that we are talking about more than machines. Machines are key, absolutely, but we've also got to talk about the reforms that we know ultimately open the doors: election day registration, same-day election day registration. It is without question the number one remedy.

When we did the election protection program, 35 to 40 percent of all complaints we received were about registration. It was people who showed up at the polls, had been registered for years, and were told that they could not vote because they could not find their registration. Those 1.6 million provisional ballots that were cast, the majority of those were because people could not be found on the rolls.

I urged that one of the things that we should be doing is that six states have election day administration. These six states interestingly had the least problems on election day and they – and three of those six had the highest turnout in the country. So election day administration is key. And guess what? They are the states the least amount of claims of fraud. So I think that we need to really look at what the remedies are.

The second remedy that we need to be looking very hard about nationwide is early voting. And we need to be looking at making sure that at least one of those early voting week – that there's a weekend of early voting to make citizens available. The last – the other one remedy that we need to look at clearly is countywide voting processes that allow people to vote anywhere in their county and to have their counties – their votes counted.

We need to prosecute bad actors. The lawyers committee went to the FBI and said, here are examples of people who we know were making these illegal calls and telling people to go to the wrong precincts, telling people to vote on the wrong day. And guess what they told us? They said, well, what do you expect? It's an election. There was no prosecution, and I think that these kinds of things we need to confront and we need to change.

In closing, obviously the idea of centralized databases are key. The statewide databases, they make all the change in the world. It is our responsibility, however, to make sure that there's not unlawful purging done in the creation of those. And

ultimately, what we have to say as citizens always is that we need the best laws possible on the books to open up election – the electoral process for all Americans equally, fairly, fundamentally, with access to everybody, and that we need to make sure those laws are enforced. Thank you so much.

(Applause.)

MR. GOYLE: Thank you very much, Barbara.

And the final panelist is Mark Crispin Miller, a professor at NYU and the author of *Fooled Again*, a book about the Ohio – the election of '04. Mark?

MARK CRISPIN MILLER: Thank you. Here's the book. It's just coming out now. *Fooled Again: How the Right Stole the 2004 Election and Why They'll Steal the Next One Too (Unless We Stop Them)*. I think that's sufficiently unambiguous, don't you?

Now, I want to start with a little story about Senator Daschle just to make this dramatic. You know that Senator Daschle allegedly lost his election by 4,508 votes – 4,508 votes. Well, we tend to focus I think excessively on whatever it is that TV focuses on, so we all think about Ohio. And indeed, Ohio was important. It was a pivotal state, but we tend to think Ohio, Florida. Those were the problems. Well, the problems were national, coast to coast, state after state after state. In fact, they were global because the problems also affected the expatriate vote, which includes up to seven million ballots and demonstrably those votes were interfered with by the Bush machine.

Let me just say about Daschle's case that it was an extremely colorful episode. The anti-Native American activism at the grassroots was intense. The voters who came from certain of the large reservations there were subjected to visible harassment. They were filmed going into voting places. Their license plate numbers were written down ostentatiously. There were racist flyers sent out very subtly comparing Native Americans to prairie dogs, which plays on an ancient legend, no Indians or dogs need apply. And there was propaganda everywhere, even involving Jeff Gannon, for example, the notorious Jeff Gannon, whose name has disappeared from the media lately, but he was heavily involved in the South Dakota race. And, of course, throughout Daschle's tenure in the Senate, Rush Limbaugh was – routinely demonized, literally demonized Daschle. He always referred to him as el Diablo – Tom Daschle, el Diablo.

The point is that the number of voters intimidated, the amount of funny business that went on could easily account for the 4,508-vote margin that spelled defeat for Tom Daschle and victory for John Thune.

Now, it's crucial that we think about policy innovations that will help us solve these problems and I propose a number of them in the book, many of the same ones Barbara just mentioned. But I think we're putting the cart before the horse unless and until we tell the story of what happened last year so that the people know it, so that the

Democratic Party knows it, so that principled Republicans know it. As far as I'm concerned, there is no question about it. The evidence is there. It's lying all around like so much gold in the streets. John Kerry won the last election; Bush lost. His party was seriously divided. His disapproval ratings were in the high 40s. Democrats were more unified than they've been since 1964. The turnout was enormous and yet we're asked to believe that Bush got 11.5 million more votes than he did against Al Gore in 2000.

