



This report is dedicated to Dave Greenwell of Bullitt County, Kentucky, who ran for sheriff in 2006 with a pledge to clean up nepotism in Bullitt County government. He lost. Last time I met him, his thank-you-for-trying message consisted of three broken ribs. A powerful family now dominates Bullitt County, but if what we have learned will help to achieve reforms (see end of article), Dave's loss can result in a win for Kentucky and many other states.

## MOONSHINE ELECTIONS SERIES – Family Run Government

An original Black Box Voting investigative report

By Bev Harris



### HERE LAY THE 2 MOST FAMOUS MOONSHINE FAMILIES IN THE WORLD

West Virginia, Mingo County: **The Hatfields**

Kentucky, Pike County: **The McCoys**

By my count, at least 14 people were murdered during the Hatfield-McCoy feud, not including the hangings of the criminally convicted. Despite their anger management problems, the Hatfields have managed to hold several public offices in West Virginia, and at least one direct descendant of both a Hatfield and McCoy hold office right now.<sup>(1)</sup>

Let's go back in time, for illustrative purposes. Suppose you are a McCoy. Suppose you want to run for office. Would you like the Hatfields to count your vote in secret?

How would you feel if the central tally computer that combines all votes on election night had a Hatfield running it? Would it bother you to see various Hatfields wandering in and out of the back room while McCoy votes are being counted?

"Trust Me" elections are a bad idea whether or not the people who control the counting happen to be related to each other. But as you'll see, especially in Moonshine Election territory\*,<sup>(2)</sup> it isn't unusual for key positions to be held by members of the same family. This is something local citizens can do something about, *before* the 2008 elections, by demanding local administrative rules and policies controlling specific nepotism situations related to election management.

**\*Moonshine Election Territories:** 4 or more of the following characteristics

1. Rural location
2. Family members hold multiple positions in the local government
3. Problems are noted in financial audits
4. Felony convictions of local officials
5. Questionable election situations
6. Obstructs or ignores Freedom of Information (public records) requests
7. Uses computerized voting systems serviced by small subcontractors

Black Box Voting has identified several of these kinds of election jurisdictions in Kentucky, West Virginia, Arkansas, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana and parts of southern Illinois, Ohio and Indiana, as well as some of western Pennsylvania, eastern Missouri, and scattered locations in Texas.

## **ELECTION NIGHT, NOV. 2006, BULLITT COUNTY KENTUCKY**

Two local public officials in each county have especially close proximity to elections and ballot chain of custody: the county elections director and the county sheriff.

In the 2006 election that installed Donnie Tinnell as the new sheriff, outgoing Bullitt County Sheriff Paul Parsley was in there helping with the Election Night e-vote tallying, and Parsley's granddaughter, whom nobody can recall being on the payroll or appointed to any official position, was seen handling the poll tapes - results from each individual voting machine - which by the way didn't match up to the official results, but nobody did anything about that. Paul Parsley had already announced that the new sheriff in town was going to be Donnie Tinnell - in fact, he announced that Tinnell would be chosen by the voters some months before the election.

Another person getting up close and personal to the e-vote counting was Linda Tinnell, the sister-in-law of Donnie Tinnell. No one could actually view the counting of the e-votes of course, other than noting that someone was doing something to computers. So here we have Donnie Tinnell running for sheriff, and we also had Donnie's cousin, Sherman Tinnell, running for mayor. Here a Tinnell, there a Tinnell, helping with the votes a Tinnell, and all the Tinnell people won, including relatives like Donnie's niece, a schoolteacher named Melanie Roberts who happened to land the most powerful position in the county.<sup>(3)</sup>

The mantle was duly passed from Sheriff Parsley to new Sheriff Donnie Tinnell, who now also sits on the Bullitt County Board of Elections.<sup>(4)</sup>

## **AREN'T THERE LAWS AGAINST THIS SORT OF THING?**

Well yes, but no. Some places. And let me qualify that.

1. Some states have anti-nepotism laws, and lots of counties and municipalities have anti-nepotism policies. But most states rely on murky toothless "ethics" recommendations. Others provide exclusions as big as the Hatfield family – for example, in Texas first cousins don't count as nepotism. The Missouri Constitution required public officials to forfeit their office if they employ anyone up through a fourth degree relationship (see below) by blood *or marriage*. But in Kentucky, county elections boards can include family members and convicted felons as well. I guess you can bring in the James Gang to run your local elections board, if you're in Kentucky. It's legal.
2. Legislators often have different nepotism rules than election officials. The definition of what constitutes a "public official" can vary. There may be different nepotism rules for elected officials than for appointed ones.
3. No state has nepotism laws that contemplate the unique risks of computerized voting systems. With computerized elections, the ability to alter results, rig the spot check, and counterfeit audit documents is actually enhanced when different departments have, shall we say, "special loyalties to each other." Nepotism laws generally only deal with hiring your family in your own department. If you are a Sheriff running for reelection, and your son is the elections division IT computer guy, that's not prohibited unless you can contort an ethics rule to fit and find someone willing to enforce it. Even states with strong nepotism laws do not contemplate the abuse of power that can develop when nepotism involves different levels of government. If you are an election official, your cousin can be the governor, and it's perfectly legal for him to pardon you if you are caught committing a crime.

