

TO: Commission on Election Administration
FROM: Richard ("Rick") T. Robol, Independent Ohio and
independentvoting.org
RE: Statement for Public Comment
DATE: 20 SEP 2013

Mr. Co-Chairmen, Commission members, my name is Rick Robol. As a member of the Electoral Reform Committee of our national organization, independentvoting.org, and our State organization, Independent Ohio, I'd like to speak to three questions: who are we; why are we here; what can you do?

At the outset, I'd like to thank each of you and your staff members for your public service to address *barriers to casting ballots*, such as long voting lines. We independents believe that your country also needs your service in addressing *barriers to participating in elections and offices*, such as closed primaries and serving on boards of election.

WHO ARE WE?

The Independents Movement is a civil rights movement of the 21st Century. You have already heard from other independents at each of your hearings in Miami, Denver and Philadelphia. You have received the letter from our President, Jackie Salit, signed by over 1,000 independents and discussing our aspirations to serve our nation. You have heard how 40% of Americans self-identify as independents; in fact, here in Ohio, nearly 70% of voters are not affiliated with any political party. [See Exhibit 1].

Present today are independents from the Mid-West. We come in all shapes, sizes and colors; all ages, genders and backgrounds; and a rich diversity of viewpoints. But one core tie binds us together: our belief that our elected officials should be servant leaders to the American people who place loyalty to the people above loyalty to a political party; that meretricious partisanship is tearing our nation apart; and that our nation's founders were on the mark when they aspired to a democratic republic that respects diverse viewpoints—a system that judges ideas not based on the party or politician that proposes them, but on the reason and evidence that support them.

Throughout its history, independents have been a conscience for our nation. Independents—not political parties-- initiated the movement for the emancipation of slaves during the early to mid-19th century; the movement for women's suffrage during the late 19th and early 20th centuries; and the movement for equal civil rights of all Americans during the 1950s—a struggle that continues to this day. And, lest

we forget, it was independent patriots—not political parties—who initiated the movement for independence from George III. [See Exhibit 2].

WHY ARE WE HERE?

We are here to petition for equal treatment under the law. Independents would like to continue to contribute to our nation. But barriers to participation often make it difficult, if not impossible, for them to do so.

Here in Ohio, independents are not permitted to vote in primary elections, even though they must pay taxes to support them. Though sometimes benignly called the “party primary system,” our nation’s Founders called it “taxation without representation.”

Independents are not permitted to serve on the local boards of elections in Ohio. By statute, only party members may serve on a board of elections. When I was growing up, Americans frowned on the fact that being a member of the Communist party was essential to having a public career in communist countries. Yet, the State of Ohio excludes independents from boards of elections and, in practice, independents are frequently excluded from positions in important government agencies; commissions; and other important public offices. In fact, in many States such as here in Ohio, independents are not even allowed to call themselves “independent” when they vote or run for office as independent candidates.

For a minute, try to put yourself in the shoes of an independent. Prior to any election, you would be automatically excluded from serving on the board of elections simply because you were an independent. At primary election time, you would face the choice of either falsely registering as a member of a party despite your conscientious belief that the American people, not parties, should control our government; or, alternatively, you would continue to be prevented from voting in the primary. And at the general election, you would face the effect of gerrymandering aimed at preventing competitive elections and keeping the two party monopoly of professional politicians in power.

For example, my own Congressional district has been gerrymandered for the unadorned purpose of keeping a specific party candidate in power, and preventing the people of 4 counties from being able to vote in fair, competitive elections. The gerrymandering by the political parties couldn’t have been more contorted if the committee drawing the boundaries had consisted of Hanibal Lecter, Freddie Krueger and Michael Myers. [See Exhibit 3].

The combined effect of the closed primary system and the gerrymandering is that independent voters within my district never have the opportunity to cast a meaningful vote. The person selected via the closed primary is the person who will fill the office.

FINALLY, WHAT CAN YOU DO?

We understand that the Commission's focus has been on *barriers to casting ballots*. We share in your concern that those are important issues that have warranted your attention.

Having heard from independents from all over our nation, we hope that you, too, share our concern with *barriers to participating in elections*. We respectfully petition you to recommend that the President permit you to build on your work by expanding your scope to include systemic issues that limit participation in the democratic process, and to include independents more directly in the decision-making process. Our democratic republic and future generations of Americans deserve no less than the best that your Commission can build for them.

