

Wednesday, September 4, 2013

TO: The President's Commission on Election Administration

FROM: Steven Howard Johnson, Annapolis, MD

RE: Voting Rules That Put the Public First

Good afternoon. My name is Steven Howard Johnson. My testimony today accompanies that of Dona Sauerburger, Steven Richardson, and other independent voters. I too am an independent voter. I am a citizen of Maryland. I am an American citizen.

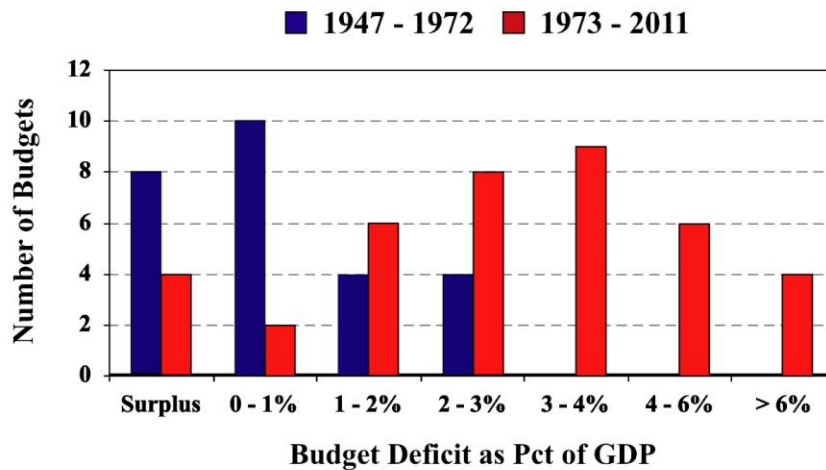
From each of these perspectives, I want America's principles of government strengthened. One of the first principles of a representative democracy is that we, the People, are to be the nation's electors. It is for us, the nation's voters, to choose the elected officials we want; it is not for elected officials to choose the voters they want.

Unfortunately, as politics are practiced in America today, both parties are trying their hardest to turn this standard upside-down.

First Point: Post-census redistricting practices display an emphatic preference for gerrymandering. In blue states like Maryland, one sees Democratic legislatures creating rigged districts that disproportionately favor Democrats. In redder states like Virginia, one sees Republican legislatures creating rigged districts that disproportionately favor Republicans. These practices stand the Constitution on its head. It ought to be a violation of the Constitution for elected politicians to have the power to choose the voters they want.

I might add that federal deficits have been massively higher in the gerrymandering era than they were earlier. Just look at the numbers.

Congress' Fiscal Track Record



(As you might remember, Supreme Court decisions in the 1960s created population equalization rules for congressional and legislative districts. As an unintended consequence, post-census redistricting from 1971 onward has been corrupted by gerrymandering.)

Second Point: Closed primaries have been designed by the nation's two-party monopoly to shut independents out of the candidate selection process. What's the solution that puts all voters in charge? The best solution is the Top Two Primary, with all candidates on a single primary ballot, and every voter free to choose from the full array of candidates the one person whom he or she think would be the best.

Who knows whether the two best candidates in the general election will come from two different parties or from the same party? From one election to the next, that's could certainly change. The Top Two Primary will protect the franchise for all voters and it will improve the quality of those chosen to square off against one another in the general election.

Third Point: Faulty election procedures slow things down on voting day just when smooth operations are utterly essential.

On this point, I want to describe election day and how business was done at my polling place in Maryland. Our state had seven major issues on the ballot. My county, Anne Arundel County, had another fourteen or so. Some of these measures were well-publicized but most were rather obscure. After an hour of waiting in line, it came my turn to vote. I was asked to stand at a touch-screen computer and scroll through this lengthy set of ballot questions. As you can

imagine, like everyone else I tied up several minutes of computer time figuring it out and casting my vote.

I have a bit of an operations background. From that perspective, I see a major design error in how Maryland's voting system was set up.

No one in Maryland thought to separate the lengthy process of reading and marking one's ballot from the very brief process of hitting "Enter." The two processes were jammed together on the same touchscreen computers and that's why our wait times were so long.

The separation we need would not be hard to achieve.

Suppose there had been thirty or forty chairs and shielded clipboards for voters to use while reading their ballots – paper ballots – and making their choices.

And then suppose, as each voter finished, that the next step had been to hand one's ballot to an election clerk for insertion into a ballot counting machine. Think of that very brief step as the equivalent of hitting the "Enter" button on the touchscreen.

Had my polling place been set up in the efficient way I have just described, every voter's wait time in line would have shrunk to almost nothing. I'd have arrived, been checked in, been handed my ballot, and offered an empty seat. Once I'd marked my ballot, it would have fed into the ballot counting machine. I'd have gotten my "Voted" sticker and I'd have left. And the same for everyone else.

Why do it any other way? Let's consider making it a national standard that the physical process of wading through a ballot will always be separated from the machine process of reading each ballot and capturing each vote. Were this our national standard, machine-induced polling place delays would shrink to a small fraction of what they are today.

Thank you for being here today. As others have said, I hope you will be back for a second round of hearings, chartered to examine all the many ways in which America's millions of independents are systematically treated as second or third rate voters. Thank you.