4. Nepotism laws don't affect dynasties. One family member can succeed another, and indeed this is often used to keep control within one family in situations where there are term limits. In 1966 Governor George Wallace dealt with his own term limit by helping his wife Lurleen succeed him, frankly admitting that he planned to make the decisions. <sup>(5)</sup> Family dynasties can help protect corrupt officials from having the next guy find their dirty laundry, keep the kickbacks in the family, pass secret recipes for fraud from generation to generation.
5. Nepotism laws generally don't put any restrictions on family members who volunteer to help around the office – or help with vote-counting, as the case may be.

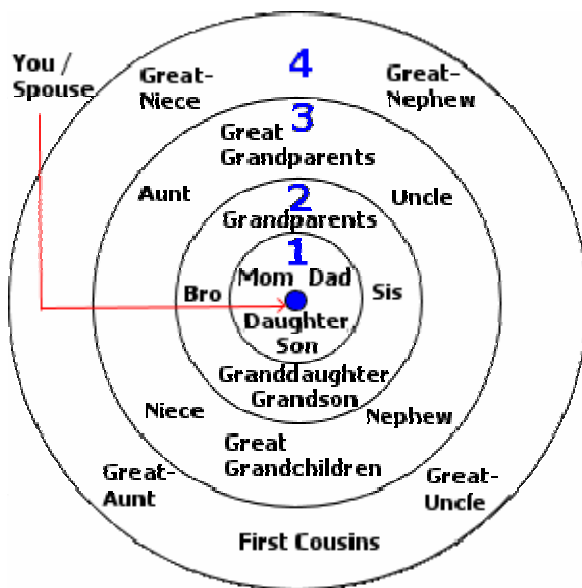
Links to State Ethics Laws: [http://www.ncsl.org/programs/ethics/e\\_ethicsURLs.htm](http://www.ncsl.org/programs/ethics/e_ethicsURLs.htm)

## NEPOTISM IN A NUTSHELL

**Affinity** = blood relatives

**Consanguinity** = relatives by marriage

Nepotism laws have already done some of the heavy lifting, in terms of mastering the song "I am my own Grandpa" and charting out various degrees of relationship. <sup>(6)</sup>



Nepotism laws describe relationships in terms of degree.

- A spouse is related in the "0" degree;
- Parents and children are related in the 1<sup>st</sup> degree;
- Grandchildren, grandparents, brothers and sisters in the 2<sup>nd</sup> degree;
- Nieces, nephews, aunts and uncles in the 3<sup>rd</sup> degree;
- First cousins and "greats" in the 4<sup>th</sup> degree.

Degree of relationship is calculated by counting up from the appointing authority to the nearest common ancestor and then down to the relative.

## NEPOTISM FUN

Go to the National Association of Counties (NACO) Web site and search for the names of elected officials in the "find a county" section. <sup>(7)</sup> This won't get you the consanguinity crowd – married names will slip by you, and it also won't tell you whether non-elected persons are related (you need the county payroll disbursements to find those). But it will get you started, and you may be surprised how many family names you spot.

When you play the NACO Nepotism Fun game, out of 15 Elliott County KY elected officials you'll find three named "Ison." But there are so many "Isons" in Elliott county that they might not be within four degrees of nepotism, not that it matters in Kentucky because they could be husband and wife – "0 Degrees of separation," perfectly legal in Kentucky but cause for automatic forfeiture of office in Missouri.

## MOONSHINE NAMES

Clearly I'm a Yankee, or a left-coasty, or something, because when I went looking for who has the same last name in the moonshine territories the nicknames on the ballots stopped me before I could even get to the last names.

Three candidates who go by the names Bugs, Hossfly and Chigger ran for magistrate in the 2007 Kentucky primary election. That election also provided candidate comfort food: challengers named Buttermilk, Puddin, Apple, Peanuts, Hot Dog, Big Mac and Bun, along with Chubby Ray, Heavy Duty, Chunk, Tank and Slim. <sup>(8)</sup>

Refreshingly free of the plastic surgery and pricey hairdos we see coming out of Washington D.C., Kentucky runs real people for office, including candidates who are not afraid to name themselves things like Hoppy, Flapper, Walleye, Red Eye, and Buckeye Bill, not to mention Burrhead and Mule Train. <sup>(9)</sup>

Big-time wrestling might want to scout candidates in these locations, where they'll find Robo, Wildcat, Oouchie, Gary The Welder, Hammer, and Jack The Tireman. <sup>(10)</sup>

They seem to be willing to have some fun. I found candidates named "Shoe Man" and "Spanky" on the ballot for a county called – that's right – "Letcher." <sup>(11)</sup> And somehow I especially don't want to trust my elections to candidates named Slick and Sidewinder. <sup>(12)</sup> But I digress.

### **WHAT WILL STEALING ELECTIONS GET YOU?**

Two industries have a real stake in moonshine elections counties: Drug-running and coal mining. The next article in the moonshine series will go into the drug-running side of things. Here, let's take a look at how the coal industry – and the family stakeholders in coal – have a powerful interest in elections.

The vast majority of America's 3,142 counties are rural, and in most states, elections are administered by counties. In rural areas, a limited number of industries control the economy, provide the jobs, and consider themselves stakeholders in election outcomes. Many Kentucky, West Virginia, Tennessee, Alabama, Illinois, Indiana, Ohio, Pennsylvania, Utah, and Wyoming counties are heavily vested in mining.



### **WHAT AN INDUSTRY CAN GET OUT OF ELECTIONS:**

Sometimes it's all about who'll let you dump the most in the creek.

