

June 2005

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Election reform that bears watching

...I think most Washingtonians believe—that mounting this election challenge, and shining the light on very serious problems in our election system, was the right thing to do. —Dino Rossi 6/6/05

Wenatchee District Court judge John Bridges ruled against Dino Rossi this week refusing to overturn the 2004 Election for Governor despite Republican Party claims of voting errors, illegal votes, and probable fraud. During his 57-minute oration, the judge admitted that the election was so flawed, elections officials were unable to state with certainty who won. But in the end, Bridges sided with the Democrats' arguing that it's not his job to remedy problems in the election system.

According to Bridges, Republicans failed to prove their case. Although the Rossi legal team submitted evidence of some 2,820 problem ballots from precincts heavily favoring Gregoire, Bridges concluded that not one, even among the illegal votes, was a proven vote for her. On the other hand, the judge was moved by five convicted felons deposed by Democrats. Four said they voted for Dino Rossi. Conclusion? Following seven months, five lawsuits and several million in legal fees, the court deducted four illegal votes from Rossi's total.

Although GOP attorneys were disappointed with the findings, they expressed respect for Judge Bridges for refusing to "find" things in state election statutes that don't exist in order to serve up an equitable decision. But, at the same time, lead Republican attorney Dale Foreman expressed frustration with the peculiar interpretation of state law that required Republicans to show how illegal voters voted—considering the state's ballot privacy provisions make it impossible to trace ballots back to specific voters!

In a statement following the decision, GOP Chair Chris Vance said that a requirement to contact 1,678 illegal voters, persuading each to confess to a crime by admitting that they voted; and expecting truthful answers—knowing it would hurt their favored candidate—sets an impossible standard to meet. "Worse still," says Vance, "this standard means that the higher the number of illegal votes, the harder it is to prove an election contest."

In remarks directed at the King County Elections Department, Bridges said, "Almost anyone who works in state or local government knows exactly what this culture is. It's inertia. It's selfishness. It's taking our paycheck but not doing the work. It's not caring about either our fellow workers or the public we are supposed to serve." He also suggested that correcting the deficiencies in the system will require much more than simply changing that culture, noting that "...extraordinary efforts are in place to make it easier to vote, but, unfortunately, I fear that it will be much more difficult to account for those votes in the future."

Extraordinary efforts to make it easier to vote include a new law signed by the Governor that will require all voters to vote by mail beginning January 1, 2008. Secretary of State Sam Reed also hopes to introduce telephonic or internet voting in the not too distant future making voting easier than buying a candy bar—and perhaps about as meaningful to some.

The push to get more voters into the system began in earnest with *The National Voter Registration Act of 1993* (NVRA). Known also as the “Motor Voter Act,” NVRA was pitched by former President Bill Clinton as a vehicle to “enhance voting opportunities for every American.” In practice it was a brazen campaign to call in votes from ethnic and economic groups most in need and most susceptible to the promises of a “big government” party. Following Clinton’s reelection in 1996, Vice President Al Gore boasted that 1996 was a record-busting year for immigration and naturalization (as it was for voter registration). Unfortunately, many voter integrity safeguards were dismantled along the way.

States covered by the Act are required under Section 5 to provide voter registration opportunities at Drivers’ Licensing outlets; to provide such opportunities at all offices that provide public assistance, including state-funded programs for persons with disabilities (Section 7); and to accommodate those preferring to vote by mail (where available), with mail-in registration forms (Section 6). States with no voter registration requirements are exempted from the Act.

The NVRA also includes a “don’t ask, don’t tell” provision that prohibits registrars from requiring proof of citizenship and other criteria. That perhaps tens-of-thousands of non-resident aliens are registered voters in this state isn’t the question. Determining who they are is.

In January, state lawmakers assured voters that election reform was a high priority for the 2005 Legislative Session. Motivated by suspicions that one of their own was a victim of careless or fraudulent election procedures, Republicans submitted 15 bills addressing the many voting “irregularities” in the 2004 General Election. While none of their proposals received a hearing, six other bills of lesser substance offered by Democrats were signed into law by the Governor. Engrossed Substitute Senate Bill 5499, a seventh bill that “standardizes election procedures,” will take effect July 1 without the Governor’s signature, but with her approval.¹

ESSB 5499 endured nearly a dozen iterations and votes before Republicans signed on to the measure. The big ticket for the GOP is a provision in the bill prohibiting election workers from “enhancing” or altering a ballot such as was done to some 55,000 ballots in King County last fall. In return, Republicans conceded to Democrats a provision to accept ballot signatures that do not match the name, including the use of initials or a common nickname, as long as the handwriting is clearly the same. Voters voting in person will be required to present identification as Republicans wanted—but acceptable ID can include student or tribal cards, utility bills or bank statements, as Democrats insisted. Thus, poll site voters must show ID to obtain a ballot while vote by mail voters do not—a possible violation of the equal protection clause of the Constitution.

The new law also requires that in the event of problem ballots, a county auditor must be able to reach voters by phone or first class mail, while another bill provides for another class of voters who may not have phones or mailboxes—the homeless. Secretary Reed says he will recognize parks, pool halls, or any other public or private place a person considers his or her residence. It will be interesting to see how auditors notify “voters” residing in parks and living under bridges.

For more than a decade, it has been our intent to awaken the Church to a radical secular-humanist agenda that threatens marriage, family, and religious liberties, and to help elect godly leaders. We believe the Church is responding to our message. But we also see great danger ahead for the Church if we fail to maintain fair, open, and honest elections.

Exchanging time-tested checks and balances for ease and convenience, is never a fair trade.

Rick Forcier

Executive Director

¹ A technical item veto to address a redundancy in two bills.