

Democracy Needs the Election Referee to Play Fair ***The Need for a Non-Partisan Secretary of State***

“Politics, it seems to me, for years, or all too long, has been concerned with right or left instead of right or wrong.”

--Richard Armour

Imagine the 2004 World Series game where the head umpire was a life-long Red Sox fan. Or if the team of referees for the 2005 Super Bowl were formerly the coaching staff of the New England Patriots or Philadelphia Eagles. In either situation, the credibility of those presiding officials would be suspect.

Yet, in the world of politics, unlike professional sports, there is an expectation that the public will have confidence in the objectivity of the referee despite her political party affiliation. Our partisan, statewide and national elections are essentially contests between competing rivals. However, these competitions are presided over by an explicitly partisan public servant—the Secretary of State.

In 34 states, Secretaries of State are responsible for prescribing voter registration forms, determining ballot eligibility of political parties, approving voting systems/devices and, in some cases, handling election recounts. Ensuring free, fair and accurate elections is their expressed mission.

The Florida controversy during the 2000 presidential election highlights the problem: then-Secretary of State Katherine Harris, who proclaimed Bush winner of Florida’s electoral votes, was also chair of Bush’s Florida campaign for the presidency. While Harris was not found guilty of an impropriety, her questionable impartiality weakened an already fragile public trust in a fair election outcome. The referee, in this case, was also the head cheerleader for the team she declared the winner.

Her decision to stop the recount of ballots in contested counties in Florida, which tacitly determined the outcome of the presidential race, destroyed all hope for cooperation between Democrats and Republicans during President Bush’s first year. Washington was at a virtual stand-still. Only September 11th brought some unity, but even that goodwill was short-lived. By the time the 2004 election season was underway, the international community and American citizens alike were calling for election observers from other countries to monitor the U.S. 2004 presidential election. More and more Americans simply don’t believe partisan Secretaries of State can put aside their party loyalties and bias when overseeing a contest.

California should lead the reform to make the Secretary of State a non-partisan office. Not only would candidates be relieved of politicking in a primary, but they would no longer be beholden to party agendas or bosses. Candidates would then have to appeal directly to constituents without the assistance of political party machines. One indirect benefit of this reform is subtle: taking the Secretary of

State office out of partisan politics would remove the position as a prime stepping stone within the parties, thereby even further depoliticizing the office.

The current legislation authored by state Senator Jeff Dunham (R-Salinas) and Assemblyman Joe Canciamilla (D-Pittsburgh) is on the right track for reforming the Secretary of State position. In both bills, the job would be non-partisan, and in the assembly version the Secretary of State would “voluntarily declare their intent to refrain from endorsing candidates or ballot measures if elected to that office.” The ‘voluntary declaration’ is a reasonable provision considering that County Clerks uphold the same standard as part of their code of ethics.

If the Secretary of State remains a partisan position the loser in any election contest will have claim standing to cry ‘foul.’ An impartial referee, one who is not favoring Right or Left, but is committed to what is honest and just, can begin to restore the public faith essential to our election process.

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