You may think that coal was just something only your grandparents needed, but in fact, coal-fired power plants supply roughly 50 percent of the America's electricity and more than 40 percent of the nation's emissions of the leading greenhouse gas, carbon dioxide. <sup>(13)</sup> Owners of Big Coal nowadays live in places like Florida (TECO Energy), St. Louis (Peabody Energy), and Virginia (Massey Energy), but many powerful local families still draw their personal power from coal. Wealthy local families have sold, leased, and still manage large coal operations.

Whereas the Kennedy family bought West Virginia votes the old fashioned way, one by one with envelopes full of cash, <sup>(14)</sup> George W. Bush was assisted into office by mining

industry moguls and a disgruntled union boss who convinced people that an environmentally friendly president would cost them their jobs.<sup>(15)</sup> Bush flipped West Virginia voters from Democrat to Republican with the help of coal barons like William Raney, director of the West Virginia Coal Association, and James H. "Buck" Harless, another patriarch of the coal industry, along with Charles "Dick" Kimbler, a former miner's union official who helped break the Democrats hold on Appalachian counties.

"We were looking for friends," Harless told a Wall Street Journal reporter, "and we found one in George W. Bush."

Raney thanked 150 West Virginia coal industry executives. "You did everything you could to elect a Republican president," he said at one of their meetings. "You are already seeing in his actions the payback, if you will, his gratitude for what we did."

After taking the 2000 presidential election, Bush set up his transition advisory team for energy policies. He named three Peabody Energy executives to assist him. When he installed Kentucky Senator Mitch McConnell's wife, Elaine Chau, to her cabinet post, both Bush and McConnell\* gained a friendly foe for those pesky mining industry investigations.

\* McConnell co-sponsored the Help America Vote Act (HAVA), the first bill to muscle voting machines into American politics by force.

Resource exploitation produces such a sobering string of deaths every year that the Mine Safety Health Administration (MSHA) keeps a running "Fatalgram" tally on its web site.<sup>(16)</sup> In charge of investigating these fatal accidents is Mitch McConnell's wife, U.S. Secretary of Labor Elaine Chau..

On Oct. 11 2000, about 250 million gallons of black coal sludge gushed into a Martin County Kentucky mine and then flowed into two creeks.<sup>(17)</sup> Black gunk swallowed backyards, gardens and driveways, annihilating life in the waterways. The spill was 23 times as large as the Exxon Valdez oil tanker spill, but it got less media coverage. Erik Reece,<sup>(18)</sup> a lecturer at the University of Kentucky who teaches environmental journalism, chronicles the kinds of concerns that arise when death and disaster intersect with married Washington D.C. powerhitters.:

In 1972 a West Virginia governor's commission asked a twenty-three-year-old mining engineer named Jack Spadaro to investigate the Buffalo Creek disaster. . . . [Spadaro spent] the next thirty years studying impoundment dams, and in 1996 he joined the U.S. Mine Health and Safety Administration (MSHA) to ensure better regulation of existing slurry ponds and dams.

Two days after the Martin County spill, Spadaro was named the number-two man on a team sent to investigate the causes of the pond break. What the team found was disturbing. After a 1994 spill from that same impoundment pond had released 100 million gallons of slurry, an MSHA engineer made nine recommendations that needed to be addressed before the impoundment pond was used again. Martin County Coal Corporation, which was responsible for the pond break, followed none of the recommendations.

. . . Spadaro found that at least five Martin County Coal executives were aware of . . . the risk of another slurry flood, but did nothing. By the end of 2000, Spadaro and the other investigators thought they had collected enough evidence to charge Massey Energy of Richmond, Virginia, the parent company of Martin County Coal, with willful and criminal negligence.

And then George W. Bush was elected to his first term as president.

It is no secret, and no surprise, that Bush, along with Kentucky Senator Mitch McConnell, received millions of dollars in campaign contributions from the coal

industry. Massey Energy alone donated \$100,000 to a Republican Senate campaign committee headed by McConnell. I mention the Kentucky senator because, aside from being the Senate's lead opponent of campaign finance reform, he is also the husband of Labor Secretary Elaine Chao - to whom MSHA answers.

Within days of Bush's inauguration, a new team leader, Tim Thompson, was named to the Martin County investigation. Thompson told Spadaro and the other investigators to wrap up their work immediately. The investigators wanted to cite Martin County Coal for eight violations, including willful negligence. Thompson and Dave Lauriski, MSHA's new assistant secretary, whittled that down to two menial charges. Spadaro refused to sign the report and resigned from the investigation team.

On June 4, 2003, Spadaro was placed on administrative leave. That day he was called to Washington, D.C., supposedly on MSHA business. While he was gone, federal officials searched his Beckley, West Virginia, office and changed the locks."<sup>(19)</sup>

It's only toxic sludge and global warming at stake. But – whether it be through financing elections, intimidation tactics, or working with powerful families inside county governments to rig elections -- mining industry "persuasion" shoots its bullets both upward and downward. Take local citizens' property rights and personal safety, for example. In his book *Lost Mountain: A Year in the Vanishing Wilderness*, Reece describes the personal toll exacted from a resident of moonshine government territory.

On the third of July, I drove across 10,000 acres of boulder-strewn wasteland that used to be Kayford Mountain, W.Va. -- one of the most hideous mountaintop-removal sites I've seen. But right in the middle of the destruction, rising like a last gasp, is a small knoll of untouched forest. Larry Gibson's family has lived on Kayford Mountain for 200 years. And most of his relatives are buried in the family cemetery, where almost every day Gibson has to clear away debris known as "flyrock" from the nearby blasting.