EXHIBIT 1

Voters	Constitutional	Con %	Democratic	Dem %	Green	Gm %	Libertarian	Lib %	Reform	Ref %	Republican	Rep %	Socialist	Soc %	Nonpartisan	Non %
124	0	0	2,551	0.14	0	0	4	0	0	0	5,363	0.3	0	0	10,206	0.56
407	3	0	5,272	0.08	9	0	63	0	0	0	18,901	0.28	0	0	44,159	0.65
262	2	0	3,008	0.08	0	0	25	0	0	0	10,417	0.29	0	0	22,810	0.63
484	7	0	10,118	0.16	19	0	42	0	0	0	10,895	0.17	2	0	42,401	0.67
268	1	0	8,362	0.17	5	0	9	0	0	0	3,700	0.08	0	0	36,191	0.75
053	0	0	1,414	0.05	7	0	10	0	0	0	8,189	0.26	0	0	21,433	0.69
987	3	0	12,230	0.25	2	0	4	0	0	0	6,092	0.12	0	0	30,656	0.63
040	2	0	2,731	0.1	1	0	4	0	0	0	6,349	0.23	0	0	18,953	0.68
2,356	42	0	13,329	0.06	61	0	305	0	0	0	50,819	0.22	10	0	167,790	0.72
754	0	0	2,534	0.14	2	0	8	0	0	0	4,437	0.24	0	0	11,773	0.63
383	1	0	1,857	0.07	3	0	24	0	0	0	7,440	0.27	0	0	18,058	0.66
308	29	0	9,086	0.1	27	0	84	0	0	0	18,343	0.21	7	0	61,732	0.69
3,997	8	0	5,273	0.04	24	0	84	0	0	0	32,281	0.25	0	0	91,327	0.71
163	4	0	1,247	0.05	0	0	16	0	0	0	7,828	0.3	0	0	17,069	0.65
580	3	0	9,249	0.14	4	0	24	0	0	0	13,055	0.2	0	0	43,245	0.66
861	4	0	2,395	0.11	8	0	1	0	0	0	5,488	0.25	0	0	13,965	0.64
083	2	0	3,547	0.12	4	0	9	0	0	0	7,170	0.25	0	0	18,351	0.63
3,295	353	0	203,764	0.23	531	0	681	0	0	0	108,659	0.12	35	0	579,273	0.65
928	3	0	2,969	0.08	8	0	32	0	0	0	11,533	0.32	2	0	21,381	0.6
342	4	0	2,744	0.11	4	0	20	0	0	0	6,714	0.26	2	0	15,854	0.63
1,328	22	0	8,697	0.07	59	0	194	0	0	0	34,441	0.28	2	0	77,913	0.64
763	3	0	10,890	0.21	16	0	19	0	0	0	8,375	0.16	2	0	33,458	0.63
1,578	3	0	8,467	0.08	9	0	33	0	0	0	24,053	0.23	0	0	72,013	0.69
996	0	0	1,092	0.07	0	0	11	0	0	0	4,413	0.28	2	0	10,478	0.66
1,634	296	0	104,118	0.14	643	0	2,142	0	0	0	125,616	0.16	77	0	531,742	0.7
835	4	0	2,257	0.08	8	0	28	0	0	0	8,683	0.3	0	0	17,855	0.62
185	0	0	1,719	0.08	4	0	6	0	0	0	5,595	0.25	0	0	14,861	0.67
142	12	0	6,277	0.1	42	0	102	0	0	0	19,893	0.31	2	0	38,814	0.6
0,225	12	0	9,673	0.08	18	0	98	0	0	0	32,484	0.27	5	0	77,935	0.65
301	2	0	2,870	0.12	1	0	3	0	0	0	5,116	0.21	0	0	16,309	0.67
5,786	69	0	45,060	0.08	186	0	395	0	0	0	98,893	0.18	32	0	401,151	0.73
875	2	0	2,611	0.05	4	0	16	0	0	0	16,811	0.3	0	0	36,431	0.65
092	0	0	1,728	0.1	1	0	3	0	0	0	5,482	0.3	0	0	10,878	0.6
690	0	0	2,375	0.22	0	0	0	0	0	0	2,015	0.19	0	0	6,300	0.59
153	1	0	1,817	0.09	0	0	4	0	0	0	5,917	0.29	0	0	12,414	0.62
296	1	0	2,124	0.08	2	0	9	0	0	0	6,662	0.24	1	0	19,497	0.69
044	6	0	2,205	0.12	2	0	12	0	0	0	3,094	0.17	1	0	12,724	0.71