Well, if you start to look into it, you find that that's statistically impossible. There simply are not enough evangelical Christian voters – assuming they would all support Bush, there are not enough of them to account for that enormous jump, for that mandate, see?

Now, we have to tell the story in order to lay to rest the idea that it is controversial. The suggestion of controversiality is a great propaganda device. Think of how long it was used to suppress the truth about cigarettes and cancer. Well, this is controversial. Global warming, we still hear in some quarters, is controversial. There's controversy over Darwin's teaching. It's controversial because we dug up some guy with a degree who's willing to say that intelligent design is a scientific theory.

Well, okay. We have to tell the story. We have to do research. We have to make the story clear, but at a certain point we also have to stop trying to prove the obvious. At a certain point, we have to say, you know what? This is not a criminal case. We don't have to prove something beyond a shadow of a doubt. There is a serious appearance of gross fraud in this election. A significant proportion of the American people feel, and with good reason – feel that they might not as well vote, because the system is that corrupt. That's enough of a reason right there for us to take this seriously. This is a democracy. This is not a partisan issue. This is not even a racial issue finally. This is a crucial civic issue. This cuts right to the heart of what it means to be an American – right to the heart.

I'm saying this. I'm not a Democrat. I'm an independent. And I want to add, Democrats have said nothing about this issue – said nothing about it for the four years prior to this last election. The only people out there talking about electoral fraud were the people perpetrating it themselves. The Republicans talked about it endlessly warning that the threat the Democrats were going to steal the next election. And even now, the same propaganda tactic holds as Republicans keep insisting the Democrats were trying to steal the election last time.

Well, it's simply not true. This is not to say the Democratic Party has always been honest. I'm from Cook County. I know better. Okay? (Laughter.) But the fact of the matter is that systemic, collective, deliberate fraud took place this time among members of the far right. A lot of Republicans voted for Kerry, by the way. The evidence is in my book. These are people who didn't simply want to win the election. These are people who for ideological reasons detest American democracy. They hate American democracy. They hate its secularism. They hate its pluralism. They hate its reliance on compromise. They hate the importance of deliberation. It is a theocratic

movement. That's what we're facing. The sooner we understand that and the sooner we make everybody else understand that, the better off we'll be, because there has to be a sense of urgency about this. If we don't reform the electoral system in time for the 2008 election, we're finished as a democracy.

(Applause.)

MR. GOYLE: Thank you, Mark.

We're going to have about a five, ten, 15 minutes here of moderated discussion. I've got a few burning questions that are going in my mind. And the first one is a theme that I think has touched on all the presentations, and certainly was alluded to by Senator Daschle when he talked about the patchwork. And I think for most election administrators and for people who follow the topic it's – I think the *New York Times* called it "absurdly decentralized." And there is – the basic fact is that there are 3,100 counties, I believe, in the country. And really each one is a single voting jurisdiction, and really even within a county you can have multiple jurisdictions and even sometimes within a precinct. And so there was a compromise that was basically brokered during HAVA in which there was this – there was a cardinal rule of local control; that that was an inviolate principle of election administration and really of American democracy.

I'd like the panelists to really talk to – to answer the question of what about the notion of local control. Does it serve the election administration process well? And can that be either – do you think it should be changed, and if so can it?

MR. CHAPIN: Wow. Okay. I think the issue of decentralism is something that we face in election reform. I must say that having worked with and seen election officials across the country, it doesn't trouble me as much as some other people that we have a largely decentralized form of elections. Given that most localities are required to fund their own elections using their own tax base – don't have much help from either the state or the federal government, and different communities do have very different needs. I mean, there are – you've got precincts in New York City that are just one building. You have some precincts in Nebraska where the election administrator says there's more cattle than voters and it's a short drive if it's two hours to the polling place. So the fact that you've got local control doesn't bother me.

I think the issue, though, is the extent to which that local control results in differences between how they do things. Right now, the focus has been on should we do everything the same or should we allow everybody to do things differently? I think maybe the issue ought to be rather than having everybody do it one way, at least do fewer things differently. To identify five or ten basic principles – access to the vote, minimal wait times, that sort of thing – that we can then apply and give localities a little bit of flexibility to match their own needs without tossing out these basic principles that we think should be uniform across the country.

MR. GOYLE: Okay.

