



Alaska Primary: Miller Concerned Murkowski May Try to Pull an Al Franken

The absentee ballots that were cast in Alaska's Republican Senate primary will be counted on August 31. Current estimates are that about 7,600 absentee ballots will be counted. Challenger Joe Miller currently leads incumbent Senator Lisa Murkowski by 1,668 votes.

Although outspent by about 10 to 1, Joe Miller, a U.S. Army veteran who received his commission from West Point and was awarded a Bronze Star, has run a strong campaign holding Murkowski accountable based on adherence to the U.S. Constitution.



Miller has voiced his concerns about attorneys from the Republican National Senatorial Committee flying to Alaska to help Murkowski in the August 31st counting of the absentee ballots. According to NEWSMAX.COM on August 26, Miller stated: "It concerns us anytime that somebody lawyers up and tries to pull an Al Franken, if you will." And added: "We are very concerned that there may be some attempt here to skew the results."

When America was founded, absentee ballots, though not totally unheard of, were rare. The Founding Fathers of our Republic recognized the many security flaws inherent in such a system and took steps to either avoid them or prevent mischief in their use. In Connecticut, for example, a state where absentee ballots were allowed, the absentee ballots had to be sealed in the presence of two freemen.

Absentee balloting became widespread throughout the United States during the Civil War, as many soldiers who were eligible to vote were far from home on election day, especially for the presidential election in 1864.

Unfortunately, many recent trends in absentee ballot laws in America have weakened the security of the absentee ballot process, and Alaska election laws are no exception. Such security weaknesses include: 1) Not counting the absentee ballots until a few days or more after election day; 2) having absentee ballots accumulated and/or counted in centralized centers; and 3) allowing absentee ballots to be counted if they arrive after election day, but have postmarks prior to election day.

Of course, just because a security weaknesses exists doesn't mean it will be exploited, but it does give opportunity and temptation.

Not counting absentee ballots until after election day means that the ballots will sit dormant until they are counted. This is a temptation for someone, especially someone with privileged access to where the ballots are stored, to access them and possibly alter them. The longer the delay — the greater the temptation and more opportunity.

Former Chicago City Clerk James J. Laski, Jr., now a whistle-blower, has written a book entitled *My Fall From Grace — City Hall To Prison Walls*, wherein he described tampering with absentee ballots: "There



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was an art to opening absentee ballots. In most cases, steam would be the way to go, because nobody could tell that the envelope had been tampered with after it had been resealed. Another method was to carefully use a letter opener, which required patience and skill to separate the flap from the glue and the rest of the envelope.” (Page 15 of his book) He then went on to explain how sometimes the ballots were also altered by people with privileged access to the absentee ballots.

The delay time from election day until counting the absentee ballots can also open another, much more subtle, opportunity for fraud. Sometimes the list of those who voted via absentee ballot is publicly known and sometimes it’s available only to people with inside access. In either case, this makes it possible to survey the people who’s votes haven’t yet been counted, perhaps even pretending to be doing a voter survey. The results of such a poll can produce a list of which of the absentee ballots should be severely scrutinized in order to have them disqualified and which ones are for a certain candidate. This can be a strong temptation in a close election.

Having absentee ballots accumulated and/or counted in a small number of counting centers makes it possible for collusion to be committed with a relatively small number of people involved. According to Gail Fenumiai of the Alaska Division of Elections, absentee ballots in Alaska are mailed to five centers — Juneau, Anchorage, Wasilla, Fairbanks or Nome.

Allowing ballots that arrive after election day and be counted based on the postmark may seem safe to the average American. But there are people with privileged access to the stamp canceling equipment, whether that be the automated machinery or a hand-operated rubber stamp, and some of these workers got their jobs via political favors. It is also possible, using modern technology, for almost anyone to make a reproduction of this equipment. U.S. Postal Service employees typically have the easiest access to get the ballots into a post office building and bypass the stamp canceling machines, but other people can also do so, especially if they have bulk mail permits and they regularly drop off bags of mail that don’t go through the canceling machines.

You may recall the scandal that broke in 1988 when 14 postal employees and three associates in the New York City area were accused of using their post-office know-how to win prizes in a “Pick the Score” contest for the 1987 Super Bowl. It raised eyebrows when at least 107 of the 167 people who correctly guessed the score were postal employees or associates. One of the schemes alleged by prosecutors was using a hand stamp to cancel the letter on the Friday before the Super Bowl, which was the deadline for the postmark, and then putting the letter directly into an outgoing bin Monday morning after the game. Note how similar this is to allowing ballots postmarked before an election to arrive after election day.

What can be done to provide more security for the ballot box? A good starting point would be to take a look at the state of New Hampshire, where elections are conducted by the towns and cities rather than by counties. This helps to make elections less complicated, which is inherently more efficient in terms of cost and reduces accidental errors. New Hampshire elections are also more open to public view, and that enhances security from fraud. Completed absentee ballots in New Hampshire are mailed to the town clerks and then delivered to the appropriate precincts to be counted in public on election day.

One of the underlying reasons why New Hampshire has arguably the safest elections from fraud of all the states is because of the 1974 Senate contest which had multiple recounts, with the New Hampshire State Ballot Law Commission conducting the final one and declaring the winner by a plurality of two votes. That served an impetus to improve their elections and, while nobody is perfect, in general, the New Hampshire Legislature did it right.



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Regardless of the outcome of this year's Republican primary in Alaska, let's hope Alaskan lawmakers see this election as a wake-up call and compare their laws to those of New Hampshire. Hopefully, they will decide to emulate New Hampshire's election laws.

Photo of Joe Miller: AP Images



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