

# BALINT'S BULLETIN

## CLIENT LAW UPDATE

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### Vote! It Matters!

Does every vote count? Yes as proved by the 2016 election. A shift of fewer than 80,000 votes in three states (Michigan, Pennsylvania and Wisconsin), less than 1%, would have made Hilary Clinton president. Trump won Michigan by .2% (10,704 votes); Pennsylvania by .7% (46,646); and Michigan by .7% (22,177). And don't forget that Florida gave the 2000 election to Bush by a margin of 540 votes!

### Election Fraud in Voting by Mail?

Americans will vote this November in record numbers. Tens of millions of them will do so by mail. As a lifelong Republican, I am embarrassed by current GOP efforts to suppress voting. If the only way the GOP can fairly compete is by suppressing voting, then I think it has lost substantial credibility.

But what about the charge of voter fraud in a vote by mail system? Our state has long experience with all-mail voting. Washington initiated voting by mail in 2005. None of the officials at any level of state government have seen any evidence of voter fraud, in part because of built-in safeguards. Some states allow private people organized by party to collect ballots, inviting fraud when ballots thought to be for the other side could be thrown away. In Washington, only the post office

is involved in handling ballots. When a Washington resident registers to vote, the State verifies date of birth and social security number to make sure that it is a real person registering and that the person is not dead. Each ballot features a bar code tied to the specific voter, making it almost impossible to print fake ballots. Bar coding gives elections officials the ability to track each envelope as it makes its way through the US Post Office system. For example, in the most recent primary election in Washington, 99.96% of ballots that were requested were delivered within 5 days. Bar coding also enables the elections commission to track each envelope as it makes the way back from the voter to the elections commission. The King County elections director meets regularly with the local post office supervisors to coordinate the handling of ballots, resulting in a fraud rate near zero.

Another security feature is that the envelope must be signed by the registered voter. Election officials examine the signatures to match the signature already on file. As far as counting the votes is concerned, all counting is monitored by cameras. The camera feeds are public and on line so that anyone can monitor the actual counting. Washington has a cooperative agreement with many other states and jurisdictions to see if a particular voter voted in more than one state or if a vote

was cast for a deceased person. Out of all the hundreds of thousands of votes in the 2016 election, for example, the state found 59 people who voted in other states, 14 people who cast duplicate ballots, and one ballot cast in the name of a dead person. It turns out that the ballot for the dead person was cast by the wife of a husband who died just before the election and she thought it would be nice to have him vote one last time. The state found that the few citizens who voted in more than one jurisdiction believed that since they own properties in more than one state they could vote in each state. Finally, each individuals who violated the voting laws was contacted and told that it is a crime to try to do any of these things.

Voter fraud is virtually nonexistent in the states where most or all voters cast their ballots by mail. Washington's system of vote by mail is probably more secure than in-

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This newsletter reports on news and developments in the law. It is offered as a service to our clients and readers and is not a substitute for legal advice.

person voting and a certainly more convenient. I like it because it allows for a more thoughtful voting because I am not rushed to consider each vote. Especially in the midst of a pandemic, voting by mail offers the surest path to a more secure election.

### Do it Right—Voting By Mail

More than 500,000 mailed votes across the country were rejected during this year's primary season for noncompliance issues. Since every vote counts, here are some tips to avoid having your ballot disqualified. **First:** monitor the news for when ballots are mailed. If you do not receive one, go online and make sure that you are on the list. **Second:** ballots are tied to your residence address and may be disqualified if you have moved and failed to notify the elections commission. **Third:** mail your ballot as early as possible. Last minute ballots may be disqualified if not post-marked by election day. Because the postal service may be overwhelmed with ballots, make sure that yours is in the mail early. **Fourth:** ballots come with detailed instructions. Don't assume that you know how to vote, please read the instructions. **Fifth:** make sure that you sign the envelope and date it as required. The signatures are checked against a signature database so make sure that your signature is legible and it is your legal name. One of the databases used to verify signatures is a driver's license, so it should be safe to sign the same way as shown on the license. **Sixth:** use the color ink recommended in the instructions. **Seventh:** like you did in kindergarten, fill in the ovals and stay within the lines. **Eighth:** avoid any stray

marks on the ballot and make sure the ballot is not torn. **Ninth:** follow the instructions for folding the ballot and putting it inside the sleeve which then goes inside the postage paid envelope. Never use your own envelope.