MS. ARNWINE: I guess I'm on the opposite side on this for sure. I believe that the American democracy is fundamentally out of touch with most Western democracies. Most Western democracies have great uniformity throughout their systems. This decentralization where states and counties set their own procedures for registration – something so fundamental, how do you register? So if you register in some states and you forget to check the citizen block, but you sign it on the bottom it counts. In other states, your registration is rejected. If you fail to put in your zip code, in some states you're fine, other states you're rejected. You have the ability somewhere in some places to cure your registration defaults; other places you've got to register all over again and if you're too late, you're just too late.

I mean, these kinds of – a system where even for federal elections where the failure to comply with some state requirement knocks out your ability to vote to me just doesn't make sense. I think that our rights as American voters should not vary from state to state. We should have the same fundamental right to vote and that that voting right should not be dependent upon whether or not I live in a county that has the sense to order enough machines so that we can vote or I live in a state that's so partisan that they won't send enough machines to the African-American neighborhoods or that I live in a county – I mean, these kinds of problems should not be common. They should – in fact, we need more uniformity.

Federal elections, give the federal government to require more uniformity for their elections. That necessarily means that no state wants to have a dual election procedure, so there would be more uniformity. And it's a shame that the federal government does not take – and the Congress keeps abdicating its responsibility in this regard. So I would argue that there's a lot that's wrong.

The correct precinct rule that if you're – in some states, you can go to anyplace in your county and vote. Other places if you're not in the correct precinct, your ballot is invalid regardless of the fact that you're a registered voter. Voter identification requirements where you can show up at a poll some places – I just show up at my poll, I just give my name, they look at me, I sign, and I'm allowed to vote. Other people have to come – if they don't have their voter registration cards, if they don't have other kinds of state-issued ID, they're not allowed to vote. I mean, none of this makes sense. There has to be a better, more uniform procedure.

MR. MILLER: Yeah, I'm with Barbara on this. What I found in surveying the national election in 2004 is that there is already, or there was and there will be again, a kind of national – kind of centralized, national effort to block Democrat votes and pad Republican votes. The argument against a federal system usually relies on the idea that the government will somehow turn this into an instrument of repression. Well, it's an instrument of repression now. It's very interesting to watch the way in which this would work from state to state, even though the states have vastly different systems and within the states there are vastly different systems.

Basically what you had was a lot of centrally dictated bureaucratic and legal maneuvering, as in Ohio for example, or Arizona or Florida. And then at the grass roots you'd have all kinds of true believers working as poll watchers, voting place personnel, and so on. And clearly, they felt that they could discriminate with impunity. They often acted like prison guards and policed. If somebody was wearing a Kerry button, they would be ordered to remove it – things like that. And they would be openly campaigning within the polling place. It was – Bush operatives would stand in line and talk on their cell phones in a loud voice in a way to spread rumors and to bash Kerry – grossly inappropriate stuff all over the country.

This, as far as I'm concerned, suggests that what we need is a uniform federal system. I often think we should go back to paper ballots as well, involving no privately-owned – no voting machines made by private vendors – none. They should be – the fact that we permit that in this great democracy is flabbergasting. But we need such a system, and we need it as soon as possible.

MR. GOYLE: Thanks. One other question came to mind picking up a little bit on this notion of the – of what's controversial in Mark's comments. There is a great debate about – Senator Daschle talked about it at length – between integrity and access, and those are the fault lines in the debate right now where on one side of the political aisle we have primary concerns about fraud and allegations of widespread voter fraud and that should be the central concern of reform efforts. And on the other side of the political aisle, we have obviously concerns about disenfranchisement.

Are they equivalent? And really what, based on the evidence – we have an expert panel here – has the evidence shown that voter fraud is a problem on par with disenfranchisement? I'm going to turn to Doug again on that to begin.

MR. CHAPIN: I love the way Raj pulls the pin and hands me the grenade first.

MR. MILLER: Exactly.

MR. CHAPIN: That's great.

MR. GOYLE: That's a moderator prerogative.

MR. CHAPIN: I really appreciate that. The problem – there isn't evidence of – or much evidence of voter fraud. To be honest, there isn't much evidence of anything, and I talked about a research-based approach. Election officials across the country are essentially flying blind. One big reason why voting machines were misallocated is that election officials have no idea how long it takes the average voter to use a different kind of machine. Frequently, they don't know how many voters are going to be registered at a given precinct, so the lack of evidence of voter fraud is as much a function of the lack of any kind of evidence as it is anything else.

