



Are Democrats paranoid, or is the GOP really blocking vote reform?

By Jeff Woods

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It's driving Democrats crazy. Call them paranoid if you wish, but they're certain the GOP is up to some kind of chicanery—they just can't quite put their finger on precisely how the devilry will go down. Why else, they ask, would Republicans fight so hard to stop an obvious good-government election reform that only a year ago enjoyed broad bipartisan support? At issue is the Tennessee Voter Confidence Act. With great fanfare, Republicans and Democrats alike embraced this law in 2008 to eliminate the hazards of paperless, unverified electronic voting. Since then, its only accomplishment has been to spark a head-scratching political brawl complete with name-calling, baffling legal interpretations, accusations of Gestapo-like intimidation and demands for heads on platters.

Reform activists argue that paperless electronic voting is a virtual license to steal elections. Witness the 2000 voting fiasco in Florida, and the hours-long lines in Ohio in 2004, the miscounted ballots, the malfunctioning machines—the horror stories are many. It was enough to prod even the notoriously backward Tennessee legislature into action.

In Tennessee, 93 of 95 counties use touch-screen machines with no paper trail to verify results. The Voter Confidence Act calls for replacing these by the 2010 elections with paper ballots to be marked by voters and then read by optical scanners—a system allowing for recounts and audits of the actual tallies.

Despite the indisputable benefit of paper ballots, many election officials always have resisted the switch. Mainly, they argue 2010's too soon to make a smooth transition. When Republicans took over the legislature this year, by law they also gained control of the state's election machinery and immediately sided with county officials fighting to delay implementing the Voter Confidence Act.

Tre Hargett, the new Republican secretary of state overseeing Tennessee's elections, is getting really good at dragging his feet while denying that he's doing so. He's issued formal requests for proposals from vendors selling optical scanners. The Catch-22? The law requires machines to meet "the applicable voluntary voting systems guidelines," which Hargett interprets as 2005 federal standards. But at last report, there were no such machines yet. Isn't that a tough break?

"I really want to make this work, but I can't provide counties with equipment that doesn't exist," Hargett says.

The citizen-advocacy group Common Cause filed a lawsuit this month asking a Davidson County



judge to decide whether Hargett's interpretation of the law is correct. Common Cause argues older standards satisfy the requirements.

"The secretary of state is going out of his way to twist the language of this law so it's impossible to implement," says Steven Mulroy, a Shelby County commissioner and University of Memphis law professor who is one of the lawsuit's plaintiffs. **"We've got a strong case, and if we can get to court soon there's a good chance the judge will agree with us."**

But the legislature is likely to render the issue moot, as the lawyers like to say, by voting in next year's session to delay implementation beyond 2010. Lt. Gov. Ron Ramsey, the Senate speaker and a Republican candidate for governor, has declared this to be his No. 1 priority. Such an effort narrowly failed in the Senate last session. Two Republicans were absent that day or it would have passed then.

Mulroy can't believe his ears. **"Regardless of what you think about this, how could you make it your No. 1 priority to block election reform?"**

"The battle lines are hardened," he says. **"This somehow has become a partisan thing, and that's unfortunate."**

While the matter plays out, no one's pulling any punches. House Democratic leader Gary Odom called Hargett a scofflaw at a press conference, and Democratic Party chair Chip Forrester has demanded he be fired for abuse of power.

"What does it take to make these people understand we need secure and reliable elections in Tennessee now?" Forrester says. "Evidently it is going to take legal action."

Not to be outdone, Hargett sent TBI agents to the home of one reform activist to investigate a supposed terrorist threat. When the agents learned it was no threat at all but only an innocuous blog comment, they apologized, shook the activist's hand and left sheepishly.

State GOP chair Chris Devaney dismisses the Democrats' complaints as politics as usual and casts Republicans as patriotic defenders of election integrity.

Democrats see shadowy conspiracies. They are convinced Republicans have something nefarious up their sleeves for this high-stakes election, which will decide which party is allowed to gerrymander the political map for the next decade.

One theory is offered by Mary Mancini, election reform activist and co-host of the weekly *Liberadio(!)* show on WRVU-91.1 FM. Republicans are plotting to suppress Democratic votes, she says. How will they do that? Well, it's simple: By keeping touch-screen machines in place and putting fewer of them in Democratic precincts, they can create long lines and discourage voters. Devious, isn't it? It's also a little far-fetched, which even many Democrats concede.

"Republicans used to be all for this, and now they're all against it," Mancini insists. "I think this is all part of their voter suppression plan. It's the only thing that makes any sense."

Still, there's one sure way for Republicans to silence their critics: Switch to paper ballots. "Prove me wrong," Mancini says. "Prove me paranoid. I'd love it."

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