Voters	Constitutional	Con %	Democratic	Dem %	Green	Gm %	Libertarian	Lib %	Reform	Ref %	Republican	Rep %	Socialist	Soc %	Nonpartisan	Non %
816	13	0	1,319	0.07	3	0	5	0	0	0	5,605	0.31	0	0	10,871	0.61
418	2	0	3,628	0.1	3	0	15	0	0	0	6,576	0.18	1	0	26,193	0.72
096	1	0	1,852	0.08	0	0	5	0	0	0	6,396	0.27	0	0	15,842	0.66
524	4	0	12,827	0.26	3	0	10	0	0	0	8,563	0.18	1	0	27,116	0.56
257	0	0	3,173	0.08	8	0	38	0	0	0	11,899	0.29	0	0	26,139	0.63
1,463	14	0	19,058	0.13	48	0	136	0	0	0	29,366	0.2	5	0	100,836	0.67
348	2	0	3,294	0.08	7	0	5	0	0	0	8,248	0.19	0	0	31,792	0.73
1,121	48	0	13,270	0.12	59	0	186	0	0	0	31,022	0.28	8	0	64,528	0.59
1,043	2	0	1,732	0.06	2	0	22	0	0	0	8,466	0.28	0	0	19,819	0.66
7,086	11	0	38,834	0.19	33	0	154	0	0	0	28,951	0.14	3	0	139,100	0.67
3,434	22	0	46,026	0.15	129	0	544	0	0	0	34,103	0.11	7	0	217,603	0.73
870	0	0	2,387	0.1	2	0	18	0	0	0	7,249	0.3	0	0	14,214	0.6
3,573	7	0	44,816	0.27	50	0	34	0	0	0	17,810	0.11	1	0	103,855	0.62
1,023	1	0	3,949	0.09	5	0	21	0	0	0	8,431	0.2	0	0	29,616	0.7
1,952	7	0	12,213	0.1	26	0	88	0	0	0	28,158	0.23	1	0	81,459	0.67
533	1	0	1,546	0.09	1	0	3	0	0	0	4,704	0.28	0	0	10,278	0.62
334	1	0	2,590	0.09	0	0	6	0	0	0	7,600	0.26	1	0	19,136	0.65
278	11	0	3,605	0.05	9	0	49	0	0	0	17,920	0.26	0	0	47,684	0.69
412	1	0	2,609	0.25	0	0	6	0	0	0	1,254	0.12	1	0	6,541	0.63
2,906	61	0	37,178	0.1	92	0	252	0	0	0	71,170	0.19	56	0	264,097	0.71
821	0	0	939	0.11	1	0	2	0	0	0	2,799	0.32	0	0	5,080	0.58
037	0	0	1,923	0.07	0	0	5	0	0	0	5,850	0.22	0	0	18,259	0.7
020	2	0	4,315	0.08	4	0	15	0	0	0	11,020	0.21	0	0	37,664	0.71
936	0	0	1,652	0.18	0	0	3	0	0	0	2,251	0.25	2	0	5,028	0.56
218	4	0	4,992	0.17	3	0	21	0	0	0	5,624	0.19	0	0	19,574	0.65
990	0	0	1,338	0.1	3	0	14	0	0	0	3,115	0.24	0	0	8,520	0.66
1,162	2	0	3,081	0.13	0	0	5	0	0	0	4,176	0.17	0	0	16,898	0.7
611	3	0	4,988	0.15	3	0	14	0	0	0	9,210	0.28	0	0	18,393	0.56
571	1	0	1,930	0.1	0	0	8	0	0	0	2,352	0.13	0	0	14,280	0.77
4,148	7	0	14,785	0.14	33	0	52	0	0	0	16,547	0.16	0	0	72,724	0.7
415	3	0	2,057	0.07	10	0	22	0	0	0	8,026	0.28	0	0	18,297	0.64
782	0	0	1,583	0.07	2	0	21	0	0	0	6,305	0.27	1	0	15,870	0.67
1,193	8	0	8,972	0.1	7	0	22	0	0	0	18,993	0.22	0	0	60,191	0.68
1,177	6	0	6,322	0.14	2	0	8	0	0	0	8,450	0.18	0	0	31,389	0.68
732	2	0	5,225	0.13	2	0	21	0	0	0	9,222	0.23	0	0	26,260	0.64
666	1	0	6,040	0.13	4	0	10	0	0	0	7,132	0.15	0	0	33,479	0.72
1,019	0	0	4,363	0.12	1	0	16	0	0	0	10,252	0.28	1	0	21,386	0.59