There is – again taking my theme, there is hope. The Election Assistance Commission has just announced its intention to award a series of contracts, one of which is to ask two researchers to look at evidence not just to voter fraud, but of voter intimidation – to find some way to parse this issue of the difference between voter fraud, the impact of ID requirements and other things on the thinking about voter fraud and the possibility of intimidation.

And what that will eventually give us in a perfect world, or at least in a more perfect world, is the opportunity to conduct what Professor Spencer Overton over at George Washington University Law School calls the equivalent of a cost-benefit analysis. If I impose this ID requirement, I will prevent X number of fraudulent votes, but I will potentially disenfranchise Y number of voters. Until we know the relative sizes of X and Y, we don't know whether or not that ID requirement is a good idea, so that's why geeks like me and geeklings like Raj and others need to go out there and dig around and bring up these numbers so that we can have a more meaningful debate on the battle between – or the relative perception of fraud versus intimidation.

MS. ARNWINE: Yes, I think that the – the EIRS database really is a good sampling of evidence of what kind of issues are out there, and fraud was not a problem. Other than people's concerns about machines misrecording votes, we did not find a lot of fraud claims.

But what I want to just talk about is that what's interesting is how confusing this whole issue about integrity versus fraud and disenfranchisement is. The Lawyers Committee, along with other civil rights organizations, filed suit against the State of Georgia recently because Georgia changed its voter identification requirements from allowing 18 forms of voter ID to only five, and of that five, one – the most prominent one that they wanted everybody to do was a driver's license in the State of Georgia where you have 159 counties, only 53 Department of Motor Vehicles Divisions, including none in the city of Atlanta. And we – and of those five IDs, I should be very clear, the other four were mostly for students who went to state universities, meaning that if you went to Spellman or Morehouse or any of the African-American historically black colleges and universities, you couldn't use your ID. So there were all these issues.

Well, okay, so we sue them after the so-called Justice Department preclears this provision. And we bring the lawsuit, *Common Cause v. Phillips*, and in that lawsuit we have a preliminary injunction hearing and everybody puts on evidence. The State of Georgia puts on evidence about why they need this new voter identification, more restrictive process, and they say, "Oh, it's to stop voter fraud." Well, they put on there evidence of voter fraud and what is their evidence? Absentee ballots is what their evidence is. And the court says, "Well, wait a minute. What's the connect between what you put before me, which is all fraud of – it's all evidence of fraud with absentee ballots, and you have not one legislative measure to deal with that, but you're talking about identification. This has no nexus."

And of course, we are very, very lucky because last week the court issued a preliminary injunction against Georgia's Bill 244 and enjoined the enforcement of that registration, the voter identification requirement. So we're pleased with that, but it just shows you how bizarrely disconnected and inflamed this debate is. This is the same debate when people talk about, oh, they're against judicial activism, and they're for strict constructionalism. I mean, integrity is nothing but a buzz word, it's nothing but a code. It only means keeps certain people from voting.

MR. GOYLE: Mark, we have just a minute. Did you have comments?

MR. MILLER: Yeah.

MR. GOYLE: Okay. I just wondered.

MR. MILLER: Okay. Yes, Barbara. (Laughs.)

MS. ARNWINE: I mean, but it's –

(Cross talk.)

MR. MILLER: No, I have many, many examples in this book of Republican claims of widespread voter fraud, and I simply researched every claim. Sure, there was some fraud. When an outfit like ACORN hires poor people to go out and register voters, some of those people are going to make up the names of voters because they want the money. I mean, that's just human nature, so you've got this kind of freelancing fraud, this maverick fraud. That is not in any way comparable to the degree of fraud we're talking about on the Republican side.

Now, you talk about Georgia. The voter ID requirement is pernicious, but we have to pay attention as well to the fact that Kathy Cox, the Secretary of State in Georgia, privatized voting in Georgia before the 2002 election. She – I'm not exaggerating. Diebold runs the elections in two-thirds of the counties of Georgia. It takes care of everything that civil servants are supposed to do. Those states where there were surprise victories in 2002 – surprise victories for Republicans – were also states where Diebold played a major role.

Now, frankly I find it perplexing that anyone would say – and I'm saying this with all due respect to Doug, whom I admire – that there's no evidence of fraud. There is copious evidence of fraud. I want to know what Doug thinks of my book when he's read it. I wonder what he thinks of the Conyers Report. There is plenty of evidence of fraud, but again there is a propaganda motive here.

