



True The Vote Wins Access to Election Records — Election Audit to Begin Immediately

True the Vote announced a settlement whereby the St. Lucie County, Florida, supervisor of elections will make available all records of this past November's election in Florida's 18th congressional district. The agreement provides True the Vote access to all ballots, registrations, and other election related data necessary to conduct an audit of that election.

According to True the Vote, a key component to the settlement agreement was to permit access to information dating back to January of 2009. Such information will help evaluate efforts to maintain voter rolls, both before and after federal election cycles.

Access to be granted to True the Vote volunteers will include such records as:

- 2012 voter activity documents (whether or not they voted);
- Completed voter registration forms;
- Copies of all regular and provisional ballots;
- Documents pertaining to federal list maintenance requirements since 2009 including felon and non-citizen records;
- All documentation for people trained as poll and tabulation workers for the 2012 election in the 18th congressional district.

According to Catherine Englebrecht, founder and president of True the Vote, the audit will begin as soon as the records are made available to the volunteer workers. Englebrecht added that True the Vote has had no problems recruiting volunteers for this audit. She added, "Since the initial announcement of the lawsuit, we've had a small army of volunteers come forward from across the country, offering to help do whatever they can."

While many election integrity advocates are happy with this settlement, this case points out some shortcomings in resolving disputed elections in America:

- Why was this lawsuit even necessary? In traditional American elections, the information listed above was considered public information and would have been available to anyone within days after the election.
- The lawsuit, *True the Vote, Inc v Gertrude Walker*, St. Lucie County supervisor of elections in her official capacity, was filed in United States District Court for the Southern District of Florida, Fort



Written by [Kurt Hyde](#) on May 9, 2013

Pierce Division on February 3, 2013. This settlement was reached with an effective date of May 7, slightly over three months.

Had this lawsuit been filed within days after the election and it took three months just to gain access to the pertinent information, the 113th Congress would have already been in session for over a month. While this may be considered timely by court standards, the process is inadequately slow if the investigation reveals enough errors, either accidental or fraudulent, to overturn the results.

Fortunately for congressional elections the U.S. Constitution prescribes in Article I, Section 5: "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members." Congresses in the past would typically have a Committee on Elections to resolve disputed elections. The option existed to contest an election at the state or local level, but even then it wasn't necessarily in the hands of the courts. Election procedures at all levels of government should be similar to those prescribed by the Founding Fathers.

Resolving elections problems via committees of elections rather than courts would be less expensive and resolve disputes in time to make corrections in those cases where a challenger of an election should be declared the winner.

This case could have national ramifications for other states. For example, there were large numbers of same-day voter registrations in this past election in New Hampshire. Concerned citizens have requested access to the registration forms and have been denied by local officials. With this precedent-setting case, those requests should be granted.



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