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March 24, 2009

Elections bill a threat to transparent voting

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COMMUNITY VOICES

Last week, Florida's newspapers and other media celebrated Sunshine Week by praising the champions of open government -- former Gov. Reuben Askew, Gov. Charlie Crist, and our own Rep. Dorothy Hukill -- for their commendable efforts to bring greater transparency to government.

Meanwhile, however, other government officials and legislators were working toward opposite goals.

The Florida Department of State has proposed an omnibus elections bill this year that contains several changes that would diminish transparency. One of these involves the strategic alteration of just a few words in Florida Statute 104.29 that would create major roadblocks for citizen observers and give senior election officials a free pass to prevent observation. The change prohibits citizen observation at the main elections office where the absentee, early voting, overseas and provisional ballots are tallied -- more than 50 percent of the total votes in an election. Instead, citizen observation of vote tallying would be limited to polling places only. The proposed change also removes the misdemeanor penalty for a supervisor of elections or elections employee who interferes with citizen observation, limiting that penalty to poll workers only.

The same bill would also allow supervisors of elections to look at early voting results before 7 p.m. on Election Night, something that is currently outlawed in Florida Statute 101.657(1)(a). Instead, supervisors would simply be prohibited from making those results "public."

This dangerous change to Florida law would make it too easy -- and too tempting -- for election officials to misuse valuable information about who is winning an election. This is particularly worrisome because this bill also allows supervisors of elections to prevent citizen observation of their actions, an important safeguard against misconduct.

In 2005, a major blow to transparency occurred when Florida legislators, many of them unknowingly, approved the end of manual recounts in close elections. Since that change -- also the result of a few strategically placed words in a large omnibus bill -- candidates and citizens have no way to do a meaningful check on the accuracy of the electronic voting machines that count and total our paper ballots.

A more recent encroachment on citizens' observation rights came in January 2008 in the form of an opinion letter by the Secretary of State. Such opinion letters carry the weight of law unless challenged in court. This opinion bars observers from entering the "central counting room" where all the votes are uploaded and accumulated on a central computer. The right to observe is provided in 102.5612(2) to political party designees, but the Secretary of State's opinion letter bars these observers by concluding that no counting or tabulating actually occurs in the central counting room, a statement that is absurd on its face.

Volusia County has used this opinion letter to keep observers out of the central tabulating room. Citizens in Sarasota, however, were allowed to observe despite the opinion letter, resulting in the discovery that elections staff were totaling election results on a handheld calculator and entering those results on a "manual entry screen" because the multi-million dollar voting system was unable to correctly total the votes.

Recently, in California, citizens who discovered missing votes were joined by the elections administrator and the state to find the cause of the problem and hold the voting system vendor accountable for correcting it. Florida officials too often seem to think that it is better to restrict transparency, thereby covering up problems with voting systems and election procedures. Instead, we should all be working together towards the same end -- open, transparent and accurate elections.

Government in the sunshine requires elections in the sunshine. We hope that the media's emphasis on Sunshine Week has renewed their commitment to inform the public about these and other potential infringements of their rights -- before these bills become the law. We also hope that more Florida legislators will begin to understand that transparency not only protects citizens, it also promotes good government.

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