A short, muscular man, Gibson is easily given to emotion when he starts talking about his home place -- both what remains of it and what has been destroyed. Forty seams of coal lie beneath his 50 acres. Gibson could be a millionaire many times over, but because he refuses to sell, he has been shot at and run off his own road. One of his dogs was shot and another hanged. . . . In 2000, Gibson walked out onto his porch one day to find two men dressed in camouflage, approaching with gas cans. They backed away and drove off, but not before they set fire to an empty cabin that belongs to one of Gibson's cousins. This much at least can be said for the West Virginia coal industry: it has perfected the art of intimidation.<sup>(20)</sup>

## **FAMILY RELATIONSHIPS CENTRALIZE POWER**

In the last article, "The Hunt for Joe Bolton,"<sup>(21)</sup> we showed you pictures of the Salyer family influence in Magoffin County. Salyer Coal Company. Salyer for Judge. Salyer Elementary School. Paul Hudson Salyer, a second cousin of former Kentucky Governor Paul Patton, served three terms in Magoffin county's most powerful position, that of Judge Executive, and the 2005 Magoffin County audit mentions that the County Clerk and his wife were running the office.<sup>(22)</sup> Elections in Magoffin County were therefore being administered by a husband and wife.

Bullitt County is not dominated by the coal industry, but it seems to have issues with both drug trafficking and conflict of interest. Bullitt County just built the new Nina Mooney Courthouse Annex, elections headquarters. Nina Mooney was Queen of Elections for a few decades and now her son, Kevin Mooney, runs elections.



During Nina's reign, the Mooney family kept the voting machines in a warehouse they owned, rent paid by Bullitt County taxpayers. Bullitt County no longer houses its voting machines in the Mooney family's warehouse, but 2007 Bullitt County financial documents show thousands of dollars in taxpayer money going to "Mooney's Auto Supply." In Feb. 2007 alone, while Kevin Mooney owned it and while he worked for the county, over \$2600 was disbursed by Bullitt County to Mooney Auto Supplies:

| DATE      | ACCT_NU    | DESCRIPTION        | WARR_NUM | GENERAL | ROAD       |
|-----------|------------|--------------------|----------|---------|------------|
| 2/19/2006 | 0151155920 | MOONEY'S AUTO SUPP | 62648    | \$44.00 |            |
| 2/19/2006 | 0261055920 | MOONEY'S AUTO SUPP | 62648    |         | \$632.34   |
| 2/19/2006 | 0152105920 | MOONEY'S AUTO SUPP | 62648    | \$14.80 |            |
| 2/19/2006 | 0151355920 | MOONEY'S AUTO SUPP | 62648    | \$44.00 |            |
| 2/19/2006 | 0154015920 | MOONEY'S AUTO SUPP | 62648    | \$24.00 |            |
| 2/20/2007 | 0152055920 | MOONEY'S AUTO SUPP | 63273    | \$32.00 |            |
| 2/20/2007 | 0151605920 | MOONEY'S AUTO SUPP | 63273    | \$30.00 |            |
| 2/20/2007 | 0150705920 | MOONEY'S AUTO SUPP | 63273    | \$42.00 |            |
| 2/20/2007 | 0261054430 | MOONEY'S AUTO SUPP | 63273    |         | \$2,572.41 |

A new owner took over in May 2007, but documents show that Bullitt County was equipping its road services division from Mooney's auto supply shop while he was running the elections division for the county, and county's procurement habits would certainly have improved the valuation when Mooney sold the business.

Bullitt County's voting machine technician is a woman named Tina Drury. She ran away from me when I asked her who pays her. We found her all by herself in a room full of voting machines and upon seeing us videotaping, she literally ran out of the room and bolted down the stairs, and refused to answer who pays her. We have been unable to learn much about Tina Drury's qualifications, except that her grandfather was the voting machine technician before her.

### **NOT JUST IN KENTUCKY**

Here is a short online video I ran across pertaining to Loving County Texas, where a leading public official is explaining all the family relationships in Loving County government.

<http://www.brightcove.tv/title.jsp?title=662859766&channel=494910445&lineup=663334211>

Several citizens in Knox County, Tennessee have been grouching online that the county commission features the son of an ex-commissioner, the father of a current commissioner, and the wife of another ex-commissioner.<sup>(23)</sup> They say a former commissioner is now the Knox County Clerk (read: runs elections now). Before you say "that's just an online forum," well you're right, but I'm finding time after time that the locals know best, and for this reason, there is no substitute for field work if you want to know what's really going on.

## NEPOTISM GONE WILD

And then there's Clay County, Kentucky. You won't get far researching Clay County before you bump into a half-dozen Sizemores, who exist in abundance on both sides of the law. I just can't top this article, written by Bryan Burrough. It illustrates the pitfalls of family-run government so eloquently you simply must read these excerpts -- and bear in mind that ol' Crawdad Sizemore won his latest election in May *this year*:

### **In Clay County, Ky., It Takes Some Doing To Avoid a Sizemore**

The Wall Street Journal<sup>(24)</sup>

. . . Meet the powerful Sizemore clan, whose grip on this isolated mountain county is surpassed only by the violence that clings to its name. Bombings, murders, alleged jury tampering, bootlegging -- the saga of the Sizemores weaves together all the strange and troublesome themes of politics in Appalachia's hamlets.

