

**Freedom Watch**  
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**The electronic challenge to democracy**

By Bill Hochman, chairman Colorado Springs Chapter, American Civil Liberties Union

Presidential election years are always full of excitement and controversy, but I do not remember there ever having been so much discussion of the election process itself. It has even been suggested that international observers come to monitor the fairness and honesty of our election. And this in the world's greatest democracy!

Most of the turmoil is the result of the computer revolution, which has been a catalyst, drawing general attention to the way elections are conducted and votes are counted. Much of the discussion surrounds the new electronic voting and tabulating machines, particularly touch-screen devices. Then there are other problems - involving absentee ballots, the accuracy of registration lists, and methods used to certify voters - that actually prevent or discourage eligible people from voting.

The Help America Vote Act of 2002 (HAVA), a reaction to the miserable Florida election of 2000, encouraged the purchase of electronic machines that would avoid the hanging-chad disaster. Many new machines were quickly produced and purchased. Now the companies that make them and the government entities that bought them have a vested interest in unreliable machines.

There are six problem areas with electronic election machines.

The first problem is security. It is remarkably easy to penetrate the program codes and to alter results quickly, through the backdoor, it is said. Tampering can occur not only with polling place machines, but also, even worse, with central tabulators that process the results from precincts. The machines are "black boxes," their internal workings hidden from view. Public employees in cities and counties may not have the sophisticated knowledge to supervise the machines and to know whether tampering has occurred. Moreover, there are no generally accepted standards for certifying or monitoring electronic voting machines. Testing is commonly done by representatives of the companies manufacturing the machines.

The second problem is verifiability. Direct Recording Election machines (DREs) record the vote directly with no paper trail. There is no way for voters to check that the machines have accurately recorded their choices; the "ballots" disappear instantly. David Dill, Professor of Computer Science at Stanford, and other experts have pointed out how critically important a voter-verifiable audit trail is. Voter verifiability means voters using touch-screen machines can see what their votes are before the machines gobble their choices.

The third problem is reliability. Computers are wonderful machines but they are fragile. They can freeze or crash, possibly in the midst of a closely contested election. There can be bugs in the software, especially if it is not rigorously tested. Moreover, electronic voting machines depend on an uninterrupted source of electric power; even loose wiring can be disastrous. What would happen in an election if a hard drive or a chip crashed or if the power failed for a long period of time?

The fourth problem involves the privacy of the voting process. A secret ballot is indispensable to avoid the kind of outside pressure that coerced voters in the past. In many of the new machines, ballots have serial numbers that can be traced to individual voters.

Fifth, of critical importance, is auditability, the availability of a verifiable trail to check the accuracy of counts, to validate a vote or to use in a recount if necessary. On many machines there is no separate way to conduct a recount of votes without using the equipment in question itself. That is why people now argue the machines MUST leave a paper trail that can be used to check the accuracy of the results. "If you look at the consequences for democracy," Stanford Professor Dill said, "It's terrifying. ... There's no way to run a reliable election without a verifiable paper trail - that's what these machines don't have." Auditability is, of course, related to voter verifiability.

Finally, associated with all these vexatious problems, is the diminished functional capacity of poll judges and poll watchers to monitor and control the process. A fundamental protection for elections has been the presence of election judges and poll watchers from all parties who could watch each other and observe the counting and handling of the ballots. Computers and computer codes are so complex that we unavoidably depend on armies of knowledgeable professionals (sometimes referred to as computer nerds). There is no easy way for lay people to check whether tampering has occurred. Computer experts would be in a controlling position in any election using new technology. The checks and balances system of judges and poll watchers from competing parties would no longer prevail.

Security, verifiability, reliability, privacy, auditability, polling place supervision. We have a voting system crisis in our venerated democracy.

There are also some pressing issues not directly related to electronic voting devices. One is the security and validity of mailed ballots. As many as one fourth of Americans are expected to vote by absentee ballot this year.

