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The BIG LIE is Rampant

in Burbank!

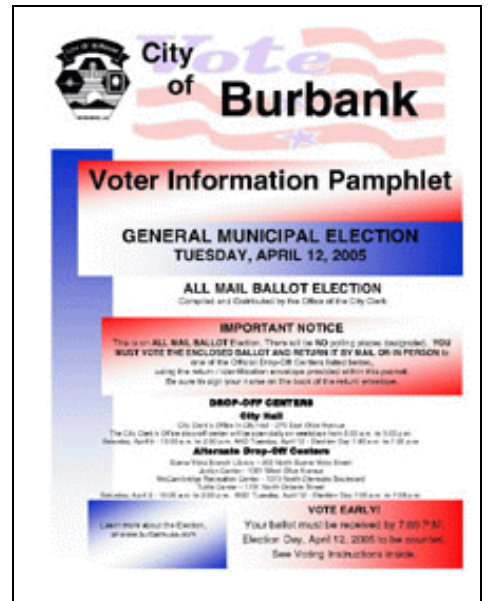
May 2, 2005

I suspect most are familiar with the concept of the "Big Lie," a fiction repeated so often that it's eventually perceived as fact. But almost universal awareness of the concept has done little to reduce its effectiveness. And the "lie" doesn't have to be an intentional, devious deception. Sometimes it's just a mistaken impression that, since it appears to make sense on its face, is soon regarded as "common knowledge."

A fine example seen locally is a common belief that Burbank's progressive venture into conducting municipal elections by U.S. Mail has resulted in a significant and heartening surge in the number of voters participating in the selection of our city's leaders. Indeed, "surge" was exactly the word used in the effusive headline of one local newspaper's article reporting on the most recent election turnout. Another article maintained there was a big "boost" in participation as a result of the simplified voting process.

When one also considers the remarks some have offered at recent city meetings, it almost seems city officials are waiting in line for turns to gush about the perceived success of the All Mail ballot. The enthusiasm has been infectious. In Glendale, which went through the municipal campaign and election process this spring at about the same time Burbank did, some candidates for city clerk and council promised to bring all mail balloting to Glendale, making it a plank in their platforms. Among the other candidates, most at least promised forum audiences they'd seriously consider the appealing idea.

In fact, when one considers the registration, ballot and voter turnout numbers over the last decade of elections in Burbank, 2005's numbers are better than some previous years, and worse than others. With regard to the public's level of participation, that is the very strongest positive factual statement that can be made in assessing the impact the all mail ballot.



Mail ballot pamphlet sent to Burbank voters.

The all mail ballot came to Burbank in the form of an initiative placed on a ballot by the city council in 2003. The council heard reports that allowing voters to cast their ballots by mail, rather than in conventional voting booths, would lead to a large jump in the number of citizens who registered to vote, and an increase in the percentage of registered voters who do vote of no less than 17%. According to a report from the city clerk, and from other experts who spoke out in favor of the system at the time, no jurisdiction that has instituted a vote-by-mail system has seen anything less than a 17% spike in the turnout numbers. That is, if a jurisdiction was accustomed to seeing 20% of the registered voters actually vote, the vote by mail system has boosted that rate to a minimum of 37%.

