

THE U.S. FEDERAL ELECTION SYSTEM IS RIGGED

By
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Beyond a doubt, the U.S. federal electoral system is rigged. Sad to say, this activity for the most part is legal. Even sadder, overwhelmingly the people who perpetuate the rigging are Republicans.

I am, of course, talking about such anti-democratic activities as gerrymandering, unreasonable voter restrictions and voter suppression.

It must be remembered that in the U.S., federal elections are the responsibility of and run by the federal government. However, for constitutional reasons, the voting processes governing who gets to vote are controlled by the State governments. As a result, every State government has enacted its own rules for voting and there are dramatic differences in these rules from State to State.

Unfortunately, ever since 1789 when the U.S. Constitution came into effect, most U.S. States have used this power to disenfranchise voters in very discriminatory and anti- democratic ways.

The following are some examples of widely used discriminatory abuses:

Gerrymandering: This is a process by which a governing party draws or redraws electoral boundaries to give its party a numerical advantage over an opposing party. This tactic has been used widely throughout the U.S. since its founding.

Discriminatory restrictions on individual voting rights: This tactic has also been used frequently across the country since the beginning. Residency requirements, unreasonable

proof of citizenship, literacy tests, denial of voting rights to prisoners and ex-convicts, restrictions on absentee voters, requirements for land ownership are some of the most popular barriers used to disenfranchise individual voters.

Voter suppression: These tactics are not aimed at individuals but are used to make it difficult for targeted groups of citizens to cast their ballots. Reducing early voting days or hours, reducing the number of polling stations in certain neighbourhoods, locating polling stations in hard to reach locations, purging voter lists, telephone jamming to interfere with canvassing are some of the well-known tactics. There was even a situation in Florida where the authorities dispatched a work crew to a polling station to rip up a perfectly functioning sewer system under the building. The resulting stench was so strong that the polling station had to be closed for the rest of the day.

Eventually, the electoral abuses in the U.S. became so epidemic that the Federal government decided to take action to curb these abuses and on August 6, 1965, the Congress, under the leadership of President Lyndon Johnson, enacted the Voting Rights Law. The stated purpose of this law was to overcome the legal barriers at the state and local levels which prevent African Americans from exercising their right to vote.

The new law did not seek to make existing restrictions illegal or to repeal any such restrictions. Rather, the law was drafted to make it more difficult for certain States to enact new restrictions or to make changes in existing restrictions.

This legislation contained two major provisions. It identified 15 States that had a chequered history of racial discrimination. They became known as the “covered” States. The Act then required these States to get pre-clearance from the federal Justice Department before they changed or enacted any measures affecting voting.

As you might expect, there was considerable opposition to the law and some States even chose to ignore its provisions.

On April 22, 2010, Shelby County (a county in Alabama) launched a law suit against Eric Holder (the U.S. Attorney General) attacking the constitutionality of the law.

On June 25, 2013, the Supreme Court of the United States, in a 5 to 4 decision, ruled that the section establishing coverage for the 15 States was unconstitutional because it was based on data that was outdated. The Court did not hold that the whole Act was

unconstitutional but since the coverage section was shot down, the section providing for pre-clearance was now moot.

As a result, there is no longer any meaningful oversight and States are at liberty to introduce restrictions as they wish. The only tool now available to curb their appetite is individual lawsuits brought by individuals or community groups or, once in a while, by government agencies. This is a very expensive and time consuming process to achieve a remedy.

There was major outrage following the decision and major concern that the law had been gutted. There were also many, many calls for the Federal Government to introduce new legislation. President Obama in this year's State of the Union address urged Congress to do something but nothing has happened. A number of Bills were brought forward by various members but they have all died at the Committee stage. Obviously, the politicians have no stomach to pursue this issue in the current toxic political environment.

So, the question arises...what has happened in the aftermath of the Supreme Court decision?

I have to back up a little bit because, as I said, some States were ignoring the law and going forth with new restrictions even before the law was effectively struck down..

In the past 5 years, 21 States have enacted or tried to enact new restrictions. Of these, 21 States, 16 have a Republican government and 5 are Democratic. Some of these new laws are currently being challenged and so not all the restrictions are yet in place and, therefore, are not in play for the 2016 election..

At this moment, 15 of the 21 States will have their restrictions in place for the 2016 presidential election next week. Of these, 12 are Republican and 3 are Democratic.

So, it is quite clear that it is predominately the Republican Party which is capitalizing on this change in the legal environment and is continuing to disrupt the U.S. electoral system to its own advantage.

Thank goodness, in Canada we are virtually free of these problems and our electoral system is accepted by our citizens as being fair and honest.

To begin with, in Canada the Federal government not only runs the elections but, unlike the U.S., it also sets the rules governing voter eligibility and these eligibility rules are the same throughout the entire country. For Federal elections, the Provinces do not have any say and so there are no variances Province to Province.

Also, in Canada there is a formal legal process for determining the boundaries of the Federal electoral districts. By virtue of the Canadian Constitution, electoral districts must be reviewed every 10 years to reflect changes in population and population movements and the boundaries revised to reflect the new demographics. There are 10 Electoral Boundaries Commissions, one for each Province, which carry out this process and their decisions are final. So again, unlike the U.S., gerrymandering by the Provinces or even Federal MP's themselves is not possible.

In recent memory, there is only one clear case of voter suppression. This took place in Guelph, Ontario during the 2011 Federal election when a worker for the Conservative party used a campaign computer to send out Robocalls to several thousand voters falsely telling them that their polling station had been changed. In 2014, the party worker was convicted of a violation of the Elections Act and was sentenced to 9 months in prison. This sent out a strong message that voter fraud would not be tolerated in Canada.

There is one final concern that needs to be addressed.

As I said earlier, there are many new restrictions which will be in play for the first time in the upcoming U.S. federal election. Given the volatile circumstances surrounding the current election campaign, many commentators, understandably, are concerned that there could be serious confrontations, even violence, at numerous polling stations which could then lead to widespread unrest. Let us hope these fears are unjustified.

However, to paraphrase the words of one Donald J. Trump, we will be kept in suspense until we know what actually happens.