There is Sheriff Harold Sizemore, whose father and predecessor as sheriff was killed in a backwoods hollow by a sniper's bullets in 1969. There is County Judge Carl "Crawdad" Sizemore. There is Constable "Black Jack" Sizemore, whose father was shot in the back by a county sheriff in 1922. And the tax assessor is James Sizemore, called a "double Sizemore" because his parents were both Sizemores.

. . . Indeed, with control over the two largest sources of jobs -- the schools and the county payroll -- the Sizemores hold sway over much of Clay County's populace. Few folks hereabouts, including the Sizemores' political opponents, will criticize them

. . . To understand Clay County's contradictions, one must first understand the Sizemores -- which isn't easy since many Sizemores can't untangle their own family tree.

"There are about four or five sets of us, but as long as you're a Sizemore, you're a Sizemore, no matter what," says Black Jack Sizemore, the constable. "Above all, we stick together."

. . . They first came into prominence hereabouts because of what is now known as the great Sizemore feud of 1931. . . And before the killing stopped, family members recall, nine Sizemores were dead, including a deputy sheriff ambushed by his two first cousins in an argument over election results.

Even today, their critics say, the Sizemores preserve their special brand of justice in Clay County. Consider the murder trial of Stevie Sizemore, a wealthy coal operator arrested in 1980 for gunning down two union organizers on a back road before a crowd of witnesses.

. . . From the first pound of the gavel in the cramped mountain courtroom, the Sizemores were as thick as the fog here on a spring morning. Escorting the jurors was Sheriff Harold Sizemore. Handling the records was a county clerk who was married to a Sizemore.

. . . That apparently wasn't enough for some clan members. According to investigators and affidavits filed with trial testimony, some family members waged a campaign to influence jurors.

. . . Looking about the courtroom, state prosecutors knew they were in trouble. So when the jury deadlocked with only a single guilty vote, despite four eyewitnesses who identified Mr. Sizemore as the killer, Ms. Goodman, the prosecutor, says she considered the single guilty vote a victory. . . No member of the Sizemore clan admits to jury tampering, but one senior family member,



Granville Sizemore, acknowledges the practice isn't unknown in Clay County.  
"It's what we down here call, 'knowing the jury,'" he says.

## **THE GREAT "TRUST ME" ELECTIONS FOLLY**

When you introduce computers into the voting process this forces the citizens - who own the government - to trust government insiders to tell the truth about election results. That's intolerable. But family-run government manages to turn even our rudimentary dog-and-pony-show checks and balances into a farce.

Citizens can see paper ballots counted in public at the polling place, but we can't see what goes on inside a computer. Government insiders control those computers, and in too many counties, these insiders are related to each other. Intolerable. Farce.

That is not democracy.

## **WHAT ABOUT AUDITS?**

The so-called "audits" in state and federal legislation are actually spot-checks, not audits. Unfortunately, it is difficult to do an actual audit of any kind in the short time between Election Night and the mandatory election certification deadlines. Real audits take months, and they don't just check whether numbers add up – they examine whether procedures were followed and look at chain of custody, called "segregation of duties."

Random spot checks like those done in Minnesota, Arizona, and North Carolina are better than nothing but they won't really stop insider fraud. Government insiders control chain of custody for the very election items that are spot-checked. There are no outside sources for documents, like banks or merchants, just the one source: the government insiders who hold all the keys. Spot checks use records handed over by county insiders, the same people who control access to ballot warehouses and custody of all the logs.

## **CITIZEN CONTROL OVER ELECTIONS**

*Citizen control* is the inalienable birthright that the "Trust Me" model tramples. The Declaration of Independence states that The People have the right to "alter or abolish" our government. A milder form of this is to alter our *governors*. There are really only two ways to do this: through elections or using the method of 1776.

In computerized elections, both election results and spot-check documents are controlled by insiders without meaningful citizen oversight. Try this: Ask the king of elections in the land where you live if he can secure his laptop from himself. The answer is always the same: "You have to trust us."

The principle behind elections is that the people themselves must have final control over the instruments of governance that they have created. Next time you hear the words "You Have To Trust," please bust out laughing.

## **IS THERE ANY PLACE FOR "TRUST ME" ELECTIONS IN AMERICA?**

It's unfair to ask citizens to become clairvoyants, trying to guess whether they should or should not "trust" a bunch of insiders, especially when they happen to be related to each other. It is the duty of the government to "protect and secure" the rights of The People. Forcing us to trust insiders does not secure and protect our rights.

We need to look at these things as structural issues, and put structures in place to protect the rights of The People. It's going to take several different kinds of reforms to undo the "Trust Me" elections model to restore it to its proper form: elections based on distrust.

The "Trust Me" elections model is a bizarre form of pseudo-democratic government which has unfortunately become entrenched in America.

### **3 THINGS YOU CAN DO TO CLEAN UP NEPOTISM**

At least, get the farce out of the way. It may take longer to correct the intolerable.

Cleaning up nepotism is one area where reforms may be achieved quickly. By itself, this won't give you elections you can trust, but it will reclaim meaningful territory.

Short term:

- 1) Demand local policies for the following matters pertaining to elections:
  - a) Require all election workers and poll workers to sign an affidavit: "I am not related to anyone on the ballot"
  - b) Do not permit family members of election staff or candidates to volunteer in any capacity that provides access to election records or computers.

These are decisions that can be implemented locally regardless of whether the state requires such measures.