A second area involves new measures designed to prevent ineligible people from voting, but which actually make it harder for eligible people to vote, particularly the elderly, racial and ethnic minorities, students, and the poor. Some of the new requirements threaten to undo the advances of the Civil Rights Acts of the last century.

A third area not directly connected to electronic devices is inaccurate and bloated registration lists. In some counties the list of registered voters is larger than the number of people of voting age, which opens the door to fraud.

The accuracy and privacy of elections, with an attendant confidence in the election process, are certainly critical issues in a democracy. Unfortunately, uncertainty about fairness and accuracy affects the willingness of people to participate in elections. Elections have always been subject to fraud and manipulation. Does the electronic revolution now open the door to new inaccuracy and chicanery? Or, putting it another way, is there any way to use the new technology to enhance rather than diminish the accuracy and security of the voting process? We need to watch this election very carefully and ponder the prospects for the future. The vitality of our democracy is at stake.

## **Citizens Project endorses three ballot issues for November**

Citizens Project's public policy committee and board of directors have chosen to endorse Amendment 36, Issue 3F and 3G (Colorado Springs School District 11 bond), and Issue 3I (Falcon School District 49 bond). Citizens Project endorses ballot issues based on mission compatibility. We believe that Amendment 36 strengthens our values of equality and civic participation. In the case of the school bonds, Citizens Project firmly believes that strong public schools are the cornerstone of our pluralistic democracy. We support the infrastructure that public

schools require in our region. Below are three articles on each issue with contact information for the "pro" campaigns.

***District 11 bond grew from community input and aging buildings***

***Vote YES on 3-F and 3-G***

***By Elizabeth Palmer, Friends of District 11***

School District 11 includes over a half-billion dollars worth of facilities and equipment. These buildings belong to all of the D11 taxpayers, and like home or car ownership, our collective investment requires occasional maintenance. We fund this kind of upkeep through bonds. Over the last 30 years, the community has approved only one bond to address the maintenance of the buildings, which now average 42 years old, many with heating, ventilation, plumbing, and other systems currently operating long past their warranty life.

A facilities-condition assessment yielded the following results:

- o 37% of district schools in good condition
- o 32% in fair condition
- o 31% of district schools in poor condition

The District formed a Citizen's Task Force to review its capital needs. After a year of study, it unanimously recommended a \$131.7 million bond issue to address these needs. The D11 Board of Education referred the issue to the ballot by a vote of 5-1 (board member Eric Christen voted against the referral, and board member Craig Cox, upon learning that he could not abstain from the vote, vacated the meeting in favor of the parking lot until the rest of the board had completed the vote.)

Some of these needs that will be addressed are as follows:

**School Utilization:** Two new and much-needed elementary schools will be built, one in the northeast and one in the southeast, to alleviate overcrowding. A 400-student-capacity expansion will be added to Doherty High School, and a permanent facility will be purchased for CIVA charter school.

**Capital Renewal:** Repairs and improvements will be made to aging systems that have deteriorated beyond efficient or economical use. These include heating, ventilation, plumbing, and safety systems throughout our schools. Things like security doors and windows, fire alarms, and water pipes will be replaced or upgraded.

**Capital Improvements:** These include modification of "open" school designs to accommodate individual classrooms and increased fire safety, upgrading of science and art facilities, and improving technology systems.

Each of our D11 facilities will benefit from the bond, including monies for each school community to designate for site-specific projects that will be determined by the school communities themselves.

The Citizen's Task Force recommending the Bond, recognizing the need to be frugal, worked diligently to identify and include the most pressing needs of our schools in the plan, and further recommended the oversight of the Bond implementation by a committee of citizens as well. This model worked particularly well following the passage of the 1996 Bond.

Bonds are the most equitable and cost-effective mechanism for funding these critical repairs and improvements to our schools. The owner of an average-priced District 11 home (\$160,000 according to the County Assessor's office) will pay less than \$53 per year (\$4.40 per month) additional when the Bond is passed. With the passage of the Bond, District 11 taxpayers will still

enjoy one of the lowest tax rates among school districts in the Pikes Peak area, and we will have protected the considerable investment we have in our schools.