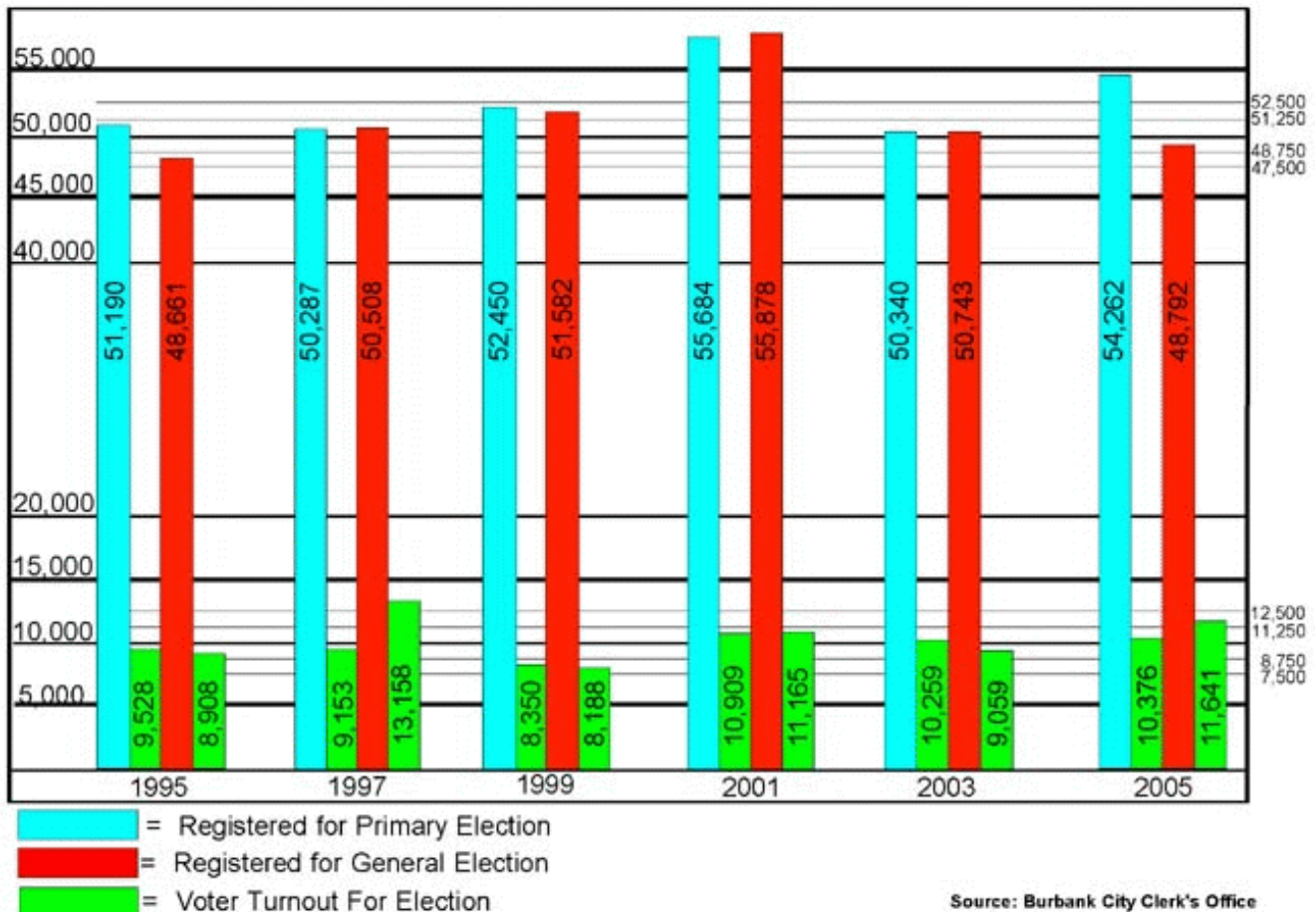
Now that Burbank has had its turn, no one can ever make that boast again. Presumably, from here on out, all mail advocates will have to announce that every jurisdiction has seen a 17% jump in turnout, "Except Burbank."

The voter turnout for April's general election, often called a "run-off" election, was 23.9%. But that wasn't the highest turnout of the decade. And the 19.1% turnout for February's primary contest - also conducted by mail - was barely above average for the decade. It ranked third in the field of all six primary elections since 1995.

Perhaps just as significantly, there were fewer citizens registered to vote for the general election this year than there were in any other Burbank general election since, and including, 1997. Registration in April 2005 did beat out the number of voters registered in April 1995, but only by 131 people.

