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Why the Debates Won't Matter (Hint: It's a Felony)



By Marty Kaplan

Let me hedge my bet.

Maybe, at the vice presidential debate, the talking points Sarah Palin's handlers have been stuffing her head with will come out of her mouth so butchered that even Republican voters will say, like Kurtz in *Heart of Darkness*, "The horror, the horror."

Or maybe, at one of the remaining presidential debates, a contemptuously smirking John McCain will finally become so enraged by having to share a stage with Barack Obama that he will pop his notorious cork right there in front of a hundred million Americans.

Or maybe Obama or Biden will goof or gaffe or otherwise give such a bloody bit of chum to the media sharks that the gazillionth replay of the the sound bite will drive every swing voter in the country away from them.

But I don't think so.

Sure, cable yakkers will declare after each debate who won on points, and who on body language; who played Nixon, and who played Kennedy; who won their focus groups of undecideds, and who flatlined with them. But my guess is that the prestige press headlines will continue to play it safe, as they did after the first debate — "Candidates clash" (*New York Times*), "differ sharply" (*Los Angeles Times*), "quarrel" (*Washington Post*) — and that on television, it will be concluded that no one delivered a knockout blow, which will require audiences to remain in suspense, and therefore to keep tuning in, until the photo-finish.

This election won't be won or lost at the debates. Nor will it be determined by the two campaigns' "ground games" — their get-out-the-vote efforts. Nor, unfortunately, will its outcome even depend on how many Americans wake up on Election Day intending to vote for one candidate or the other.

Instead, my fear is that the Electoral College results will hang on the swing state voting systems' vulnerability to sabotage.

It's already happening.

In El Paso County, Colorado, the county clerk — a delegate to the Republican National Convention — told out-of-state undergraduates at Colorado College, falsely, that they couldn't vote in Colorado if their parents claim them as dependents on their taxes.

In Montgomery County, Virginia, the county registrar issued a press release warning out-of-state college students, falsely, that if they register to vote in Virginia, they won't be eligible for coverage under their parents' health and car insurance, and that "if you have a scholarship attached to your former residence, you could lose this funding."

In Mount Pleasant, Wisconsin, Democratic voters received a mailing containing tear-out requests for absentee ballots addressed to the clerk in Caledonia — the wrong location. In Middleton, Wisconsin, Democratic voters received absentee ballot requests addressed to the clerk in Madison — the wrong address. Both mailers were sent by the McCain campaign.

Florida, Michigan and Ohio have some of the country's highest foreclosure rates. "Because many homeowners in foreclosure are black or poor," says the *New York Times*, "and are considered probable Democratic voters in many areas, the issue has begun to have political ramifications." If you're one of the million Americans who lost a home through foreclosure, and if you didn't file a change of address with your election board, you're a sitting duck for an Election Day challenge by a partisan poll watcher holding a public list of foreclosed homes. In states like New Mexico and Iowa, the number of foreclosures is greater than the number of votes by which George W. Bush carried the state in 2004.

In the 2006 election, according to the nonpartisan Fair Elections Legal Network, black voters in Virginia got computer-generated phone calls from a bogus "Virginia Election Commission" telling them that they could be arrested if they went to the wrong polling place; in Maryland, out-of-state leafleters gave phony Democratic sample ballots to black voters with the names of Republican candidates checked in red; in New Mexico, Democratic voters got personal phone calls from out of state that directed them to the wrong polling place. Does anyone think this won't be tried again in 2008?

The reason behind Alberto Gonzales' attempted purge of US Attorneys was that some of them wouldn't knuckle under to Karl Rove's plan to concoct an "election fraud" hoax that would put Republicans in control of the nation's voting lists. "We have, as you know, an enormous and growing problem with elections in certain parts of America today," Rove falsely told the Republican National Lawyers Association, an evidence-less problem crying out for a draconian solution. Does anyone think that Rove's move from the White House to Fox has dampened Republican ardor for this ruse?

And if all of that doesn't alarm you, consider the new report on electronic voting systems [pdf] from the Computer Security Group at the University of California, Santa Barbara, which concluded that "all voting systems recently analyzed by independent security testers have been found to contain fatal security flaws that could compromise the confidentiality, integrity, and availability of the voting process.... Unless electronic voting systems are held up to standards that are commensurate with the criticality of the tasks they have to perform, the very core of our democracy is in danger."

And did I mention that on Election Day, some polling places in minority precincts in battleground states will be shocked, simply shocked, to discover that so many people want to vote that it will take hours of standing in line to vote. That is, of course, unless they run of out ballots.

So while the presidential and vice presidential debates may make for swell political theater, the likelihood is that victory will be determined not by how the debates move a small percentage of undecided Americans off the fence, but by the voting experiences of a few thousand voters in a few swing states on November 4. Josef Stalin is reputed to have said, "Those who cast the votes decide nothing. Those who count the votes decide everything." I think he had it half right. Those who decide who cast the votes also decide everything.

(This is adapted from my column in The Jewish Journal of Los Angeles.)

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