### ELECTION RECOMMENDATIONS (JUDICIAL)

Washington Supreme Court:  
Pos.3 Raquel Montoya-Lewis  
Pos.6 Grace (Helen) Whitener  
Washington Court of Appeals, Division III:  
Marshall Casey  
King County Superior Court:  
Andrea Robertson  
Doug North  
Snohomish County Superior Court:  
Cassandra Lopez Shaw  
Pierce County Superior Court:  
Bryan Chushcoff  
Benton/Franklin Superior Court:  
Dave Peterson  
Clallam County Superior Court:  
Lauren Erickson  
Kitsap County Superior Court:  
Lynn FleishBien  
Skagit County Superior Court:  
Elizabeth Yost Neidzowski  
Thurston County Superior Court:  
Sharonda Amamilo  
Whatcom County Superior Court:  
James Erb  
Yakima County Superior Court:  
Elisabeth Tutsch  
Blaine George Gibson

### ELECTION RECOMMENDATIONS (STATE LEGISLATURE)

District 1:  
Pos 1 Davina Duerr  
Pos 2 Shelley Kloba  
Senate Derek Stanford  
District 5:  
Pos 1 Bill Ramos

Pos 2 Lisa Callan  
Senate Ingrid Anderson  
District 11:  
Pos 1 Zack Hudgins  
Pos 2 Steve Bergquist  
Senate Bob Hasegawa  
District 21:  
Pos 1 Strom Peterson  
Pos 2 Lillian Ortiz-Self  
District 30:  
Pos 1 Jamila Taylor  
Pos 2 Jesse Johnson  
District 31:  
Pos 1 Eric Robertson  
Pos 2 Thomas Clark  
District 32:  
Pos 1 Cindy Ryu  
Pos 2 Lauren Davis  
District 33:  
Pos 1 Tina Orwall  
Pos 2 Mia Su-Ling Gregerson  
District 34:  
Pos 1 Eileen Cody  
Pos 2 Joe Fitzgibbon  
District 36:  
Pos 1 Noel Frame  
**Pos 2 Liz Berry**  
District 37:  
Pos 1 Sharon Santos  
Pos 2 Kirsten Harris-Talley  
Senate Rebecca Saldana  
District 41:  
Pos 1 My-Linh Thai  
Pos 2 Lisa Wellman  
District 43:  
Pos 1 Nicole Macri  
Pos 2 Frank Chopp  
Senate Jamie Pedersen  
District 45:  
Pos 1 Roger Goodman  
District 46:  
Pos 1 Gerry Pollet  
Pos 2 Javier Valdez  
District 47:  
Pos 1 Pat Sullivan  
Pos 2 Debra Entenman  
Senate Mona Das  
District 48:  
Pos 1 Vandana Slatter

### Ilana In the News

I am so proud of my daughter, Ilana. The call went out asking every community and the country to demonstrate on June 11, 2020 support of the Black Lives Matter campaign bringing attention to our country's ongoing problem with racial prejudice. When no one answered the call, Ilana, using her organizational skills, put an impressive march together on very short notice in the town in which he lives, Edmonds, Washington. The news reporting can be view at: <https://myedmondsnews.com/2020/06/edmonds-gathers-in-silent-strength-to-proclaim-black-lives-matter/>

Edmonds gathers in silent strength to proclaim Black Lives Matter



"We started organizing this only a couple of days ago," said Edmonds resident and event organizer Ilana Balint as citizens began gathering at Civic Field on Friday afternoon to march in support of Black Lives Matter. "I saw that the Black Lives Matter Seattle chapter was calling on the public to organize grassroots events in their hometowns in solidarity with the marchers in Seattle. I felt Edmonds needed to be part of this and lend its voice to that statewide initiative, so I put out the call. "About 200 signed up on the website," she continued, "but we think that despite the rain more will be showing up." And show up they did. By the time the marchers turned onto Main Street for the last leg of their one-mile-plus route, the crowd had swelled to an estimated

1,000, many carrying signs, pushing strollers and a few using wheelchairs. Organizers stressed that this was to be silent march, with no chanting or slogans, and the crowd got right in step, turning the march into a silent show of community commitment. Several local officials joined in, including Mayor Mike Nelson, City Council President Adrienne Fraley-Monillas, and Councilmembers Diane Buckshnis and Vivian Olson.