WillRogersHome.com - Illustration # 1

VOTER REGISTRATION & VOTER TURNOUT



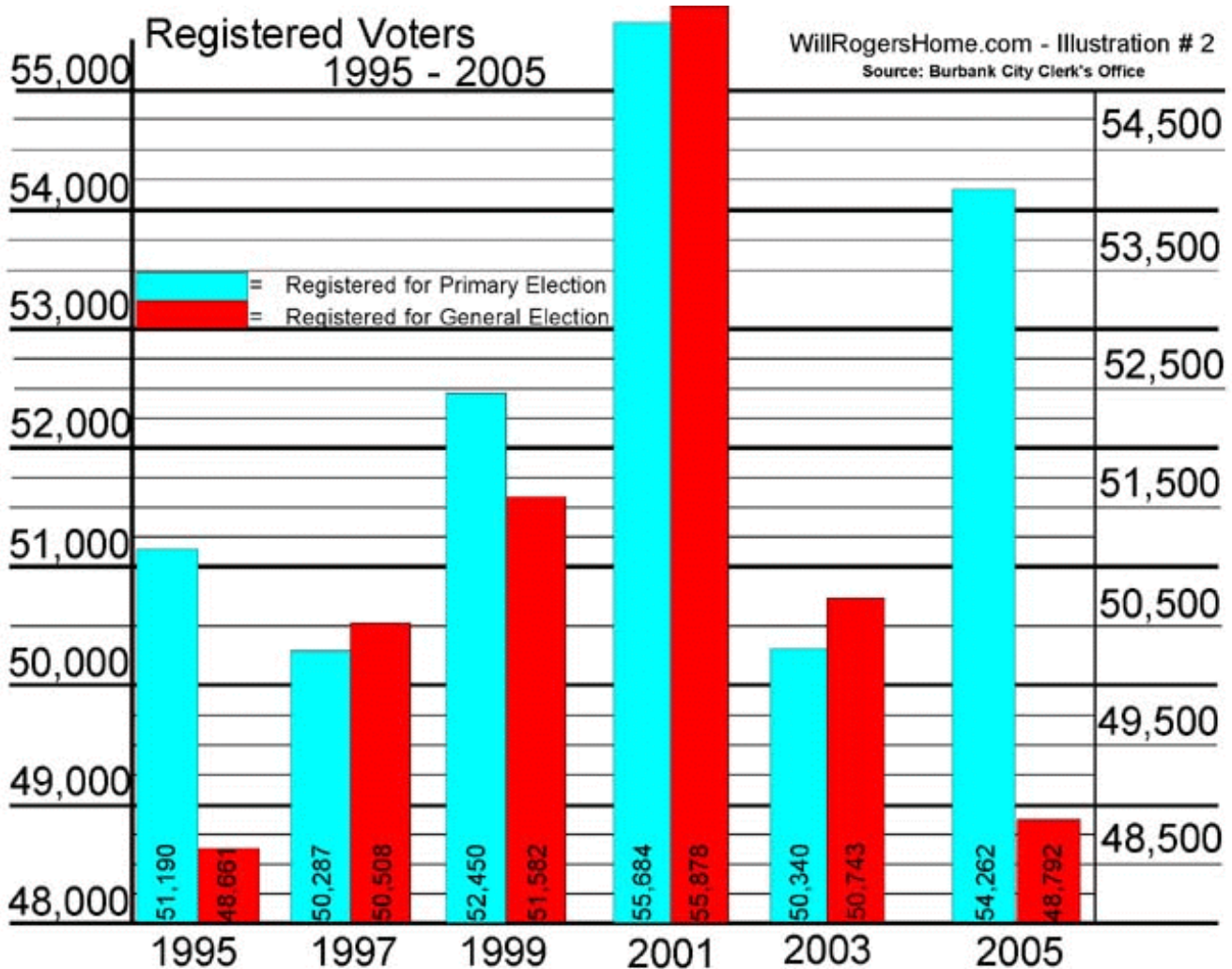
Source: Burbank City Clerk's Office

The graphic shown below (Illustration # 1) offers up the relevant numbers for every municipal election, primary and general/run-off, since 1995. (This illustration, and all others accompanying this report, were compiled with figures provided by Burbank's City Clerk.)

