

# US election headed for chaos and courts — what price President Pelosi?

JOE HOCKEY



By **JOE HOCKEY**, CONTRIBUTOR

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What are the odds of Nancy Pelosi being sworn in as president on the steps of the Capitol on January 20? Not as remote as you may think.

Last week voting for the next president started in seven US states — two weeks before the first presidential debate that will be watched by almost 100 million Americans.

It is the beginning of the most complicated national election in the world, one almost certain to have no final result on election day, November 3.

The already confusing voting system across the US is slower and more open to manipulation than ever. On top of the political bias involved in its logistics, foreign interference is inevitable particularly in the days after November 3 when social media will be inundated with accusations, innuendo and outright deceit designed to undermine the integrity of the result.

It will be hard to avoid controversy no matter who wins. You can bet your house that the losers in this race will not take defeat graciously.

Already, both major parties are allocating more money to lawyers for the pre and post-election legal battles than they are spending on the campaign in a number of states.

It is certainly conceivable that the famous legal battle over hanging chads that decided the 2000 Bush-Gore election in Florida will be superseded by new types of litigation in perhaps 12 states if the result

is close.

All the problems start with the more than 10,000 election authorities that are responsible for the rules of the presidential ballot.

Every jurisdiction seems to have authority for setting the rules — except for the US government that is being elected. The US Senate even shot down limited federal powers, under the 1965 Voting Rights Act to protect minority communities, earlier this year. In a nutshell that means there are different rules on how, where and when you can vote.

Take the case of our everyday voter, Mary Milwaukee. If Mary lives in Reno, Nevada she'll receive a postal ballot paper in the next few weeks even if she never applied for it. Moreover, according to the US Postal Service, 223,000 ballot papers will go to the wrong homes in Nevada because people moved and forgot to change their address. No risk of ballot fraud here, right? And Nevada is a swing state.

If Mary lived in Jackson, Mississippi, she would have to register to vote no later than 29 days before poll day, and if she were born outside the US, would have to prove her naturalisation. After registering, she could apply for a postal ballot paper only if she had a good excuse. One justification for a postal ballot is if Mary contracted COVID-19. However, if she contracts it less than a week out from the election, unless she soldiers down to the ballot box on November 3, her vote won't count.

But let's say Mary does live in Milwaukee, Wisconsin and has not made up her mind until the eve of the election. Mary is allowed to cast a vote only at her local polling booth. She is unable to vote further down the road or across the country. And if Mary does get to vote after she finishes her working shift at Walmart, the queue to vote could be three hours long or worse. She had better rug up because the outside temperature is about 4C that time of year.

Apart from setting their own rules, almost every county and city also sets their own budget for the ballot.

If you want to deter voter turnout then simply make the queues longer by having fewer electoral staff and fewer voting places. Some counties may have invested in electronic voting while others require a written ballot paper, which is slow and costly.

On top of all this the states further influence the process by setting their own electoral boundaries for federal congressional districts every decade. The rules that govern boundaries in Australia are a dream.

Even though US boundary manipulation cannot be compared with the Queensland Bjelkemandar of 1972, when Joh Bjelke-Petersen won office with 20 per cent of the primary vote, US maps often lack coherence or common sense. That is a substantial advantage for one party over another. While this does not directly impact the presidential race, it does have an impact on the resources allocated to a state campaign.

Whatever the process, the two campaigns will spend a conservative estimate of \$3.7bn on their crusades – an average of \$31 per voter compared with the usual non-Palmer election here, where parties would spend about \$11 per voter. In addition to all that spending, outsiders known as SuperPacs (political action committees) will pour extreme amounts of money to back their candidates. Mike Bloomberg announced he will toss in a lazy \$140m in Florida alone just to see the end of Donald Trump.

These mind-blowing numbers would usually matter but for the fact Trump defied gravity and beat Hillary Clinton with half her budget in 2016.

Whatever the confused process throws up, we are now on track for a crazy election night.

It's conceivable that Trump will look like he is the winner that night because Republicans are more likely to vote on the day. However, that's when most states will only start counting postal ballots. They are not only expected to heavily favour Joe Biden but because of COVID-19, half of all ballots will be absentee, the highest number recorded.

For example, in North Carolina, requests for mail-in ballots are 14 times higher. A final count will take days, perhaps weeks. Then the litigation will kick in and the spin, smear and allegations will dominate domestic and global media.

It will be ugly. And if there is no clear winner by noon on January 20, then the 1947 Presidential Succession Act kicks in and Pelosi, at 80 years of age, becomes president. If she can't make it then next in line is Senator Chuck Grassley aged 87. We are living in crazy times.

***Joe Hockey is a former federal treasurer and ambassador to the US. He is president of advisory firm Bondi Partners. He will file a weekly column on the US poll.***

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