You read the transcript of the debate over the Ohio electoral vote that went on in the House, and it's like a classic propaganda textbook because the Republicans use a whole broad array of tricks and rhetorical tactics to impugn the messengers; that is, the Democrats on the Judiciary Committee who wrote the Conyers Report, but they don't

ever actually criticize any of the evidence in this report. But what they do time and again is say, “What about all those votes – those fraudulent voters in Michigan?” And they’ll come up with a number. “And what about all these fraudulent voters, and all those fraudulent voters?” It is a bogey. It is inconsequential. I’m not saying it’s right. It’s wrong. It should be prosecuted, but it’s not – to compare that, to put that on the same level with the Republican fraud is to compare a pickpocket ring to the Mafia.

MR. GOYLE: Thirty-second response by Doug, and then we have to go to Q&A.

MR. CHAPIN: Yeah, just really quickly. I mean, I don’t want to imply that there’s no evidence of fraud. I mean, maybe I’m betraying my legal background. When I say “no evidence,” I mean, we have endless anecdotes on both sides of either the existence of fraud or the lack thereof. And I think my response to that is similar to the district court judge’s response in Georgia. It’s just that there are allegations of fraud, but we don’t yet have a strong objective research base that says, this is where it’s coming from and this is what we can do to prevent it.

MR. GOYLE: Great, Doug.

We’re going to go to Q&A and involve you in the discussion. If there are any reporters in the audience, please, we’ll give you first prerogative and please state your name and affiliation. Any journalists? Right up here.

Q: Hi. My name is Alex Walker. I’m an editor with tompaine.com and our readers have been intensely interested in the problems with the Ohio election, the 2000 election, and also efforts to prevent some problems in future elections. And one question I have for the panel – it’s a two-part question – is could you comment on the obstacles to making these various reform proposals reality? And to what extent do you think the competing array of reform proposals is a factor? I mean, we have so many groups coming out with different ideas about how we vote, when we vote, who should vote, who should oversee the vote. Would there be strategically any merit to getting people behind one or two or three very concrete reform proposals?

MR. GOYLE: Very good. I direct that question to Barbara for the Lawyers’ Committee perspective.

MS. ARNWINE: (Who?) knows why? The Lawyers Committee has been very active in Ohio post the elections and before the elections we ran a pretty strong election protection program with Pete Baugh (ph) and (F?) and many other groups.

What we’ve done – on July 28th, we sued the state of Ohio. The name of that lawsuit is *League of Women Voters v. J. Kenneth Blackwell*, not a surprising title. The lawsuit basically deals with 14th Amendment issues of unequal protection, of procedural due process, and of substantive due process claims. It basically alleges that the State of Ohio has run an electoral process that they knew was broken, and they knew it was broken way before 2004; that they knew that they had insufficient equipment in minority

neighborhoods, that they – it basically says – it’s not really a racial claim as much as it says that from county to county it’s clear that based upon which county you live in, your right to vote is significantly impaired based upon the way that the State of Ohio has run elections and how they allocate equipment, how they allocate resources, et cetera, et cetera.

It’s a great lawsuit. You can go to our web site, which is lawyerscommittee.org, and you can find information on it. Joanna Goldman, who’s in the audience, who heads up our campaign for fair elections, and also is instrumental in the national network for fair elections could – for state election reform, that is, could also tell you a lot about the grassroots efforts that have been going to address election reform in the legislature and in the – and through ballot initiatives.

But one of the things I want to make clear is in our relief that we seek in the lawsuit, it really has a lot of reform requirements. I mean, we talk about the kinds of things that could make the State of Ohio’s election procedure and operations much more fair and assessable for all of its citizens, so I really recommend you straight to that website where the complaint is posted.

MR. GOYLE: Doug?

MR. CHAPIN: And I guess my response, I think that the obstacles to reform both at the federal level and at the states, it’s really very simple. All we need is time, money and will. (Laughter.) It’s – money is a big factor. Election administration is way down the list of priorities and even as a self-described election geek, I can’t argue with that. If a county is looking at the difference between buying new voting machines or building a new school or renovating an old one, it’s hard to make an argument for voting machines, so it typically slides down a list of priorities. So we need to find a way to make a financial commitment.