As the numbers show, between 1995 and 2005 the greatest number of residents registered to vote for the primary and general elections in 2001. And the largest number of people to vote in an election in the last decade was the 13,158 participating in the general election of April, 1997. It's interesting to note there were no council seats up for election in that race, as three council incumbents won reelection outright in the primary election. Much of the attention in the general election went to overwhelming voter approval for a \$112.5 million school bond initiative.

Newspaper articles published in the Daily News and Burbank Leader in April, 2005 claimed a surge in voter participation, and were based upon the relatively insignificant increase in the percentage of registered voters between the primary and general elections of 2005. Turnout for the primary was 19.1%, and for the general election was 23.9%. But not one of the stories acknowledged two important points.

First, both elections employed the all mail ballot system. Reporters, parroting remarks by City Clerk Margarita Campos, attributed the increase to voters "learning the system." But neither Campos, nor



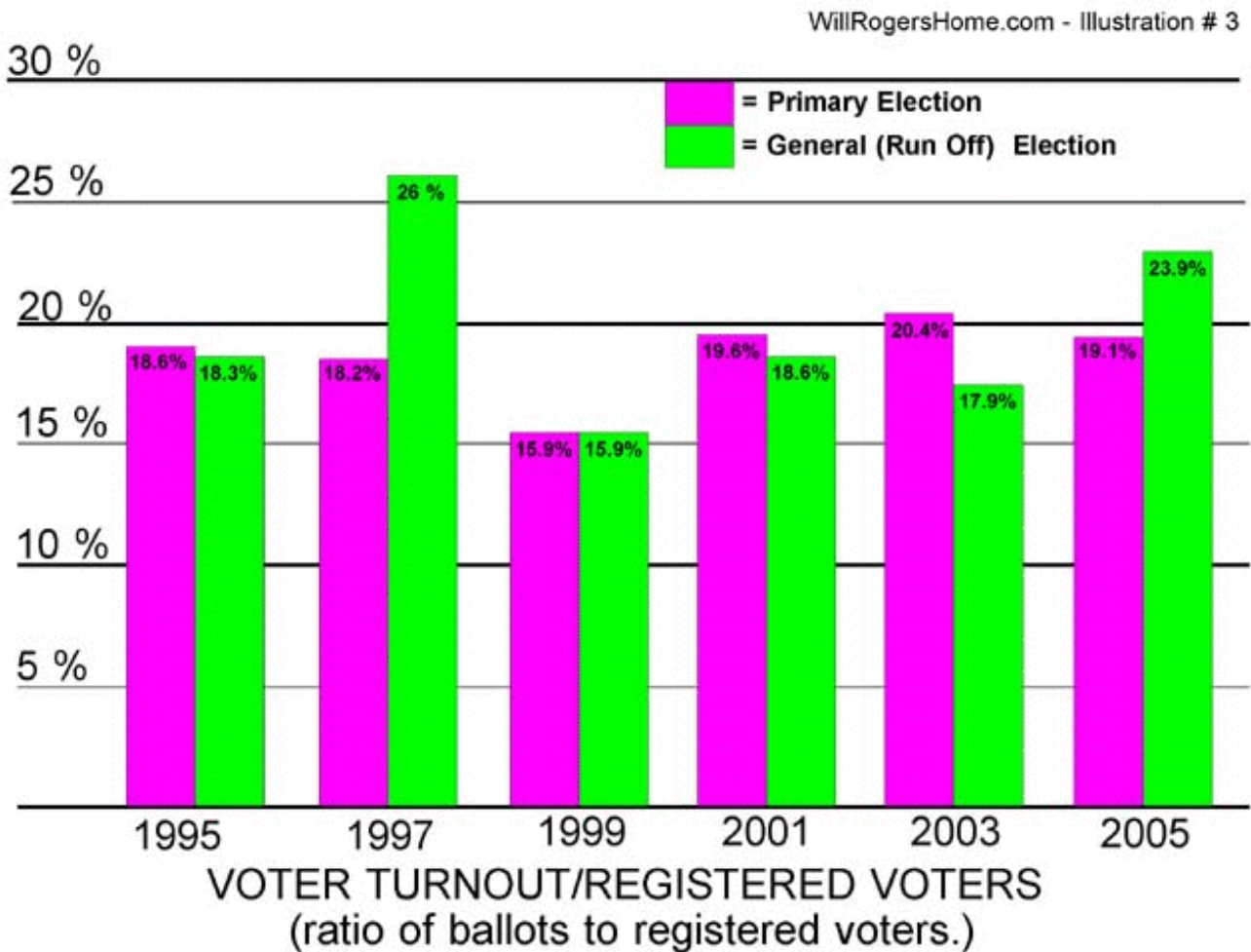
the reporters noted that there had been larger increases than the primary-to-general bump of 4.8% seen this year. In 1997, the jump between the primary and general election was 7.8%. And since the percentages discussed are based upon the ratio of voters to those registered to vote, previous years have seen smaller jumps in terms of percentage, but larger jumps when one simply counts the number of voters involved.

Second, there was a significant drop in the number of registered voters between this year's February primary, and the April run-off. Indeed, the fall off in voters was unprecedented in the last 10 years, a drop of almost 5,500 in the number of citizens qualified to participate.

The number of voters registered in April 2005 was near a record low. (Please see Illustration # 2, "Registered Voters.") In the last 10 years, only one municipal election has seen fewer citizens exert the effort to register. That was in April 1995.

This year's number of registered voters beat 1995's low by a scant 131 people. If one wants to claim the all mail ballot is responsible for a 4.8% increase in general election participation for 2005, it's every bit as valid to claim the all mail ballot is responsible for an eight year record low in voters registering.

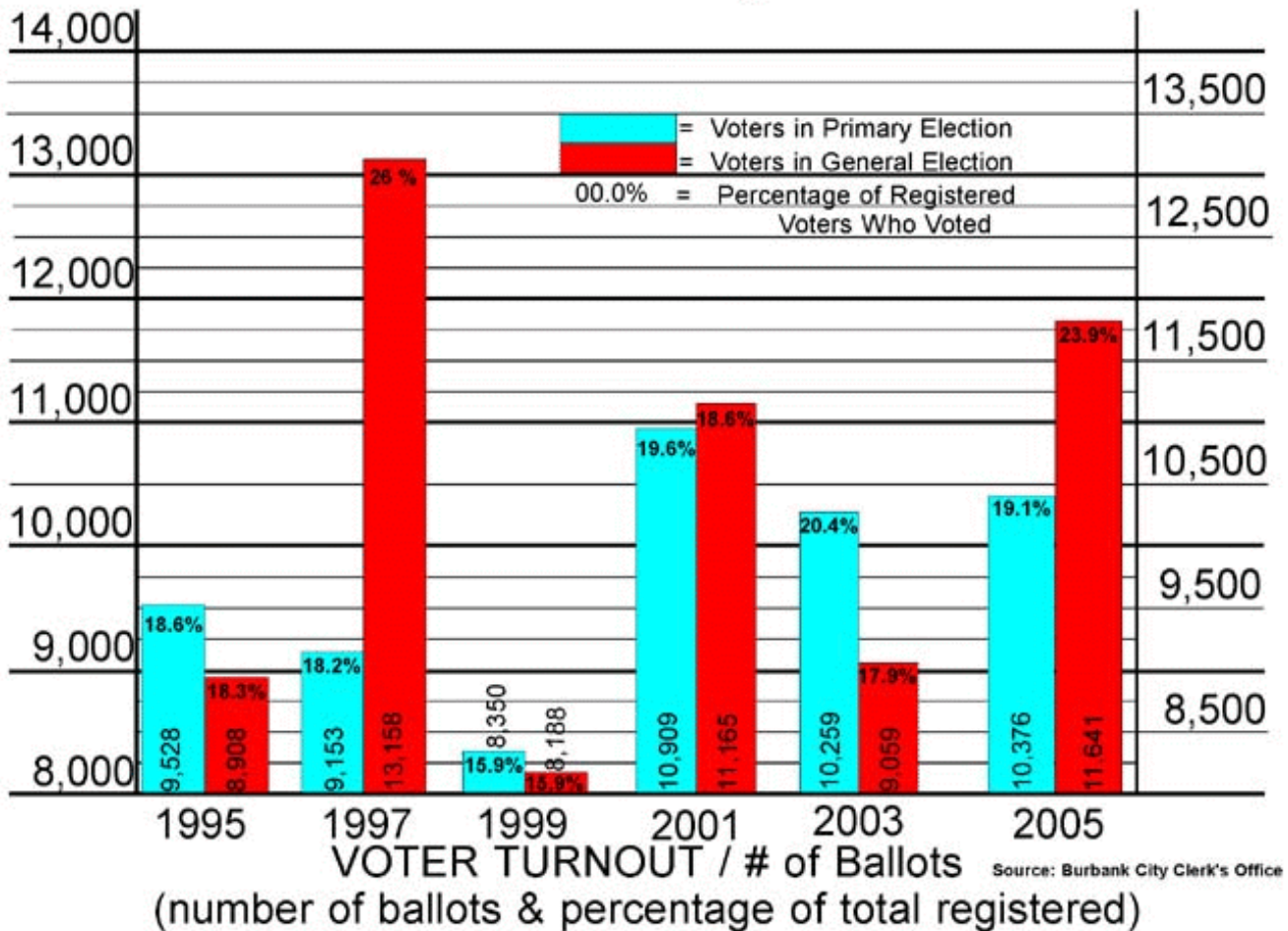
Even when one considers only "voter turnout" percentages (See Illustration # 3, "Voter Turnout/Registered Voters.") the all mail ballot didn't capture any records. Turnout is the percentage of the total pool of registered voters who go on to cast a ballot, and it can be an extremely misleading number. The elections of 2005 provide an example.



Source: Burbank City Clerk's Office

This year's primary election turnout was 19.1%. Compared to the turnout of 18.6% seen in 2001's general election, it's obvious more people voted in February 2005, right? Wrong. In February 2005 that 19.1% was made up of 10,376 voters. The 18.6% voting in April 2001 was made up of 11,165 voters. (See Illustration # 4, Voter Turnout/# of Ballots.)

WillRogersHome.com - Illustration # 4



That the all mail system did not immediately and dramatically increase the number of people voting in Burbank is not reason enough to dump the system. But in public forums such as council meetings in recent weeks, complaints about other shortcomings of the all mail ballot system have been answered by city officials with remarks implying that the swelling voter counts - now proven to be mythical - somehow make the program worth the problems.

Among those problems is a decided advantage the all mail system has given to incumbents seeking reelection, at least as it was implemented in Burbank.

Ballots were first mailed to voters several weeks before the "election day," the deadline for submitting votes. But voters were allowed to mark their ballots and return them immediately upon receipt, if that's what they wanted to do. And that's exactly what many chose to do.

On February 10, approximately two weeks before the primary "election day" of 2005, Burbank's City Clerk had already received more than 5,000 completed ballots. It was almost exactly half the total number of ballots eventually received, and the vast majority were completed and mailed by voters days and weeks before the very first forum for candidates.

Before the average voter had an opportunity to know the candidates for city council or school board, more than half of those in the city who would vote had already voted . That's a situation that rewards incumbents for name-recognition, and little else.

The same scenario played out for the general election. On the day run-off candidates met for the first forum to take questions, the city clerk's office had already received 4,432 ballots of the 11,641 that would ultimately be cast.