**Contact Friends of District 11 at 719-578-2852**

***Fast-growing Falcon needs bond money to house students***

***Vote YES on 3-I***

***By Kjersten Forseth, Commitment for the Kids Committee***

Falcon School District #49 is experiencing explosive growth. Over the last nine years, D49 leadership has saved taxpayers millions of dollars through very conservative management of funds, but this fall 1,100 new student entered our already overcrowded schools. With every school at or over capacity, overcrowding has put 2,400 D49 students in trailers and required the district to put classes in any available space, including cafeteria space. Falcon School District is the fastest-growing school district in El Paso County and close to the fastest in Colorado.

To maintain high quality education for our children, we need to attract and retain good teachers and support staff; educate more children in classrooms, not trailers; give students the individual attention they deserve; and maintain programs like art, music, physical education, and athletics. A small portion of the mill-levy override dollars will be used for these operational expenses.

Opponents argue that the money will be squandered. This is simply not true. D49 has delivered much more than it promised on bonds passed and has a committee of citizens to oversee the expenditures, assuring money is spent as promised. All projects from these bonds were completed either at or below budget, allowing construction of many additional classrooms.

Even with all this additional effort to save taxpayers' dollars, there is a limit to how far existing funds will stretch, and it is only because other sources for additional schools have been exhausted that the district is now asking the public to help.

While many area districts are able to build schools that will be ready when additional students arrive, Falcon School District 49 already has thousands of students more than its present buildings can hold - and expects 20,000 more students in the next ten years. Without support of this mill-levy override, the present crowded conditions will only get rapidly and progressively worse and educational programs will suffer.

D49's ONLY means of building additional schools is to use most of this mill-levy override's funds for facility construction. Just as you pay both principal and interest on your home, the District will pay interest on the \$77 million of principal it needs for constructing and equipping its schools. The additional monthly cost per \$100,000 of home value next year will be no more than \$8.50. This will decrease as the cost is spread over Falcon's growing residential and business community.

Because there is no other way to fund additional schools in Falcon School District 49, residents and parents who want to maintain and improve on the present quality of education in D49 schools can only do so by voting "YES" on 3I.

**Contact Commitment for the Kids Committee at 719-578-2850**

***Colorado has never resisted the opportunity to do what is right.***

***Vote YES on Amendment 36***

***By Julie Brown, Make Your Vote Count***

In 1893, Colorado defied the critics and became the first state to give women the right to vote - twenty-seven years before the 19th Amendment was ratified. Colorado's historic vote set the country on a path toward nationwide reform.

This November 2nd, Colorado has the opportunity to be a pioneer again by becoming the first state to enshrine the principle of one person, one vote in the presidential election.

Amendment 36 would change the way Colorado allocates its electoral votes for president. The current "winner-take-all" system would be replaced by a proportional method awarding electoral votes based on each candidate's share of the statewide popular vote.

As a state, we expect our schools and businesses to compete for students and markets. It seems remarkable that our presidential candidates don't have to subscribe to the same standards. Currently, a presidential candidate can "win" 100% of our electoral votes even if receiving only 40% of the popular vote - leaving 60% of the voters without a voice. This actually happened in 1992.

The amendment is good for Colorado because it ensures that every vote will count and guarantees the democratic principle of "one person, one vote." When voters believe their vote matters, they are more likely to be engaged and involved in the election. Proportional representation is a more democratic method of selecting electors and provides a truer portrait of Colorado's political composition.

By passing Amendment 36, Coloradans will create an electoral system that will more accurately reflect the political sentiments of the entire state, while forcing candidates to compete for the vote of every Coloradan.

Opponents of Amendment 36 claim that Colorado will lose federal tax dollars and national clout if Colorado splits its electoral votes. The facts tell a different story.

Colorado's share of the federal pie has been declining for over a decade. In 1992 Colorado got back \$1.06 for every dollar it put into the system. By 2002, Colorado got back 78 cents - the biggest drop of any state in the nation. Kansas, Nebraska, Utah, Oklahoma, Wyoming, and New Mexico all do better than Colorado in this respect, even though they all have fewer electoral votes.

