

***We Can Do Better***

Against my better judgment, I voted early. I was not sure where I would be on election day, and it is convenient to be able to vote from wherever I am, so long as there is the US Postal Service to deliver my vote. I cannot help but wonder whether I would have changed my vote on any of the candidates had I waited until election day.

There is something uncomfortable about voting over a period of days or weeks, rather than on one agreed upon election date. One good thing about voting early is that I stopped listening to ads, most of which were untruthful anyway, prior to the dreaded election day.

After the disaster of the 2000 election, when the United States Supreme Court decided who would be President of the United States, legislation was passed in Congress to clean up our electoral mess. Funding went to states and localities to try to utilize a better approach to electing officials of our great republic. Unfortunately, the remedies devised were underfunded, not completely effective, and easily evaded.

Witness the Pennsylvania Supreme Court where many of the Justices recused themselves from a decision which ignored the letter of the law to permit counting of provisional votes, in the event that the actual mail-in documents were somehow defective. How any local officials could really figure out what to count or not count is beyond imagination. Most of the people at the local level involved in the electoral process have minimal training and are underpaid functionaries. In the big cities the machinery among the candidates is controlled by Democrats and in the rural areas the same can be said for Republicans. One party rule is always bad.

Once upon a time, I handled several reapportionment cases involving school districts. School districts which are regionalized must have regions with a relatively equal number of voters. The principle is "one person one vote." This is required by law after every 10-year census. The problem is that many school districts in Pennsylvania simply ignored the law. When we brought the claims to require the school districts to reapportion many of the districts did not even know that the law required reapportionment. Most of them had no idea that their districts had changed in size and that the one person one vote mandate was no longer being followed. In essence, local officials, sometimes honorable but uninformed, and other times corrupt, presided over school districts that did not follow the law. In one case, a judge in a northeast county made it very clear to me that we would never win in his court. After multiple appeals to the Commonwealth Court, that appellate court finally stopped the election and performed the reapportionment itself. The Common Pleas judge was later removed from the bench for wrongdoing.

What we need in the United States are national standards, properly trained local officials, and the funding necessary to assure voting on election day that counts all votes of those eligible to vote.

Eligibility is another major issue that needs to be addressed. In some jurisdictions, there is virtually no proof needed of eligibility to vote. In other jurisdictions proof of eligibility must be

supplied via a photograph and other identifying items which can be difficult for the poor or undereducated to obtain. There needs to be one national standard.

Generally speaking, I am against “nationalization” of what are traditionally local matters. We do not have national laws on divorce or even custody, but the Constitution does require the divorce or custody of one state to be respected in another. We call that the “Full Faith and Credit Clause.” We need something like that for our elections as well. Just because a matter is dealt with at the local level, and probably should be, does not mean that we cannot do better. Article I, Section 4, Clause 1 of the United States Constitution only addresses federal candidates.

For those uninitiated to the problem in American elections, I commend the book by Tracey Campbell, *Deliver the Vote*. At one time votes were delivered by candidates who supplied sufficient amounts of whiskey. Many elections in this country have been bought and sold like over-the-counter medicines.

As we run up to what is likely to be a contentious election, the suspicion that voters have could be easily ameliorated by uniform voter eligibility standards, appropriate and workable registration verification, and trained supervised poll workers. Like everything else, this will cost money, but Americans will have to decide whether the value of having elections is worth the cost of doing them properly.

In the 2000 election, it was Republicans who sought to harvest ballots from overseas service people, otherwise citizens of Florida. In other elections, it was the Democrats who did the “farming” such as Chicago Mayor Richard Daley in the 1960 election between Kennedy and Nixon. Votes magically appeared for the Democrats in that election.

Most of all, it is sickening to see each party criticize the election system, only when they fear their own ox being gored. From one election to another, the pendulum may swing dramatically from one party being injured to another being benefitted. A clear set of rules will in the long run benefit everyone. Most importantly, when Americans believe that elections are fair, they may be sore losers about it, but they are less likely to pick up a gun to air their grievances.

In virtually every sport, good referees make all the difference. In professional sports, there is, every once in a while, a bad call. However, most of us most of the time accept the result of a professional sporting event, or even those on the college level, because of the high competency of referees. At the high school level, we get into fist fights all the time. Those referees and coaches are not professional, but frequently are parents of the aggrieved players.

When it comes to elections in this country, many of our officials and candidates are like those parents of high school athletes who are sure that the referee is corrupt or is out to dump on their kid. The aggrieved candidates and their followers are worse than those misbehaving parents at a high school football game.

My son participated in a North Central Pennsylvania golfing competition for high school aged kids. One of the grandparents, acting as a coach or self-appointed referee, was so obnoxious that he picked up his grandson’s golf club and threw it. The kid had missed a 10-foot putt, that even a professional would have had a hard time making. I went over to the guy and I said: “Man, you are

setting a terrible example for these kids.” He looked at me, growled and said: “I don’t care what kind of example I am setting. I want him to win.” I just walked away.

Unfortunately, that same mentality has infested our elections, but if you believe Tracey Freeman, it is old news in this nation. Elections are mean spirited angry debacles waiting to happen.

We can do better and we must do better. Maintaining and assuring free and fair elections has to be a core value of this country if we are not going to degenerate into the banana republic that we are beginning to resemble. It is time to clean up our act, assure integrity, and of course, to vote!

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