Voters	Constitutional	Con %	Democratic	Dem %	Green	Grn %	Libertarian	Lib %	Reform	Ref %	Republican	Rep %	Socialist	Soc %	Nonpartisan	Non %
415	0	0	2,050	0.06	3	0	18	0	0	0	7,934	0.24	0	0	22,392	0.69
,616	10	0	34,841	0.14	16	0	84	0	0	0	49,338	0.2	7	0	168,321	0.67
,491	21	0	53,651	0.15	47	0	126	0	0	0	51,564	0.15	7	0	248,075	0.7
,099	6	0	36,692	0.25	18	0	26	0	0	0	17,797	0.12	0	0	94,560	0.63
074	6	0	6,018	0.1	11	0	9	0	0	0	9,231	0.16	0	0	43,799	0.74
178	4	0	2,215	0.07	12	0	18	0	0	0	9,544	0.29	0	0	21,385	0.64
782	1	0	1,101	0.05	2	0	3	0	0	0	6,934	0.33	2	0	12,739	0.61
332	0	0	1,304	0.15	1	0	2	0	0	0	1,731	0.2	0	0	5,594	0.65
,058	6	0	7,151	0.05	21	0	72	0	0	0	39,704	0.28	2	0	95,102	0.67
982	14	0	4,422	0.11	10	0	16	0	0	0	10,006	0.24	1	0	27,513	0.66
887	1	0	6,185	0.08	7	0	28	0	0	0	20,340	0.27	0	0	49,326	0.65
868	1	0	1,953	0.08	3	0	13	0	0	0	8,337	0.34	0	0	14,561	0.59
,573	8	0	8,694	0.08	79	0	231	0	0	0	17,139	0.16	2	0	78,420	0.75
,676	0	0	1,168	0.07	0	0	8	0	0	0	3,788	0.24	0	0	10,712	0.68
5,914	1,230	0	1,015,516	0.13	2,499	0	7,034	0	0	0	1,479,418	0.19	292	0	5,249,910	0.68

EXHIBIT 2

EXAMPLES OF INDEPENDENT, NON-PARTISAN MOVEMENTS

MOVEMENT	SOME KEY LEADERS	CENTURY
INDEPENDENCE FROM ENGLAND	Signers, Declaration of Independence	18 th
ABOLITION OF SLAVERY	William Lloyd Garrison; Frederick Douglass; Abbey Foster; Harriett Tubman	19 th
WOMEN'S SUFFRAGE	Susan B. Anthony; Elizabeth Cady Stanton; Lucy Stone; Julia Howell	19 th & 20 th
CIVIL RIGHTS FOR ALL AMERICANS	Dr. Martin Luther King, Jr.; Rev. John Duffey; Betty Friedan; Gloria Steinem	20 th & 21 st

EXHIBIT 3

REWORKED OHIO CONGRESSIONAL DISTRICTS

State lawmakers reached a compromise Wednesday night for two — not three — members of Congress to represent the state. The agreement also calls for a single March 6 primary election.