2) Short term: Identify the family relationships in your local elections jurisdiction. Anyone can do this, with a little legwork. A Peoria County, Illinois reporter compared payroll records with last names and discovered that 22 of the 30 townships examined showed at least one instance of matching last names.<sup>(25)</sup> Further inquiry proved that a large number of these were closely related. To do this, request to see the disbursements records for each relevant county division. Records for the municipalities within the county will also be informative.

Long term: Push for Personal Relationships Disclosure Requirements, either by statute or through enacting local policies. Just like personal assets, business ownerships and campaign donations, family relationships with anyone on the county payroll (except perhaps for public school teachers) should be disclosed. These family disclosures should be filed as a public record and made available for citizen review. Evaluating conflict of interest can sometimes be complicated, but disclosing family ties should be simple. We *know* who our family is. If it takes too long to fill out the form listing family members employed by local and state government, you've got too many relatives on the payroll.

3) Short term: Get local policies implementing Missouri-like anti-nepotism rules.<sup>(26)</sup> In Missouri, it's simple: No public official may employ anyone within four degrees of either blood or marital relationship.

Longer term: Secure state legislation or a constitutional amendment similar to the Missouri Constitution anti-nepotism clause. (It is ironic that a current candidate for Kentucky governor thinks it's more important to change the constitution to allow gambling than to eliminate Kentucky's nepotism problem).

Exterminating nepotism will help deal with farcical elections. The next article in the Moonshine series will address the intolerable: Trust Me elections combined with felonious conduct by public officials.

#### **The Complete Moonshine Elections Series:**

1 – The Hunt for Joe Bolton: <http://www.blackboxvoting.org/moonshine1.pdf>

2 – Family-Run Government: <http://www.blackboxvoting.org/moonshine2.pdf>

*Still to come*

3 – Felonious conduct by public officials

4 – The Bullitt County Experience

5 – Moonshine Solutions

## ACKNOWLEDGEMENTS



Extraordinary work by Bullitt County citizen **Kathy Greenwell** triggered this investigative report.

It's not often you read in the newspaper that a candidate for sheriff – in this case, Kathy's husband, **Dave Greenwell** – is running a campaign with an explicit promise to clean up nepotism in county hiring practices. That flagged the issue for us, and a closer look reveals that this problem is significant, jeopardizes computerized elections, and is not limited to Bullitt County.

When Dave announced his intent to run for Bullitt County sheriff, he was fired. He is now a police officer in nearby Pioneer Village.

**Dave and Kathy Greenwell**

Election rights attorney **Paul Lehto** has done a masterful job of framing the issues of counting votes in secret, and provided several of the frames used in this article.

**Black Box Voting** administrative assistant **Natalie D'Arielli** has contributed some astute insights and suggested some of the practical solutions. She trekked around Kentucky with me capturing video and asking questions.

**Citizens who wish to become more involved:** Black Box Voting has prepared an easy to follow "Citizens Tool Kit" for you, available for free online: <http://www.blackboxvoting.org/toolkit.html>

### ABOUT BLACK BOX VOTING

Black Box Voting is a national nonprofit elections watchdog organization, established in 2004. The organization is supported entirely by citizen donations, and is not affiliated, nor does it accept grants or funding from, any election industry vendor, Political Action Committee, or vested interest.

The original investigations of Black Box Voting and its director, Bev Harris, were featured in the Emmy-nominated 2006 HBO documentary film "Hacking Democracy."

The next series of investigative articles following the Moonshine Election Series will be the Godfather Election Series, and it will delve into the special challenges faced by citizens who live in areas with a gambling economy and locations with a history of organized crime.

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## FOOTNOTES AND SOURCE MATERIAL FOR THIS REPORT

(1) Direct descendants of the Hatfield & McCoy families are in office right now:

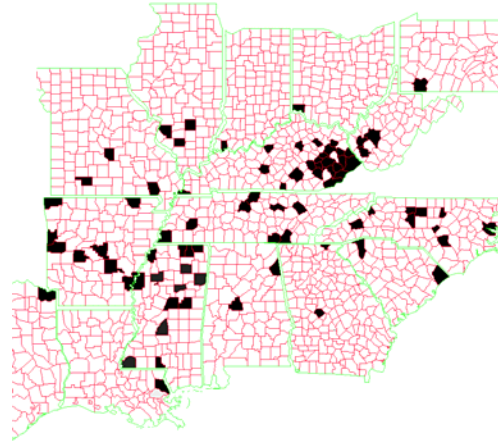
- Supreme Court Justice Elliott "Spike" Maynard (McCoys)
- State Senate Majority Leader Truman Chafin (Hatfields)

#### **Past Hatfields in public office:**

- Governor Henry Drury Hatfield
- Logan County Sheriff Joe Hatfield
- Logan Cty Sheriff Tennyson Hatfield
- Mingo County Sheriff Greenway Hatfield (1920s)

Source: Book Don't Buy Another Vote, I Won't Pay For a Landslide: The Sordid and Continuing History of Political Corruption in West Virginia, by Allen H. Houghry II; McClain Printing Company, pp 39-51.

(2) A still-incomplete Moonshine Election map:



(3) In Kentucky, the "judge executive" is not a courtroom judge, but a position controlling the county's operations, like a CEO or "Super Commissioner" for the county.