Moreover, in the last presidential election the national parties spent a tiny 17 cents per voter in Colorado, while spending \$1.53 and \$1.95 per voter in Maine and Nebraska, respectively. Again, both states have fewer electoral votes than Colorado and both states already use a proportional method of allocating their electors.

Coloradans understand that when it comes to elections, the clout that matters is each person's individual clout in the voting booth. Amendment 36 empowers the individual and creates a more democratic society. When that happens, the entire state of Colorado wins.

For this reason, Common Cause and the League of Women Voters have enthusiastically endorsed this measure. While we all recognize that the Electoral College needs to be reformed nationwide, we also understand that the journey has to begin in one state. Just as it did in 1893. **Contact Make Your Vote Count at 303-861-1421 or [makeyourvotecount.com](http://makeyourvotecount.com)**

## **Focus on the Family launches advocacy group in response to "threats" to the traditional family**

by Christine Hubbell

In an effort to liberate itself from IRS restrictions on political lobbying, Focus on the Family has created a new, legally separate entity called Focus on the Family Action. Dr. James C. Dobson, founder and chair of Focus on the Family, is founder and chair of the new organization.

Focus on the Family Action is a 501(c)(4) corporation. A tax-exempt, nonprofit 501(c)(3) such as Focus on the Family can establish a legally separate 501(c)(4) to allow it to participate in a greater range of political activities.

Unlike donations to a 501(c)(3), donations to a 501(c)(4) are not tax deductible, though both organizations remain tax exempt. The 501(c)(4) can spend 100 percent of its funds on political lobbying efforts. However, it cannot make partisan politics, such as working for the election or defeat of a particular candidate, its primary activity.

The current mission of Focus on the Family Action is to pressure federal legislators to pass the Federal Marriage Amendment. Since its inception in May, it has aggressively campaigned for the amendment. Dr. Dobson is the driving force behind the effort, and this year broke his longstanding reticence to campaign when he directly endorsed conservative candidates such as Bob Schaffer in his bid for the Senate during the Colorado Republican primary.

In a July Focus on the Family Action newsletter published on the group's website, Dr. Dobson expressed frustration that "the IRS and the self-serving Congress, through its oppressive Campaign Finance Reform, was choking our ability to stand up for what we believe."

Dr. Dobson vowed in the same newsletter that the organization would "work feverishly for passage of the Federal Marriage Amendment" and "take on the government, the media and the leftist organizations in the defense of the family and principles of morality."

Focus on the Family Action is targeting senators who oppose the FMA or are undecided, and in late June ran ads in the hometown newspapers of senators in eight states. The campaign used a headline that read (in South Dakota): "Why Don't Senators Daschle and Johnson Believe Every Child Needs a Mother and a Father?" The accompanying copy urged constituents to protect their state from homosexual marriages by contacting their senators prior to the vote on the amendment in July.

The Federal Marriage Amendment failed in the Senate, but there is an upcoming vote on the same legislation in the House of Representatives. The House legislation is currently moving forward through subcommittee hearings.

Focus on the Family Action also targeted senators who voted against the Senate bill in July with another hometown ad campaign, using the theme "shame on you, senator..." and taking the senators to task for failing to protect marriage. Some senators believe that current federal and state legislation regarding marriage and marriage benefits makes an amendment to the Constitution unnecessary.

In addition to ad campaigns and calls to their membership to contact legislators, the group is holding rallies in North Carolina, Louisiana, and South Dakota, culminating in a "Mayday for Marriage" rally on the National Mall in Washington, D.C. in October. The state rallies, which include a voter registration campaign, are co-sponsored by Family Research Council Action, another 501(c)(4) and an offshoot of the Family Research Council. The advertising and rallies are further supported by a website and periodic radio, television, and Internet simulcasts. Focus on the Family Action also plans to develop a judicial voter guide to target what it considers "judicial tyranny" by judges who do not support the group's views.