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The battle for election integrity

By Steve Bakke  March 31, 2021



Prior to the 2020 election, democrats filed hundreds of lawsuits challenging state laws governing election procedures for how and when ballots are cast and counted. Many procedures changed, and controls were loosened. COVID safety precautions was the justification. Constitutionally established rules requiring state legislatures to make these changes were generally ignored. Trump and his supporters objected vigorously, but they received little satisfaction.

Courts stubbornly avoided fully litigating the complaints and denied GOP plaintiffs the full hearing they sought. Virtually none of the cases reached the stage of serious evidentiary hearings. While everyone should move on, there are some related issues we should pay attention to.

Democrats are now rushing forward radical election reforms, and I have a message for them. Those self-righteous claims that the 2020 presidential election was the smoothest, “cleanest,” and most successful election on record is fiction. And to believe there was no basis for any of the accuracy and integrity concerns, even if there was no impact on the election outcome, is simply hiding from the truth. Election integrity has become a bigger issue than ever.

And to Trump and his most vociferous supporters I say, please stop the fruitless jousting at windmills of “stolen elections.” You’ve made your point. Now, direct your energy at a deliberate process of correcting the deficiencies in the 2020 election procedures and in the democrats’ proposed election reform.

Human nature is such that combining opportunity with a righteous desire to win an election, mischief is inevitable. Eventually, weaknesses and loopholes will be discovered by would-be perpetrators. The worn-out argument that there’s been no evidence of voting inaccuracies or anomalies is fiction. We’ve seen things we should be concerned about as we consider appropriate election reform. The “COVID influenced” 2020 election, and the proposed legislation, contain invitations for future election mischief.

Ignoring the obvious potential consequences, democrats are rushing through new legislation labeled HR1, or “For the People Act.” This clearly is a federal takeover of elections and it’s apparent we will be taking several steps backward in terms of improving public confidence in election integrity. It makes permanent many of the temporary changes to the COVID influenced 2020 election procedures, whereby existing controls were eliminated or deemphasized.

Many financial and audit professionals, including myself, have spent much of our careers evaluating procedural and financial controls. The goal is always to ensure honest people aren't tempted to step out of line, and to discourage dishonest people from their intended mischief. Even if past experience hasn't shown serious problems, there must be continued diligence to ensure that changes to the rules don't increase the possibility of future problems. The time to establish controls is before something serious happens.

The arguments between those who support HR1 and those opposed to it are about whether election controls are voter suppression. Democrats insist that anything that doesn't make voting easier is voter suppression. That's absurd. And they remind us that this is 2021, not 1921, and some old-fashioned processes no longer apply. But democrats must realize that there are two elements of election controls that transcend the passage of time and technology changes – whether voting in person, by mail, or on the internet.

First is voter identification. Library privileges, vaccines, obtaining cash, obtaining technology and related services, and buying beer, all require identification. HR1 would remove voter identification requirements. Democrats must cease this contrived objection to voter identification on the basis of voter suppression. Valid methods for identification must be made readily available to everyone. We'll pay a heavy price if we don't.

Second is ballot control. No election system should provide ballots as casually as one would pick up a shopping guide outside a hardware store or receive discount coupons in the mail. Voter immobility and similar issues exist, but a controlled process for accounting for and counting ballots must be assured, no matter the type of voting.

In my next commentary I'll provide more detail about election problems that have been documented. I'll take a look at the proposed HR1 election reform legislation, and also discuss the importance of essential but reasonable and common-sense election controls.