

October 2004 President's Column

Protect the Vote

by R. Christian Hulburt

Chris Hulburt is CASD's President for 2004. He is a partner at Hulburt & Bunn with CASD Past President Benjamin Bunn. Mr. Hulburt was named the CASD Trial Lawyer of the Year in 2000, Consumer Advocate of the Year in 1998, and received the President's Award in 1996 and 2002. He handles personal injury and medical malpractice cases, coaches youth basketball, and tries to keep up with his wife, Annalee, and their four children. He can be contacted by e-mail at: chris@hulburt-bunn.com.

In the last election, when I went to my polling place to vote I was turned away, because the poll workers couldn't figure out how to turn on the electronic voting machine. They told me to drive up the hill to the church, the next closest voting place, to see if I could vote there. A young woman arrived to the garage at the same time. This was the third voting place she was trying and she had just come from the church. No voting there either. She was very upset, passionate even. She wanted to vote but had completely wasted the time she had available for voting. She said she was giving up and going to work. She would not vote that day. It was later reported that thousands of voters were disenfranchised by inadequate training of the poll workers. Nobody had explained to them how to turn on the machines.

In the election before that, I volunteered as a "poll watcher," visiting polling places to make sure they were following the rules to allow as many people as possible to vote. I thought it was going to be a huge waste of my time. We don't have voting problems in San Diego, I thought. What a shock it was for me to learn the truth! I encountered numerous poll workers who acted as if their job was to prevent as many people as possible from voting.

At one location, an African-American voter came to the same large hall where he had voted for 20 years. This time he was turned away. The poll worker said he was at the wrong location. His polling site had changed, she said. Remarkably, the man knew his precinct number. He gave it to the poll worker, and asked, "Where do I go?" "I have no idea," she said. "You'll have to go home and call the County Registrar's Office for directions." He looked at me with the look of one imagining a lifetime on hold waiting to speak to the Registrar. "It took me 45 minutes waiting for and riding the bus to get here. I have to go to work," he said. I offered to use my cell phone to call the Registrar for him, and asked him for his precinct number. I was immediately stunned, and glared at the poll worker. I knew where his polling place was, and so did she. It had changed. It was along the opposite wall **of the same hall**.

I witnessed other voters show up and request Spanish language ballots. The County is supposed to provide ballots in English, Spanish and Tagalog, and encourages citizens who are more comfortable with their native language to use them. But for some poll workers, asking for a foreign language ballot was like asking to be subjected to an interrogation.

A voter is not required to show identification at the polling place. If the voter's name is

on the rolls, the poll worker is supposed to provide a ballot. Yet, I saw Latino voters who requested Spanish ballots being turned away from the polling place because they could not provide two forms of photo identification. I reported the incident to the Registrar, and hours later a Supervisor came to re-train the poll workers, but the damage was done. Voters were not allowed to vote.

These examples are not unique to my experience, nor do they complete the list of the sometimes bizarre, and always discouraging incidents of disenfranchisement that take place during every election in San Diego and elsewhere. Everyone who has ever worked as a poll watcher on Election Day has a collection of horror stories. Just ask Al Gore.

The Democratic Party has been working hard since the 2000 Presidential Election fiasco in Florida to make sure all voters get to vote and all votes get counted. They created a nationwide program, implemented first in California, called "Promote and Protect the Vote 2004." They need volunteers at all levels. We will be putting together teams of lawyers to work as poll watchers throughout the county on Election Day. No experience is necessary and no party affiliation is required. Though the program is organized by the Democratic Party, the work at the polls is genuinely non-partisan. We have no way of knowing how any voter will vote. We simply want to make sure each one gets to participate in the American democracy.

ATLA also has an aggressive program for getting its members to assist voters at the polls in November. It is called the Lawyers Brigade for Voting Rights.

Please register and help in any way that you can. Volunteering is easy. There will be training sessions before Election Day, and all materials and directions you need will be provided. You can call or e-mail me at any time for more information. We urge you to get involved and volunteer. You may contact the ATLA Lawyers Brigade online at www.atla.org/ActivistCenter/Tier3/ActionNetwork.aspx or you can volunteer online at the Democratic Party Voting Rights Institute (www.democrats.org/vri/volunteer/index.html). **Promote and Protect the Vote. It's democracy at its best.**