(4) Kentucky Election laws: 117.035 County board of elections -- Membership -- Appointed members -- 2a The board shall consist of the county clerk, the sheriff, and two members appointed by the State Board of Elections Source: <http://www.lrc.ky.gov/KRS/117-00/035.PDF>

(5) In 1966, after failing to get the legislature to amend the constitution to allow governors to serve consecutive terms, George Wallace announced the candidacy of his wife Lurleen for governor. Mrs. Wallace won the May Democratic primary with 54 percent of the vote which assured her election in November. [http://www.archives.state.al.us/govs\\_list/g\\_walllu.html](http://www.archives.state.al.us/govs_list/g_walllu.html)

(6) "I am my own grandpa" video: <http://www.youtube.com/watch?v=nWW7pm7W7mE>

(7) NACO find a county: [http://www.naco.org/Template.cfm?Section=Find\\_a\\_County&Template=/cfiles/counties/usamap.cfm](http://www.naco.org/Template.cfm?Section=Find_a_County&Template=/cfiles/counties/usamap.cfm)

(8) Source: May 2007 Election List of All Candidates

- Owen County, KY; candidate for Magistrate/Justice of the Peace: Democrat Eugene "Bugs" Vannarsdall
- Leslie County, KY; candidate for Magistrate/Justice of the Peace: Republican Randy "Hossfly" Roberts
- Mercer County, KY; candidate for Magistrate/Justice of the Peace: Democrat Norris "Chigger" Flynn
- Bath County, KY; candidate for Constable: Democrat Jeff "Buttermilk" Montjoy
- Bath County, KY; candidate for County Commissioner: Democrat Raymond E. "Puddin" Withrow
- Bell County, KY; candidate for Jailer: Democrat Larry "Apple" Adkins
- Warren County, KY; candidate for Sheriff: Democrat Jerry "Peanuts" Gaines
- Harlan County, KY; candidate for Jailer: Democrat Loyd "Hotdog" Fletcher
- Perry County, KY; candidate for Magistrate/Justice of the Peace: Democrat McClee "Big Mac" Feltner
- Harlan County, KY; candidate for Constable: Democrat Larry "Bun" Grubbs
- Jefferson County, KY; candidate for city council member, Jeffersontown: Ray "Chubby Ray" Perkins
- Menifee County, KY; candidate for Jailer: Jason Democrat "Chunk" Stull
- Grant County, KY; candidate for Constable: Democrat Brent "Tank" Cummins
- Perry County, KY; candidate for Magistrate/Justice of the Peace: Republican Randall "Tank" Roberts
- Greenup County, KY; candidate for Constable: Republican Steven "Heavy" Duty

(9) Source: May 2007 Election List of All Candidates

- Marshall County, Kentucky; candidate for County Commissioner: Democrat Jerome "Hoppy" Hicks
- Monroe County, Kentucky; candidate for Magistrate/JP: Republican Danny "Flapper" Burgess
- Knox County, Kentucky; candidate for Magistrate/Justice of the Peace: Democrat Larry "Walleye" Jones
- Johnson County, Kentucky; candidate for Constable: Republican James "Red Eye" Castle
- Garrard County, Kentucky; candidate for Jailer: Democrat Billy "Buckeye Bill" Moore
- Knox County, Kentucky; candidate for Magistrate/Justice of the Peace: Democrat Verlin "Burrhead" Mills
- Perry County, Kentucky; candidate for Jailer: Democrat Frank "Mule Train" Jewell

(10) Source: May 2007 Election List of All Candidates

- Wayne County, KY; candidate for Sheriff: Democrat Tony "Robo" Morris
- Clay County, KY; candidate for Constable, Clay District: Republican Henry "Hammer" Wombles
- Clay County, KY; candidate for City Council Member, Manchester: Gary "Oouchie" Jackson
- Estill County, KY; candidate for Constable, Estill District: Republican Timothy "Wildcat" Price
- Clay County, KY; candidate for Magistrate/Justice of the Peace: Republican Gary "The Welder" Asher
- Clay County, KY; candidate for Magistrate/Justice of the Peace: Republican Jack "The Tireman" Roberts

(11) Source: May 2007 Election List of All Candidates

- Letcher County, KY; candidate for Jailer: Democrat Arthur L. "Shoe Man" Richardson
- Letcher County, KY; candidate for Constable, Letcher District: Democrat Wallace "Spanky" Bolling Jr.

(12) Source: May 2007 Election List of All Candidates

- Lawrence County, KY; candidate for Magistrate/Justice of the Peace: Republican Paul "Slick" Rice

- Monroe County, KY; candidate for Sheriff: Republican Jerry "Slick" Gee
- Clinton County, KY; candidate for Constable, Clinton District: Republican David "Sidewinder" Cross

(13) Source: Scientific American News, May 08, 2007; "Combating Climate Change: Scaling Back Greenhouse Gas Emissions While Keeping the Lights On, By David Biello

(14) Source: Book Don't Buy Another Vote, I Won't Pay For a Landslide: The Sordid and Continuing History of Political Corruption in West Virginia, by Allen H. Houghry II; McClain Printing Co, pp 3-27

(15) Source: The Wall Street Journal Europe: Bush presidency and coal - Coal-Fired Crusade Helped Bush Win; June 15 2001 By Tom Hamburger

(16) Mine Safety Health Administration (MSHA) Fatalgram site: <http://www.msha.gov/fatals/fabc.htm>