### Postscript—Benjamin's Award

It gives me great pride to report that my son Benjamin has won the 2020 Sami Rohr Prize for Jewish Literature for his book on the court cases in Israel adjudicating the rights to the extremely valuable papers of the author Franz Kafka. The awards ceremony can be viewed at: <https://player.vimeo.com/video/432888050>

### My Friend Dave Gossard

When my good friend Dave Gossard died recently, I hesitated to write anything; I realized that no matter what I say, it will be inadequate to express my deepest feelings about him. After I was admitted to the bar in 1974, I worked for a law firm that represented the Seattle Police Department when they were sued for false arrest or excessive force. In one case, a couple of business partners got into dispute resulting in a call to the police. The officer 'settled' the dispute by forcibly arresting one of them. The injured partner sued both his partner and the police department. David represented the partner. Halfway through the trial I got the police

department dismissed, leaving poor David to defend the rest of the case on his own. Soon thereafter I began getting referrals from David and his partner, Jim Kempton. When his partnership ended, David began office sharing with me in the United Air Lines Building, now the 6<sup>th</sup> and Lenora Building. I don't remember the year but after he moved in, we saw each other daily over the course of decades until he retired. Early on, I mentioned to him that I had been a cross-country runner in high school, and therefore was not impressed by his running. He challenged me to a half marathon. I only had a couple of weeks to prepare but I did it. After that we began training together and completed several half marathons, and the Portland, Tacoma, and Seattle Marathons. David convinced me to join the Nautilus Northwest health club which was only a couple blocks away from us. We ran around Lake Union together every Tuesday and Thursday until the club went out of business.

Perhaps deep down David had the same anxieties practicing law that most of us have. If he did experience anxiety or depression, he hid it well. Whenever I needed an uplift in mood I would sit and talk with him. The day he retired he was one of the saddest days of my career. Much to my amazement, the day he left the office was the last day he had anything to do with the law. He did not renew his bar membership. He simply stopped. It reinforced my belief that David was a realist and a person who could keep everything in perspective.

When Crystal Mountain needed funds to build a new high-speed lift they offered shares of stock. David convinced me to buy 20 shares

(which I still own). I would like to say that we skied together, but he was such a superior skier that the most I can say is that we were on the mountain at the same time. My kids have vivid memories of his elegance on the slopes. My son, Benjamin, is also a beautiful skier. He is the only one who could keep up with David. David and I also skied at Sun Valley a couple times together.

David kept on his desk a photograph of his law school graduating class. On the back of the photograph were numerous Xs. He told me that when one of his classmates died he put an X on the back of the photograph over the deceased's lawyers face. He outlasted most of them by far. His running and skiing and general impressive health habits prepared him well for old age.

I frequently find occasion to quote something he would say. He provided me with a definition of old age which rings true now that I am 72: old age, he said, is when you wake up in the morning with an ache and pain that was not associated with any previous overexertion or trauma.

David's sociability was truly legendary. I can't remember him ever get-

ting angry. He treated everyone with respect. Whether in the courthouse or on the ski slope, he seemed to know everybody and everybody knew him. When greeting people of his relative vintage he would greet them by asking, "you still alive?" I can say this about David; for me he is still very much alive.

#### Obituary: Edward Alexander

This August, the world lost a truly magnificent person, Prof. Edward Alexander. When I started my undergraduate years at the University of Washington in 1965, the Brooklyn-born Prof. Alexander had been an English literature professor for several years. He observed that the UW campus had become infested with anti-Semitism and anti-Israelism—especially after the Six-Day War in 1967—and that the existing Jewish organizations proved ineffectual in combating these trends. A generous mentor, Prof. Alexander helped a number of us form an on-campus organization to combat hatred among the students and faculty. He inspired and guided us. His cutting wit was an art

form in itself. After I graduated in December 1968, I spent three years in the U.S. Army and on kibbutz in Israel. Meanwhile, it had become apparent to him that more was needed. Prof. Alexander founded and directed the UW Jewish Studies Department, still in existence today. He published prolifically in journals such as *Commentary* magazine, and authored several brilliant books. He stood for justice and against hate and conspiracy theories. He touched in important ways the lives of influential people worldwide.

#### Two Reasons for Covid Spread

The spread of COVID-19 is based on two factors.

1. How dense the population is.
2. How dense the population is.

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