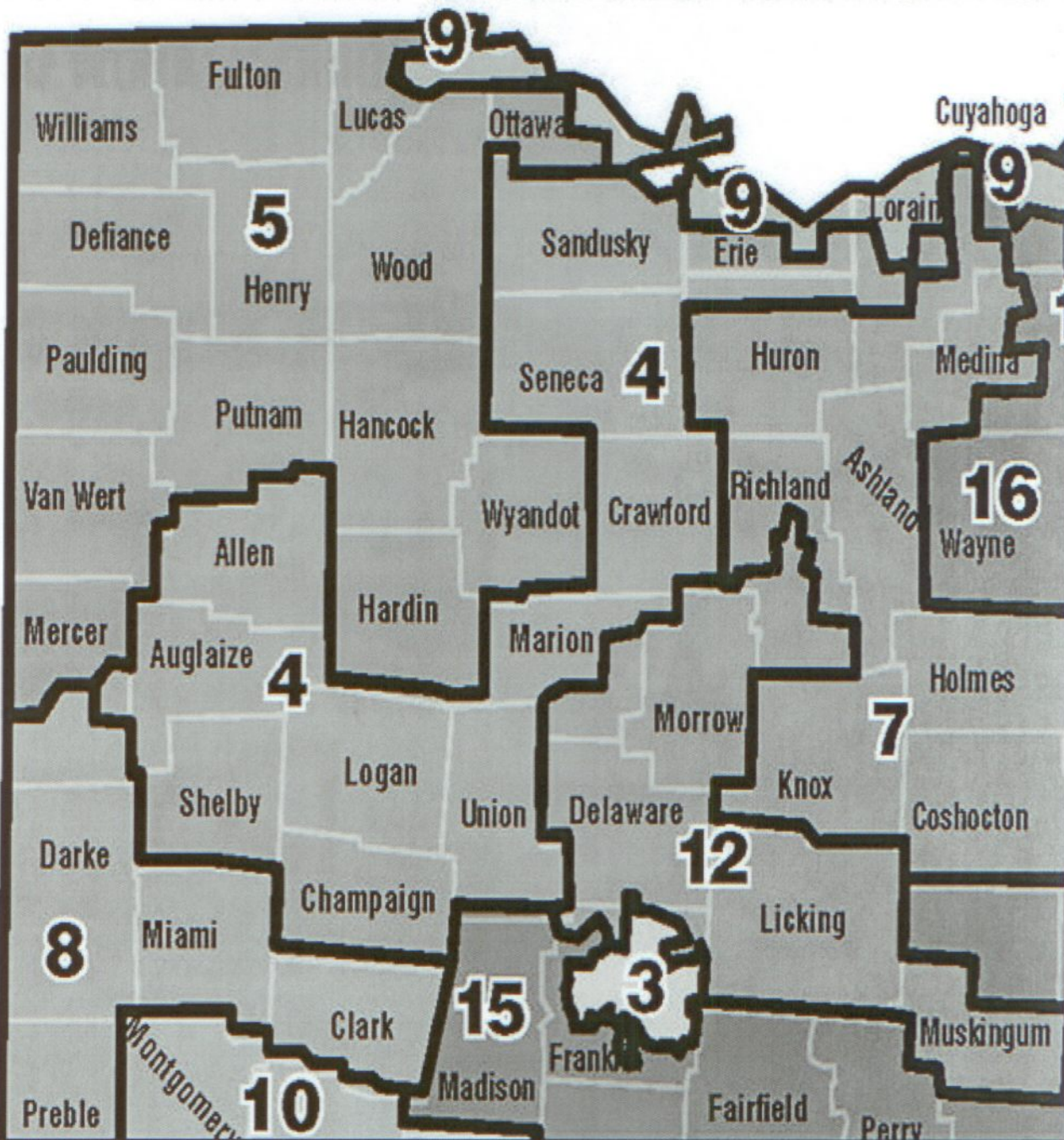


EXHIBIT 4

RICK ROBOL, INDEPENDENT OHIO

433 West Sixth Avenue

Columbus, OH 43201

614-737-3739

Richard ("Rick") T. Robol is a member of Independent Ohio and of the Electoral Reform Committee of independentvoting.org.

Mr. Robol devoted 20 years to public service as an officer in the U.S. Army Reserve. His responsibilities included providing strategic and operational law planning for joint service operations of the U.S. Marines, Navy, Air Force and Army, as well as multinational operations. He was deployed to Pakistan, Korea, and Europe and performed sea duty aboard the USS *MOUNT WHITNEY*. Mr. Robol received the third highest decoration awarded by U.S. Department of Defense (DMSM); two campaign medals; Army combat patch; expert marksman badge; humanitarian service medal; and 9 other medals and ribbons. In addition to supporting various COCOM's and activities, he served as Associate Professor of Military Science at Capital University, teaching Military History and Military Leadership.

Mr. Robol's community activities have included the Red Cross-Delaware and Franklin Counties, Ohio (Disaster Assistance and Community Education Teams); USO of Central & Southern Ohio (Volunteer Management Committee); National Council for Prevention of Child Abuse; National Council of Christians and Jews; Worthington, Ohio Library Reading Help Program; Coach, The Ohio State University Jessup Moot Court Team; pro bono counsel for the Worthington Presbyterian Church; Board of Directors, Philippe Cousteau Foundation; Leasure-Blackstone Post, American Legion; Veterans of Foreign Wars.

In private life, Rick is the founder of a boutique private law practice, Robol Law Office, LLC. His practice focuses primarily on complex corporate decision-making, civil litigation, international law and maritime law. He has been selected for such publications as *Who's Who*; *Who's Who in America*; *Who's Who in American Law*; *Register of Preeminent Attorneys*; and has an AV Martindale-Hubbell rating (highest for ability and ethics).

Mr. Robol received his J.D. from Harvard Law School, where he was selected as a Member, Board of Students Advisors, won the Addison Brown Prize, and served as Managing Editor of the Harvard International Law Journal. He took his undergraduate degree from the University of Virginia, where he co-graduated first in his class and received the Stevenson Prize. He was a Fulbright Scholar to Europe between college and law school, studying at the University of Pavia (Collegio Ghislieri) and the University of Paris.