**Fatalgram Excerpts:**

Fatality #18 September 3, 2007 Mingo County, WV  
Fatalities #15, 16 17, 19, 20, 21, 22, 23, & 24 August 16, 2007 Emery County, UT  
Fatalities #12, 13 & 14 August 10, Gibson County, IN  
Fatality #11 – Aug. 4, 2007 Mingo County, WV      Fatality #10 - July 30, 2007 Tuscaloosa County, AL  
Fatality #9 - July 16, 2007 Pike County, KY      Fatality #8 - July 2, 2007 Cullman County, AL  
Fatalities #5 & #6 - April 17, 2007 Allegany Cty, MD      Fatality #7 - April 5, 2007 Washington County, PA  
Fatality #4 – Mar. 12, 2007 Pike County, KY      Fatalities #2 & 3 – Jan. 13, 2007 McDowell Cty, WV  
Fatality #1 - January 6, 2007 Gunnison County, CO      Fatality #47 – Dec. 17, 2006 Monogalia County, WV  
Fatality #46 – Nov. 28, 2006 Big Horn County, MT      Fatality #45 - November 5, 2006 Navajo County, AZ  
Fatality #44 - November 4, 2006 Pike County, KY      Fatality #43 – Oct. 30, 2006 Wyoming County, WV  
Fatality #42 – Oct. 23, 2006 Schuykill County PA      Fatality #41 – Oct. 20, 2006 Preston County, WV  
Fatality #40 – Oct. 12, 2006 Tuscaloosa County, AL      Fatality #39 – Oct. 6, 2006 Knox County, KY  
Fatality #37 - July 30, 2006 Randolph County, WV      Fatality #36 - July 20, 2006 Pike County, KY  
Fatality #35 - July 18, 2006 Knott County, KY      Fatality #34 - July 7, 2006 Hopkins County, KY  
Fatality #33 - May 24, 2006 Harrison County, WV      Fatality #32 - May 23, 2006 Breathitt County, KY  
Fatality #27, 28, 29, 30, & 31 - May 20, 2006 Knox County, KY  
Fatality #38 - May 4, 2006 Buchanan County, VA      Fatality #26 - April 21, 2006 Harlan County, KY  
Fatality #25 - April 20, 2006 Pike County, KY      Fatality #23 - April 7, 2006 Mingo County, WV  
Fatality #22 - April 7, 2006 Boone County, WV      Fatality #24 - March 29, 2006 Tuscaloosa County, AL  
Fatality #21 – Feb. 17, 2006 Garrett County, MD      Fatality #20 - February 16, 2006 Perry County, KY  
Fatality #19 - February 1, 2006 Boone County, WV      Fatality #18 - February 1, 2006 Boone County, WV  
Fatality #16 - January 29, 2006 Carbon County, UT      Fatality #17 - January 23, 2006 Pike County, KY  
Fatalities #14 & 15 – Jan. 19, 2006 Logan Cty, WV      Fatality #13 - January 10, 2006 Pike County, KY  
Fatalities #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12 – Jan. 2, 2006 Upshur County, WV

(17) Ohio Valley Environmental Coalition: "Is a coal slurry impoundment disaster coming to a community near you?"; Dec. 1002, by Vivian Stockman.  
[http://www.ohvec.org/issues/slurry\\_impoundments/articles/2002\\_12.html](http://www.ohvec.org/issues/slurry_impoundments/articles/2002_12.html)

(18) Erik Reece: Wikipedia entry, [http://en.wikipedia.org/wiki/Erik\\_Reece](http://en.wikipedia.org/wiki/Erik_Reece)

(19) "Death of a Mountain: Radical strip mining and the leveling of Appalachia", by Erik Reece. Full article: <http://www.wesjones.com/death.htm>

(20) Grist.org / also Archived on Truthout.org: "Moving Mountains", Thursday 16 February 2006, by Erik Reece <http://www.truthout.org/cgi-bin/artman/exec/view.cgi/34/17813>

(21) Black Box Voting: The Hunt for Joe Bolton; Sept. 6, 2007, by Bev Harris; Full article: <http://www.blackboxvoting.org/moonshine1.pdf>  
Video clip: [http://www.youtube.com/watch?v=tpzahSVY\\_GM](http://www.youtube.com/watch?v=tpzahSVY_GM)

(22) Source: Commonwealth of Kentucky Auditor of Public Accounts: Report of the Audit of the Magoffin County Clerk for the year ended Dec. 31, 2005, Crit Luallen, Auditor, pg. 17  
Full report: [http://www.auditor.ky.gov/Public/Audit\\_Reports/Archive/2005MagoffinFECaudit.pdf](http://www.auditor.ky.gov/Public/Audit_Reports/Archive/2005MagoffinFECaudit.pdf)

(23) The Knoxville News-Sentinel's Michael Silence No Silence Here blog: "All in the Family" Jan. 31, 2007 by Michael Silence. [http://blogs.knoxnews.com/knx/silence/archives/2007/01/all\\_in\\_the\\_fami\\_1.shtml](http://blogs.knoxnews.com/knx/silence/archives/2007/01/all_in_the_fami_1.shtml)

(24) The Wall Street Journal: "In Clay County, Ky., It Takes Some Doing To Avoid a Sizemore"; Oct. 28, 1986, by Bryan Burrough

(25) Peoria Journal-Star: "Townships must weigh convenience against nepotism - Same last names often dot payroll"; Dec. 20, 2000, by Sonya Klopfenstein.  
<http://www.pjstar.com/services/special/township/cop893a.html>

(26) Missouri Constitution Art. XIV, § 13 Section 6. "Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment."