

## MINUTES

The meeting convened at 7:05 pm with Chairperson Anne Wagley presiding.

### ROLL CALL

Present: Diana Bohn, Donald Brody, Steven Freedkin, John Lavine, Jane Litman, Rita Maran, Mark McDonald, Thom Seaton, Michael Sherman, PhoeBe ANNE (sorgen), Anne Wagley, Jamie Wright

Absent: Jonathan Wornick

### COMMENTS FROM THE PUBLIC

1. Frances L. Hillyard, BFUU- Social Justice, regarding clean elections.
2. Harry Brill, Voters Rights Committee and Wellstone Democratic Club, regarding voter irregularities resolution.
3. Ann Fagen Ginger, BFUU-Social Justice & Meilkejohn Institute, regarding election resolution.
4. Soula Culver regarding vote/election integrity.
5. Richard Challacumbe regarding investigation of voting irregularities.
6. Donald Goldmacher, Wellstone Democratic Club, regarding election fraud.
7. Lindsay Vurek regarding voter irregularities resolution.
8. Peter Teichner regarding voter resolution.
9. Michael Sorgen regarding election 2004.

### ACTION ON MINUTES

**M/S/C** (*Freedkin, Sherman*) to approve the minutes for the regular meeting of November 8, 2004. **Ayes:** Bohn, Freedkin, Litman, Maran, Seaton, Sherman, sorgen, Wagley, Wright; **Noes:** None; **Abstain:** Brody, Lavine, McDonald; **Absent:** Wornick.

Commissioners Brody, Lavine, and McDonald abstained from the vote because they were not present for the November meeting.

### ACTIONS TAKEN

#### ***Resolution to Restore Trust in United States Elections***

**M/S/C** (*sorgen, McDonald*) that the City Council adopt the attached Resolution (ATTACHMENT A) to restore trust in United States elections. **Ayes:** Unanimous; **Absent:** Wornick.

**Council Action:** On December 14, 2004, the City Council adopted Resolution No. 62,762-N.S. as amended to remove the clause containing comments by Henry Norr.

MINUTES – Peace & Justice Commission  
December 6, 2004

**NEXT MEETING**

The next regular meeting will be on Monday, January 3, 2005 at 7:00 p.m. in the North Berkeley Senior Center.

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

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Manuel Hector Jr., Secretary  
Peace and Justice Commission

## ATTACHMENT A

### RESOLUTION TO RESTORE TRUST IN UNITED STATES ELECTIONS

WHEREAS, Berkeley Municipal Code Section 3.68, establishing the Peace and Justice Commission, states that the Commission shall "(A) Advise the Berkeley City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to support for ... self-determination throughout the world; (B) Help create citizen awareness around issues of social justice; [and] (C) Help develop proposals for the City Council in furtherance of the goals of peace and justice, and help publicize such actions in the community"; and

WHEREAS, Representative Barbara Lee, in calling for a swift and comprehensive investigation of widespread reports regarding voting irregularities during the presidential election of 2004, has stated: "The right to vote and the right to have our votes counted are both fundamental to our democratic system of government. As elected representatives of the people, we hold a sacred responsibility to every voter across this nation to ensure that their vote is counted and recorded properly. We cannot, and we should not, accept any flaws in our election process"[1]; and

WHEREAS, Senator Dianne Feinstein, responding to a Berkeley resident's inquiries, wrote in August 2004: "I strongly believe that any violation of civil rights during the 2000 Presidential election, or any election, for that matter, must be fully investigated," and wrote November 16, 2004: "As it became clear in recent elections, inadequate voting mechanisms can be detrimental to the integrity of our electoral process"[2]; and

WHEREAS, numerous voters in minority neighborhoods in various parts of the country were disenfranchised [3]; and

WHEREAS, journalist Henry Norr, a specialist in technology issues, has stated: "Many thousands of Berkeley ballots--possibly a third or more of all ballots cast in the city--weren't included in the results released on election night and reported in the media. In fact, two weeks after the election, an unknown but clearly substantial percentage of Berkeley voters still haven't had their votes counted"[4]; and

WHEREAS, Dr. Michael Hout, a nationally renowned expert on statistical research, and a team of graduate students at the University of California-Berkeley have published statistical analyses strongly suggesting that irregularities in electronic voting machines in Florida may have awarded 260,000 excess votes to George W. Bush from three counties that used touchscreen voting [5]; and

WHEREAS, paid hackers (specialists in breaking through computer security) had little trouble casting multiple votes and taking over machines' vote-recording mechanisms in a Maryland study, showing convincingly that more security is needed for electronic voting, including voter-verified paper trails [6]; Stanford University computer scientist and founder of VerifiedVoter.org David Dill said the risk of a stolen election is "extremely high"[7]; and University of

Pennsylvania researcher Dr. Steven Freeman demonstrated that deviations between exit-poll predictions and vote tallies in the three critical battleground states could not have occurred by chance, concluding, "That so many people suspect misplay undermines not only the legitimacy of the President, but faith in the foundations of democracy"[8]; and

WHEREAS, more than 53,000 persons have petitioned the United States Congress for an open hearing on these issues and, if needed, remedies, potentially including a nationwide audit, recount, or new election [9].

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley supports the request of United States Representatives Barbara Lee, John Conyers, Jr., Jerrold Nadler, Robert Wexler, Robert C. Scott, Melvin Watt, Rush Holt and several others "that the Government Accountability Office immediately undertake an investigation of the efficacy of voting machines and new technologies used in the 2004 elections, how election officials responded to difficulties they encountered, and what we can do in the future to improve our election systems and administration"[10].

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley directs the City Manager to send a letter to the City's representatives on the Alameda County Board of Supervisors, in the State Legislature, and in Congress expressing Berkeley's endorsement of the following measures to improve access to and fairness of elections:

1. Democracy Day, a holiday for voting, or moving elections to weekends.
2. Early voting in all jurisdictions throughout the United States.
3. A voter-verifiable paper record of every vote cast.
4. Consistent national standards for security, including physical and electronic security, of election systems, including tallying systems.
5. Mandatory, automatic recounts of a statistically significant percentage of votes cast.
6. Public access to computer coding that operates election systems so that such software may be widely reviewed by independent analysts.
7. Consistent national standards for the number of voting machines and poll workers per 100 voters in each precinct, to ensure reasonable and uniform waiting times for all voters.
8. A requirement that the top elected official responsible for overseeing elections in each jurisdiction be elected in a non-partisan race, and may not serve in any capacity in any political campaign other than her or his own.
9. Uniform and inclusive voter registration standards.

10. Accurate and transparent voting roll purges, based on fair and consistent national standards.
11. Uniform, reliable and voter-friendly standards for development, distribution, collection, and counting of provisional ballots.
12. National standards for ballots that are consistently clear and minimize likelihood of voter error.
13. Fair and uniform rules regarding requiring voters to produce identification to register or vote.
14. Protections to prevent minority vote suppression such as Election Day challengers turning away qualified voters or needless slowing of voting in minority precincts.
15. In all jurisdictions, rescinding laws that disproportionately disenfranchise minorities, such as prohibitions on allowing former felons to vote once they have completed their sentences.
16. Consistent, national standards for distribution and return of absentee ballots to ensure timely receipt of ballots by the voters, timely return of voted ballots to election officials, and voter privacy.
17. Requiring that sample ballots be provided to all registered voters in every election.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley directs the City Manager to send copies of this Resolution to Alameda County Registrar of Voters Bradley Clark, California Secretary of State Kevin Shelley, California Senate Majority Leader Don Perata, California Assemblymember Loni Hancock, United States Representatives Barbara Lee and John Conyers, Jr., United States Senators Barbara Boxer and Dianne Feinstein, and United Nations High Commissioner for Human Rights Louise Arbour.

End Notes

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[1] Press Release from Congresswoman Barbara Lee, Nov. 15, 2004  
[www.house.gov/lee/releases/04Nov15.htm](http://www.house.gov/lee/releases/04Nov15.htm)

[2] Letters to constituent PhoeBe ANNE (sorgen), Aug. 27, 2004 and Nov. 16, 2004

[3] "Fundamental Flaws Put Our Voting System at Risk," Newsday, Nov. 26, 2004; "Hearings on Ohio Put 2004 Election in Doubt," San Francisco Bay View, Nov. 24, 2004

[4] Henry Norr, "We're Still Waiting for the Berkeley Results," Berkeley Daily Planet, Nov. 16, 2004  
[www.berkeleydailyplanet.com/article.cfm?archiveDate=11-16-04&storyID=20110](http://www.berkeleydailyplanet.com/article.cfm?archiveDate=11-16-04&storyID=20110)

[5] Michael Hout et al., "Working Paper: The Effect of Electronic Voting Machines on Change in support of Bush in the 2004 Florida Elections," University of California Data Archive, <[http://ucdata.berkeley.edu/new\\_web/VOTE2004/](http://ucdata.berkeley.edu/new_web/VOTE2004/)>; "Florida Vote Suspicious," Berkeley Dailey Planet, Nov. 19, 2004; Wyatt Buchanan, "Berkeley Study Scrutinizes Florida Tally for Bush; Unexplained Boost Linked to E-Voting; Some Not So Sure," San Francisco Chronicle, Nov. 19, 2004

[6] "How to Hack an Election," New York Times, Jan. 31, 2004

[7] "Black Box Voting Blues," Newsweek, Nov. 3, 2004

[8] Dr. Steven Freeman, "The Unexplained Exit Poll Discrepancy," paper, Nov. 2004  
[www.buzzflash.com/alerts/04/11/Expldiscrpv00oPt1.pdf](http://www.buzzflash.com/alerts/04/11/Expldiscrpv00oPt1.pdf)

[9] [www.petitiononline.com/uselect/petition.html](http://www.petitiononline.com/uselect/petition.html)

[10] Letters Nov. 5 and 8, 2004 to David M. Walker, Comptroller General of the United States, from John Conyers, Jr., Ranking Member House Judiciary Committee, and seventeen Members of Congress including Rep. Barbara Lee.

(Signatories were added in letters of Nov. 15, 17 and 29, 2004.)  
[http://www.house.gov/judiciary\\_democrats/correspondence/letters.html](http://www.house.gov/judiciary_democrats/correspondence/letters.html)