As it has been implemented, the all mail ballot system puts ballots into the hands of voters up to four weeks before the votes are due. (The City Clerk is obliged by law to make sure ballots reach voters at least 10 days before election day.) The implication is that voters will put those ballots away until they have had an opportunity to research the candidates, but remember to retrieve the ballots weeks after they were received, and make their choices and mail or deliver the ballots in time to be counted. The system and the implication runs counter to human nature. While there are obviously exceptions, it appears most people recognize that, if they don't vote immediately and return the ballots, the chances are good they will either forget to do so weeks later, or that, when they attempt to do so, they'll be unable to find the ballot and related materials.

The last decade has also shown us the value received by putting candidates through a full campaign process before choices are made. Three episodes come to mind almost immediately.

One had a council candidate sitting as an apparent front-runner until it was learned in the final days that he'd been arrested in an investigation related to the sale of pirated cable television decoder boxes. The arrest itself might not have affected the candidate's chances, as the local cable TV provider was so unpopular at the time that some considered giving the candidate a community service award. But when confronted with the revelation, the candidate's first choice was to lie about the arrest and deny it. His later, last-minute apologies and admissions did little to erase the stain on his judgment.

In 1999, incumbent councilman Ted McConkey was going up against relative newcomer David Laurell. Though the primary race showed McConkey was in trouble, falling 200 votes behind the challenger, he still enjoyed the incumbent's edge heading into the general run off election. But in the final days of that race, a nephew of McConkey's wrote a public letter revealing the councilman had abandoned his wife and sons in a small Michigan town 30 years earlier. As far as the family was concerned, he'd literally disappeared off the face of the earth.

According to the nephew and others who later corroborated the story, the councilman's brother had found him for the first time almost three decades later, and was surprised to discover the long-absent husband and father serving on the Burbank City Council. He was living with a woman who had also vanished from Michigan 30 years earlier, a former college worker who was now being introduced as McConkey's wife.

McConkey's loss in the general election set a new record for the defeat of an incumbent in Burbank, with the challenger scoring 62.4% of the vote, to McConkey's 35.5%

Finally, and most recently, in 2003 Realtor Brian Malone was perceived as a front-runner in his council race. He had countless prominent endorsements, including a nod from the departing councilman whose seat he hoped to fill. But Malone's performance in the first televised candidate forum of the season was abysmal, and he demonstrated less than even a rudimentary knowledge of the city government. His supporters abandoned ship, and endorsements were withdrawn.

It's impossible to say with certainty that the end result would have been any different in any of these cases if Burbank had instituted an all mail ballot earlier. But there's no question that, under the all mail system as we've seen it thus far, the overwhelming majority of votes would have already been cast at the time the campaigns for these candidates collapsed.

Another concern about the current system is related to the secrecy of votes. The city clerk has dropped use of the once ubiquitous "secrecy sleeve," a heavy paper liner that marked ballots were once put into before placement in a ballot box, or an absentee voter's envelope. In previous years, the concealed ballot was promptly separated from the envelope bearing the voter's name, and a ballot didn't leave the sleeve until thousands of others were removed at the same time.

This year, looking at the sealed envelope containing a ballot, it was a simple matter to see where the ballot had been marked. It wasn't even necessary to shine a light through the envelope.

This caused concern among those who believe their names are recognizable to the city clerk's staff and others participating in ballot processing. If someone in City Hall noticed the envelope with my name on it and was curious about how I voted, a quick glance was all it took to find out. Even council members told me they were concerned.

Again, the accumulation of these and other drawbacks may not be reason enough to abandon the all mail ballot. But they are more than enough to prompt a thorough and intense review of the program, and there's no reason a ballot initiative proposing abandonment shouldn't be on the list of possible solutions to be seriously considered. One thing is for sure - it cannot be credibly argued that an increase in voter participation makes the problems more palatable, because there was virtually no increase.

For more on this topic, visit www.willrogershome.com and see the BURBANK ELECTIONS page.