

The US election

Absentee vote cases provide evidence of Republican vote-rigging in Florida

Patrick Martin
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Two Leon County Circuit judges in Tallahassee issued decisions Friday refusing to throw out thousands of absentee ballots cast in two Florida counties. The ballots were challenged by local Democratic Party activists in Seminole County and Martin County who used legal arguments resembling those employed by the Bush campaign in its effort to suppress hand recounts in south Florida.

There was no evidence that the absentee ballots themselves had been tampered with or fixed. A decision to disqualify the ballots would have violated the democratic rights of over 25,000 people, the majority of whom voted for Republican presidential candidate George W. Bush. The transparent aim of the plaintiffs, who included a wealthy lawyer who made large campaign contributions to the Gore campaign, was to counter the Republican attacks on the right to vote in south Florida by using similar methods.

While the remedy sought by the Democrats was reactionary, the court suit placed on the public record considerable and detailed evidence of the Republican efforts to manipulate and fix the voting results in Florida. As Gerald Richman, attorney for one of the Democratic plaintiffs, argued, "What we are basically saying is that there was a conspiracy between representatives of the Republican Party and an elected Republican official, an elections supervisor, in terms of how the rules were bent and the rules were changed to help one party, and one group of people, as opposed to all of the others."

The facts of the Seminole County case were not in dispute—on the contrary, both sides stipulated to a detailed exposition of the facts which included sworn deposition testimony from the county Supervisor of

Elections, Sandra Goard. The Republican loyalist admitted that she had told Democrats that applications for absentee ballots sent in without voter ID numbers would be disqualified, while allowing two Republican Party operatives to come into her offices and work for several weeks filling in missing ID numbers on applications from Republican voters.

Martin County involved a similar politically motivated deal, but in this case the defective applications were handed over to Republican Party officials who took them to a party office, corrected them by filling in the ID numbers, and then returned them to the county. A separate lawsuit over similar practices in Bay County was dismissed on Thursday.

All three cases involve gross violations of a law passed by the Republican-controlled state legislature in 1998 in the wake of a ballot-rigging scandal in the Miami mayoral election, when campaign workers for former mayor Xavier Suarez, a Republican, were found to have manufactured enough absentee votes to give him victory in the vote. A judge later threw out all the absentee votes and declared Suarez's opponent, current mayor Joe Carollo, the winner.

Richman cited the Miami precedent in urging that all of Seminole County's absentee ballots be discarded. "We believe, under the law, the only remedy in this case is the entire absentee ballot pool must be thrown out," he said. "We didn't create the problem; the Republican Party of Florida did, and the supervisor of elections did."

Under Florida law, only voters, their legal guardians or immediate family members may request ballot applications or provide information for them. The two trials confirmed that the election officials in both

counties gave illegal access to ballot applications and election facilities to local and state Republican Party officials, to insure the largest possible vote for Bush. At the same time, election officials all over the state put countless obstacles in the path of voters thought likely to support Gore and the Democrats, especially black and other minority voters.

The judges who heard the Seminole County and Martin County cases gave only a slap on the wrist to the local officials, finding that “irregularities” had taken place in the handling of the absentee ballot applications, but declined to impose the remedy sought by the plaintiffs on the grounds that it was anti-democratic.

From a political standpoint, the absentee ballot cases showed the revolting cynicism of the Bush campaign and the Republican Party, who invoked precisely the same democratic provisions of the Florida state constitution which they had denounced when the state Supreme Court ruled in favor of hand recounts in selected counties last month.

Bush lawyer Matt Staver, arguing the Martin County case, used the identical language of the Florida Supreme Court, declaring, “The State of Florida, in the very first declaration of rights, puts down the issue of voting as the preeminent right.... We should not let this hypertechnicality disenfranchise these voters.”

The Bush campaign cannot be consistent on either side of the issue. If all votes in Florida are to be counted, then Bush loses. If all Florida election laws are enforced literally—disqualifying tens of thousands of Bush votes generated by an illegal process—then Bush loses again. The only way that Bush can win is to demand the fullest democracy in counting Republican votes, while demanding exclusion of as many Democratic votes as possible on technical grounds.

Staver even cited a 1973 amendment to the Voting Rights Act that explicitly declares that casting an absentee ballot is a right, not a privilege. He declared, “It outrages me, your honor, to think that voting for president is considered a privilege, as opposed to a right.”

Meanwhile other Bush attorneys were arguing precisely that—that there is no right to vote for president, when it comes to inhabitants of Miami-Dade, Palm Beach and other urban counties. And Republican state legislators were calling a special session of the

Florida state legislature to deprive the citizens of Florida of any right to vote in the presidential election, by appointing a Bush slate of electors regardless of the outcome of the popular vote in this state.



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