The one thing that we can do, I think, to help bring order out of the chaos, which is all of the reform proposals, is to open a debate on why exactly we have elections. What’s important to us? Part of what we’re dealing with on the battle on voter ID and other things is different people see the issue differently. We need to get a sense of why we have elections. Do we have elections so we can pick a winner? Do we have elections so that every person can have a vote? Those have very different suggestions for how you conduct an outcome or how you conduct an election. And so we need to have a more robust debate with the level of intensity that Mark brings to it to look at the question – not just ask how we do things, but why we do things. And if we can’t necessarily come to a consensus on how to move forward, we can at least frame the debate in a way which makes it a policy, rather than a political issue.

MR. GOYLE: Great. Next question. Let’s see –

MR. MILLER: Can I answer that?

MR. GOYLE: Oh, sure. Go ahead.

MR. MILLER: I'm too intense for you.

MR. GOYLE: No, no, no.

MR. CHAPIN: No, really. I invoked his name.

MR. GOYLE: No, unfortunately the clock is intense, too, so please be brief so we can get to some other questions going.

MR. CHAPIN: Historically, it is a fact that you can't promote a reform agenda unless there's a scandal to motivate it and to attract people's attention, so all I would say is that the primary obstacle to reform at the moment is the extent to which what happened last year has been obfuscated. You wouldn't have had the FDA established if it weren't for the meatpacking industry and the scandal over that. You wouldn't – you'd still have chain gangs if it weren't for the scandal over that chain gang in Georgia back in the '30s.

You're not going to have any kind of meaningful electoral reform unless you allow the scandal of 2004 to reverberate, so that is the primary obstacle is that kind of acquiescence in the status quo.

MR. GOYLE: Thanks, Mark. Let's go to Tim right here. Wait – got to wait for the microphone, please.

Q: Thanks, Raj. I just wanted to follow-up on Barbara and all the panel. We – I'm Tim McFeeley. I'm with the Center for Policy Alternatives, and we work with state legislators all over the country. We've recently published this handbook, *Progressive Agenda for Election Reform 2006*, and I brought sufficient copies I hope for everyone. They're out on the registration table. If you didn't pick one up coming in, please pick one up on your way out. If they're gone, just let me know and I'll get you some.

The kinds of – this is not an insoluble problem.

MS. ARNWINE: Right.

Q: As Barbara points out, there are many solutions to the more glaring problems, most specifically in things like same-day registration, voter identification, provisional balloting, these – some states have done a good job. Some states don't want to change. Here is a handbook of model legislation and arguments in favor of these – 11 in this book – solutions, and I recommend it. Thank you.

MR. GOYLE: Thanks for the comment.

Next question. This gentleman right here. Please state your name and affiliation and –

Q: Arlie Schardt, Environmental Media Services. For Mr. Miller, I'm wondering two things. Why do you think the national media has ignored this story of the fraud of the 2004 election? And secondly, how did it come about that Diebold and the other voting machine companies, all of which are run by Republicans – by very partisan Republicans, how did they take such control over the electoral process?

MR. MILLER: Well, the two questions, and they're both very good questions, are interrelated. Precisely because the media has failed to pay attention to this issue, it has been possible for companies like Diebold and ES&S and Sequoia to spread their domain unquestioned. And this is unfortunately the case with a lot of the local media as well.

I am ultimately kind of baffled by the press's refusal to address the issue of scandal – of the scandal of the last election. Not – it wasn't simply that they refused to cover it, but they were more aggressive than that. They actually ridiculed people who came up with evidence of fraud or had concerns about it. There was a spate of caustic articles that came out immediately after election day in the *Baltimore Sun*, the *Boston Globe*, the *New York Times*, the *Washington Post* snickering at the cyber-lunatics who were running around with these crazy rumors and so on.

Some theories did turn out to be baseless. Some cries of alarm turn out to be unfounded, but a lot of the stuff that people pointed out was – it was righteous information. I think that this speaks to the corruption of the mainstream media. It has not been serving its constitutional obligation to keep the people informed, but it seems rather intent on preventing anyone from rocking the boat. And I have to say that I've encountered as much resistance from Democrats as from Republicans. We're talking about a deeply-entrenched system. We're talking about an unwillingness to go where the implications of the scandal lead us. We're talking about facing the likelihood that we don't live in a democracy anymore. We're talking about facing the likelihood that we haven't really made any progress since the days of Jim Crow; that Jim Crow is back, and it affects not only black people and Hispanics and Native Americans, but it affects everyone. It affects those Republicans who tried to vote for Kerry.

