Candidate mischief deprives South Florida voters of a say in some races

By Anthony Man, Sun Sentinel

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More than 600,000 voters in Broward and Palm Beach counties are shut out of some elections this year, deprived of any say in who will run key parts of county government and represent them in the Florida Legislature.

It's all very legal. The culprit is a campaign law loophole that is frequently exploited by political insiders, who use it to manipulate election results.

"It stinks," said Delray Beach political activist Andre Fladell, who's advised both Democrats and Republicans for decades. "It's supposed to be an honest process, and the law allows it to be a dishonest process. It eliminates half the electorate through a dishonest act. You're undoing people's right to vote."

Here's how it works: Primary elections, like those on tap Tuesday in Broward and Palm Beach counties, are for Democrats and Republicans to choose their party's nominees to run in the Nov. 6 general election. When there aren't any opposing candidates in the general election, a 1998 amendment to the Florida Constitution says the primary should be open to all voters because that's the contest that really decides who gets the government job and salary.

Enter then-Florida Secretary of State Katherine Harris, known mostly for her controversial role in awarding the state's electoral votes to George W. Bush in the 2000 presidential election. That same year, as Florida's top elections official, she ruled that that write-in candidates in November count as opposition. And when there's opposition, the primary becomes closed to everyone but that party's voters.

That's where the mischief starts: Candidates who benefit from a one party-only election in August arrange for a write-in candidate to challenge them in November, to keep voters they don't like from being able to cast ballots in the primary.

"The write-in isn't a real candidate. It is often a stalking horse," said political scientist Kevin Wagner of Florida Atlantic University. "It basically disenfranchises half the electorate, whether it's done on the Democratic side or the Republican side."

History bears him out: a write-in candidate has never won a single Florida election. In fact, their names don't even appear on the November ballot.
On Tuesday, the Sun Sentinel has determined, 135,000 voters in Broward and 469,000 voters in Palm Beach County will be kept from voting in some primary contests due to write-in candidates who may have been encouraged to run by the very politicians they will oppose in November.

In some cases, the write-in candidate is a virtual phantom. Take Tuesday's primary for Palm Beach County tax collector, which is now closed to everyone but Democrats.

It's unclear why Allison R. Schuler is a write-in candidate. The voice mail on Schuler's phone hasn't been activated and she didn't respond to an e-mail.

The Democratic candidates, incumbent Anne Gannon and challenger Peter Carney, said they don't like the write-in gambit and have no idea who may be behind Schuler.

"You'll have to find her. I've never seen her. I've never met her," Gannon said.

Another Palm Beach County primary open only to Democrats because of a write-in candidate is the fiercely contested District 27 state Senate seat between Mack Bernard and Jeff Clemens, both of whom are currently state representatives.

The practice isn't confined to Democrats. A five-candidate primary contest for state representative in District 82 in northern Palm Beach County, is open only to Republicans voters because of a write-in candidate.

Ken Keechl, one of three Democratic candidates in Broward County Commission District 7, admitted in an interview that he arranged for write-in Clifford Swearingen, because a closed primary would help him in a district where Republicans and independent/no party voters make up half the population.

Political insiders figure another Democratic candidate, Charlotte E. Rodstrom, would benefit if Republicans and independents could vote because she has lots of support from the business community, and her husband, who she's running to succeed, used to be a Republican.

No one is claiming responsibility for a second write-in candidate, Jessica Heinecker.

One of the Democratic candidates, Tim Ryan, said the write-ins were "obviously" put in by someone – not him – because "write-in candidates just don't appear." Heinecker has family ties to political consultant Judy Stern, who's helping Ryan.

Other Broward primaries closed by write-in candidates include the District 9 County Commission race and state House contests in districts 102, 103 and 105.

Even when the pols are cagey, it's often possible to connect the dots.

In 2010, state House candidate Justin Flippen billed himself as the true Democrat in a Broward primary and thought he'd do better with just Democrats voting. He said he didn't know how Arthur Williams materialized as write-in to close the primary, which Flippen lost.
Flippen lived in unit 201 and Williams in unit 110 in the same Wilton Manors condo building.

In 2004, when Jean Enright was running for Port of Palm Beach Commission, the write-in candidate who closed the primary, Ruby Landfair, was her own mother.