Taking Action
To Save Our Democracy Commons

No one votes unassisted on a computer; everyone is "assisted" by anonymous programmers.

—Mark Ortiz, former candidate for U.S. Representative North Carolina, 8th District

by Nancy Price

To create the Democracy Commons—that metaphorical space wherein the body politic exercises its democratic right to vote—there are laws for universal suffrage and a fair and honest vote. These laws are part of our Cultural Commons and a legacy of past and present political movements that we and our ancestors share.

In the 1830s, English reformers advocated for a secret ballot to free voters from intimidation, bribery and corruption by powerful political interests. It was first adopted in Australia (1856), then England (1872), and in America for the 1892 Presidential election.

In the US, the 19th century efforts to extend suffrage beyond that enjoyed by propertied wealthy white males stirred passions and bloody struggles leading to the Civil War. After the Civil War, to protect against arbitrary state actions, Congress expanded suffrage and rights with passage of the 13th, 14th and 15th Amendments. In 1920, after a decades-long womens' suffrage movement, women were given the vote with the 19th Amendment.

But the corporate class persistently sought to beat back these gains in people's rights. For decades, state legislatures battled to retain their authority to check the power of corporations by revoking their charters for wrong-doing. But, ultimately, corporate lawyers claimed their victory when, in 1886, the rights of natural persons of the 14th Amendment were granted to corporations in the noted Santa Clara County vs. Southern Pacific Railroads Case.

In the 20th Century popular movements continued to expand the Democratic Commons. The victories of the 1960's Civil Rights movement culminated with the passage of the Voting Rights Act of 1965, which affirmed the principle of "one person, one vote" and"equal protection." Forty years later, however, these victories seem hollow as recent elections have been neither fair nor honest. And, shamelessly, Bush's lawyers used the "equal protection" clause to argue before the Supreme Court against the Florida recount.

In reaction to the 2000 Florida fiasco, Congress passed the Help America Vote Act (HAVA). They did this to guard against disparity among states, improve election administration and replace "old" punch-card and lever voting machines.

Purposeful misrepresentation of HAVA, however, is speeding the corporate takeover of our Democratic Commons. Even though HAVA does not require the sole use of direct recording electronic [DRE] voting systems, with almost $80 million allocated per state, corporate salesmen of "new" electronic voting systems are lobbying state and county elections officials for contracts.

To meet the January 1, 2006 HAVA deadline, state and county election officials rely on industry "expert" salesmen, who can not discuss system design and computer programs because they are "trade secrets" and proprietary information. All steps to carry out elections are in corporate hands: from maintenance, delivery, installation and set up of systems to training election personnel and providing technical support. Most alarming is that all the programming necessary for recording each vote and computing results for precinct, county, state and national totals are in the hands of corporate programmers.

The secret ballot was seen as an improvement in the 19th century. Now it provides the opportunity for the corporate class to carry out a "bloodless" coup using the "new" electronic voting systems where the vote tally can be false. The only remedy is to demand a verifiable paper ballot and a random audit not just of the electronic voting machines, but of paper ballots.

Because of widespread irregularities and apparent fraud in Ohio and other states many groups have gone to court to protect their inalienable right to vote. A Pennsylvania case brought by journalist Lyn Landes against the widespread use of non-transparent voting systems has made its way to the U.S. Supreme Court (Docket No. 05-930) and will be heard on February 21.

The legal process is slow. We must mobilize now! Visit VotersUnite at www.votersunite.org and left click on "Take Action" and "Voting News."

Learn about electronic voting, privatization, and participate in project "Myth Breaker." Call your Congressperson and ask for support of House Resolution 4666 to extend the HAVA deadline.

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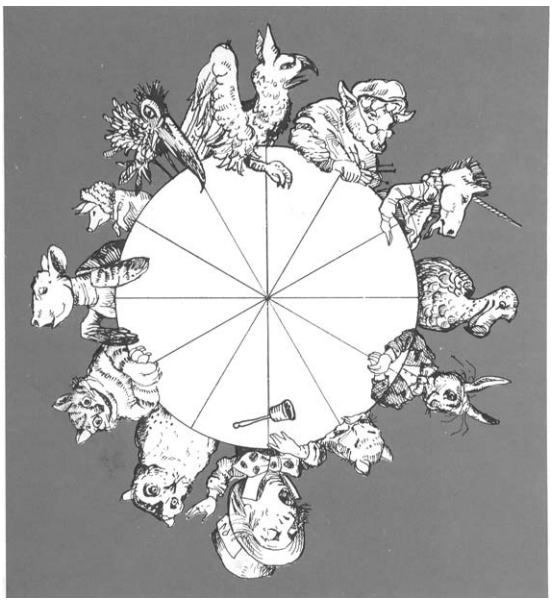

graphic: Peter Veres

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