This is a serious problem and indeed, I think its seriousness explains the silence. I don't think it's a plot. I don't think there was a media lockdown. I mean, there may have been one or two, I don't know, but I don't think it was necessary. I think there's a lot of self-censorship there, because these people – we're all invested in the system. These people are professionals. They want to keep rising in their professions, and they'd rather say, "Oh, this is crazy." They'd rather roll their eyes and get a laugh.

MR. GOYLE: Thanks, Mark. Let's get to – if you can, we only have about ten minutes. Please keep your questions brief and we'll also do the same up here on the panel. Jim in the back.

Q: I'm Jim Dixon with the American Association of People with Disabilities. Raj, did I hear you say that your recommendation is that the database problem can be solved by next year's election?

MR. GOYLE: In the Center report, we do recommend that states, and particularly the states that we mentioned, adopt centralized databases for the election. We are focused not so much on the notion of actually what – when they can build it by, but merely the fact that they need to choose the centralized, top-down system, because one of the central recommendations from all the experts, as you know, is that a database system in which it's basically decentralized, in which there are local access points at the county level, and they can update and it's not centrally controlled, will lead to the kind of erroneous registration lists that we've seen in the past.

So our recommendation is that as states go forward, and particularly the 13 states that have failed to do so, that they adopt a top-down model. And we do think that in most places they have time if they will put the political will and budget authority, of course, to make it happen.

Q: I agree that the database problem is really the bottom-line administrative problem to be dealt with. Barbara is right. One of the real plusses with election-day registration is it cuts through all of the technical difficulties, real and imagined, in building a new database. We're in the process at AAPD of looking at what states are doing with the HAVA money they now have for databases, and it's appalling.

One state has linked its database to Medicaid, as required by the NVRA, and that state had it done before HAVA. There are states that have spent huge amounts of money and they are not going to have an electronic interface even with the DMV, to say nothing about links to the disability and poverty agencies. And some of the new databases allow the state between two weeks and a month after the new registration has been logged in to actually process it.

MR. GOYLE: Great. Well, thank you for the comment.

Q: Hi. I'm Diane Perlman (sp), and I wrote a piece that's been circulating on the web called, "The Silence of the Scam, Psychological Resistance to Election Fraud." I called it voter fraud before, but I was corrected and I'd like to correct that it's election fraud. It's not voter fraud.

And one of the things that I've observed is that – I mean, Mark was just talking about it now about the silence. And in addition to the facts that there are a lot of reasons why it's – well, first of all, there's a lot of psychological manipulation, including the censorship of the media. And also one thing is that the Help America Voting Act was sort of a mystification that everything in there was really used the opposite way, and I'd call it the "hide America's voting anomalies" that we have the machines and everything there. So things that look like they're solving the problem are actually colluding with the problem, so –

MR. GOYLE: Do you have a question in that?

Q: Yeah, just – maybe if Mark can address more about the – well, I guess one question, the paper – I think we need paper ballots also and (unintelligible) voting and I would suggest – I – what would it take for that to happen? And even if it doesn't happen, officially, can people just do it unofficially at every polling place – just have a backup paper ballot?

MR. MILLER: Well, let me just say very quickly in answer to your first point, the Help America Vote Act had some very progressive features to it, but it's also in many ways the source of our woes. It mandates the use of electronic voting machines in every state, so it's really a stalking horse for the antidemocratic movement. And understand – I deal with this in the book as well – that electoral reform was brilliantly hijacked as an issue by the White House right after the 2000 election. They were very, very eager to pursue electoral reform. The Democrats, who are still uneasy about the results of the 2000 election, kept talking about electoral reform. The White House picked it up and ran with it, and the result is HAVA and HAVA does stipulate the use of touch-screen machinery in every state, and that's – now we are fighting this national battle in state after state after state of trying to either get rid of the machines or to keep them out, so I think you're absolutely right.

As with the clean skies initiative, healthy forests – I mean, here again we have this Orwellian use of language: help America vote. It's like have a nice democracy, have a – you know?

MR. GOYLE: Doug, very briefly.

