

January 2005

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It Ain't Over Till It's Over

Washington State's bizarre race for governor...features a vote count so close and compromised it allows Florida to retire the crown for electoral incompetence. --John Fund, The Wall Street Journal

Officials in the Ukraine were forced to set aside the results of their recent presidential election when millions of citizens took to the streets because they did not believe the election was conducted fairly and honestly. But suspect elections are no longer exclusive to Eastern Europe or some "banana republic." Half a world away, a majority of Washington State voters are crying foul, even as their Governor-Elect prepares for her "Coronation" tomorrow at noon in Olympia.

According to findings by Moore Information, Inc., only 13% of voters believe the election was well-run and that Christine Gregoire is in fact the legitimate Governor. The Moore poll also suggests that 54% of voters believe the election was either stolen from Dino Rossi or that the vote counting process was so flawed that something must be done.¹

That *something*, may start with the lawsuit filed by Dino Rossi last Friday in Chelan County Superior Court that seeks to throw out the governor's election, claiming that voters have been deprived of their constitutional right to a "free and fair election."

Rossi, who won the first two vote counts before falling behind in a controversial third count by a matter of 129 votes, has compiled a strong body of evidence showing irregularities that he believes will ultimately nullify the election. Gregoire doesn't think that will happen. She says problems uncovered in the election "are in fact honest, potential mistakes. They are not fraudulent. They are not illegal." Republicans say, however, it isn't necessary to prove fraud, only that enough mistakes were made to make "the true result of the election uncertain and likely unknowable."²

Ralph Munro, a former Secretary of State, agrees. He warns that the election is such a mess, the only way to really know voter intent is to schedule another election as soon as possible—a remedy voters support by a margin of 56% to 36%. (Moore)

Some who will not attend tomorrow's Inaugural Ball will be otherwise occupied at their local Auditor's office examining documents that could lead to a court ordered re-vote. But, say Democrats, nullifying the results of a statewide race is a tall order. And they should know. They attempted to do so in 1940 when the shoe, so to speak, was on the other foot.

FDR and fellow Democrats scored big out west that year—except in this state's top post. Arthur B. Langlie, the conservative young Republican Mayor of Seattle, had not been expected to win. No Seattle mayor had been able to win the Governor's seat. Refusing to concede the narrow 6,000 vote win to the Republicans, Democrat Senate Majority Leader Albert D. Rosellini led an unsuccessful attempt to block Langlie's inauguration, alleging voter fraud. Undaunted, Governor Langlie assumed office January 15, 1941, becoming at 40, the youngest governor in the state's history to that point, and, eventually, the first (of only two) to serve three terms.

But then, Al Rosellini had to produce 6,001 faulty ballots—Dino Rossi needs only 130. He says he has them—and more. Republican election observers believe they can prove that “thousands of illegal votes were counted statewide because of ‘errors, omissions, misconduct, neglect and other wrongful acts’ by election officials.”^(Ibid) According to the Washington State Republican Party web site, those wrongful acts include:

- In many counties, more ballots were counted than there are registered voters identified as voting.
- In at least one county, many provisional ballots were placed directly into counting machines on Election Day rather than being reviewed and validated to ensure that they were cast by eligible voters who did not cast another ballot.
- Illegitimate votes were cast by convicted felons whose civil rights were not restored, deceased persons, and persons other than the registered voter whose ballot was voted.
- Ballots were “enhanced” in a manner that permanently obscures the original mark of the voter, in violation of state law.
- Counties treated voters inconsistently in their decisions whether to count ballots that were incorrectly rejected.
- Inconsistent and changing standards were employed in determining when a ballot was an over vote or an under vote.
- Military and absentee ballots were mailed too late to be received by Election Day.
- Private information about provisional ballot voters was released, and third parties were allowed to use that private information to procure documents seeking to validate the ballots.

While close to a couple hundred illegal ballots from felons, dead people, and even an institutionalized ax murderer have been uncovered in a handful of counties, one peculiar piece of real estate stands out most.

Situated between Elliot Bay and Interstate 5 near the James Street exit in downtown Seattle, is Precinct 37-1823. This precinct has 763 registered “Active” voters—465 of them (61%) registered to vote during 2004. But a more interesting aside is that 527 voters in that precinct room together at 500 4th Avenue.³ Since that is also the home of the King County Elections Department, there seems to be a problem. No doubt lawyers are busy boning up on what constitutes a legal mailing address and a permanent residence or abode, according to RCW 29A.04.151.

Previously the court has opined, “Where appropriate, [the court’s powers] include the power to order a new election where no other remedy would adequately correct distortions in election results caused by fraud or neglect.” *FOULKES V. HAYS*, 85 Wn.2d 629, 633 (1975). Bottom line—prospects are good that the court will agree that elections officials, especially in King County, just plain blew it.

Meanwhile, it is our duty to pray for rulers and those in authority. That means we must lift up both Dino Rossi and Christine Gregoire, regardless of our feelings or their politics. It is pleasing to the Lord, and He will weigh the matter. He did as much for the Ukrainian people.

Christians went out day by day in the cold to pray together, and to let their voices be heard. In a re-vote, they elected as president, Viktor Yushchenko, a solid Christian who supports America.

So why not here?

Rick Forcier

Executive Director

¹ Moore Information Public Opinion Research, Portland, OR., 1/7/2005, www.moore-info.com

² *The Seattle Times*, [GOP suit doesn't ask to prevent swearing-in](#), Postman, David, 1/8/2005

³ Information from: www.soundpolitics.com, Stefan Sharkansky, 12/28/2004