MR. CHAPIN: Just on the issue of touch-screen machines, I'll make this point so Jim Dixon doesn't have to – that there are – there is a reason why there was enthusiasm for and is enthusiasm for touch-screen voting across the country. They do provide certain voters a degree of access to the vote that they have never enjoyed. And there are – you think the partisan battles over voter ID are fierce, you should see some of the litigation battles between groups that are trying to get touch-screen votes – touch-screen voting implemented and those who are resisting it. And those of you who with access to Google and the desire to do so, the Broward County litigation is very fierce.

And so the thing that I've always found is there are no easy answers anywhere, but especially in election reform. And so while I know there is enthusiasm for paper balloting around the country, we need to remember that there are a number of other concerns that people do have, so tread lightly before – the simple answer, at least in my opinion, is always wrong.

MR. GOYLE: Great. Last question is going to be this gentleman here.

Q: Will Amatruda, Catholic University Law School. Would each of the panelists name what they consider the best accounts of Florida 2000 and Ohio 2004? And also, would they comment on the book *Steal this Vote*, which Paul Krugman has recommended in his column and the author of which escapes me right now.

MR. CHAPIN: Andrew Gumble.

MR. MILLER: Andrew Gumble.

MR. GOYLE: Well, I think Mark knows what book he'd recommend.

MR. MILLER: I wouldn't be so crass as to recommend my own.

MR. GOYLE: I actually – I'm going to – quickly, I actually thought Jeffrey Toobin's book after the 2000 election was quite comprehensive and I found it quite revealing and it had a tremendous amount of good information in it, but I'll let the other panelists speak to what – maybe we could broaden the question as well to just what information sources the audience members could rely on for information about this issue in Ohio and Florida. Let me just go down the line.

MR. CHAPIN: Well, I – selfishly, I mean, I do come to electionline.org. I think there are – we try very hard to put it all in one place. I don't – I've read a variety of accounts of both 2000 and 2004. To me, as where I am, I tend to view what happened in Florida and Ohio more as a management or a policy problem than as a political problem, but – and so I don't – we don't review books and so I don't really endorse any one account, but I would – the things that happened in Florida in 2000 and in Ohio in 2004 are very serious and deserve attention. I mean, I call election reform to Willie Loman of issues and that attention must be paid.

I really think that if you're interested in this issue, you should read as much as you can. Don't be afraid to step outside your zone of comfort and read things that you might not necessarily think you'd agree with, because the issue is rich enough and deep enough that I think you'd learn something.

MR. GOYLE: Great. Barbara?

MS. ARNWINE: Yes. Every lawsuit is a tale. It recounts a story and I would recommend that people look at the complaint that was filed in *NAACP v. Harris*, which was the major lawsuit that was brought after the 2000 election against the State of Florida and 13 county jurisdictions. I think it tells the story of the election misadministration, the maladministration, and the bias and racial discrimination against voters. I think it's a story that I think is worth reading.

MR. GOYLE: Okay.

MS. ARNWINE: And also – and I know that on 2004 you’re going to say your book, so I’m not going to just go there, but I would recommend that the people look at the shattering the myth report, which is the preliminary report out of the EIRS database on election protection. Once again, you can go to our web site, lawyerscommittee.org.

MR. GOYLE: Mark?

MR. MILLER: Okay. The Jeffrey Toobin book on the 2000 election is very good as Raj says. So is *Jews for Buchanan* by John Nichols. That’s a good book, too. For 2004 in Ohio I’d recommend the Conyers Report, *What Went Wrong in Ohio?* It’s published by Academy Chicago. My parents, in the interest of full disclosure, published the book.

Also, there’s a terrific collection of columns and primary documents called, “Did George W. Bush Steal the 2004 Election?” by Bob Fittrakis, Harvey Wasserman, and Steve Rosenfield. Of course I recommend my own book, *Foiled Again*, and I also recommend Steve Freeman’s forthcoming book from Seven Stories Press. He’s a statistician at Penn.

Let me also recommend on this question of electronic voting machines the new GAO report that just came out a couple of days ago – very good, very thorough. And as far as Gumble’s book is concerned, the historical chapters in *Steal This Vote* are excellent – his treatment of the Tilden-Hayes election and so on. It falls down completely in discussing the last election because he categorically denies that any fraud took place. But that aside, it’s very good on 2000. And for that matter, it actually has some very strong evidence of fraud in 2004, but he feels compelled to say it was just business as usual.

MR. GOYLE: Great. It’s a nice note to conclude.

Please join me in thanking the panels for a great discussion.

(Applause.)

Thank you for coming and we’ll see you next time.

(END)