

High-Tech Jim Crow: Stealing Ohio's Vote

by Michele Steinberg and Judy DeMarco

One day after Democratic Presidential candidate John Kerry announced that he conceded the election to George W. Bush, there were *at least* 300,000 missing votes in Ohio, many of them in the heavily Democratic counties of Cuyahoga and Franklin, which had not been counted. George W. Bush was reportedly leading by only 136,483 votes at the time, and one day later, that lead was cut by about 3,800 votes—falsely recorded on a single machine in Franklin County, Ohio.

The report of this figure on missing votes was compiled by *EIR* from discussions with elected officials who had been at the polling sites on Nov. 2, from media reports, from discussions with voters and Ohio Board of Elections Offices, and, most important, from discussions with the youth organizers of Lyndon LaRouche's political action committee, LaRouche PAC. The LaRouche PAC organizers spent about six weeks in Ohio, campaigning for a Democratic victory by mobilizing young people, students, and the "forgotten men and women"—the unemployed and lower 80% of the income brackets in the United States.

What emerges is a shameful picture of voter discrimination, using telephone dirty tricks, forged leaflets and e-mails, and postal irregularities such as the non-receipt of absentee ballots requested by voters; and a voter suppression operation that suggests that voter registrations—a record number in Ohio—could have been lost or not processed as they were in other states. And, of course, there were the untraceable electronic voting machines.

It is a high-technology "Jim Crow" that puts the 2004 election on a par with the abuses of the pre-1965 Voting Rights Act discrimination against black voters. In Ohio, the major offenses have been documented against black voters, the poor, and first-time voters, including young people.

The Missing 300,000

There were more than 155,000 "provisional ballots," statewide; that is, ballots which were not counted after voters (sometimes after waiting 3-5 hours on election lines), found that their names were not on registration rolls. There were between 50,000 and 80,000 unaccounted-for absentee ballots; that is, ballots which were requested by voters, but which had not been returned to the election boards on Election Day. *EIR* had received reports from voters that the absentee ballots had never been received, or were received *after* the election. The Election Protection Coalition has made public its log of com-

plaints from voters in Ohio (see *Documentation*).

But on Nov. 3, the *Cleveland Plain Dealer*, based in Cuyahoga County, a county that saw a landslide for John Kerry, revealed that statewide, there were also 92,672 "discarded" votes. Journalist Greg Palast wrote in a Nov. 4 article, "Kerry Won. . ." that:

"Once again, at the heart of the Ohio uncounted vote game, are, I'm sorry to report, hanging chads and pregnant chads. . . . The election in Ohio was not decided by the voters but by something called 'spoilage.'"

"Ohio is one of the last states in America to still use the vote-spoiling punch-card machines. And the Secretary of State of Ohio, J. Kenneth Blackwell, wrote before the election, 'the possibility of close election with punch cards as the state's primary voting device invites a Florida-like calamity.'"

Palast emphasized, however, that "unlike last time [the Florida 2000 election], Democrats aren't even asking Ohio to count these cards with the not-quite-punched holes. . . ."

Palast's observation, however, may change, now that organizations in Ohio are compiling the results centrally, and beginning to hold hearings and town meetings to both gather more information, and publicize the fraud.

Trashing Registrations

On Oct. 26, *Cleveland Plain Dealer* reporter John Caniglia wrote that the Citizens Alliance for Secure Elections and the Alliance of Cleveland HUD Tenants, along with seven residents of Cuyahoga County, had sued the Cuyahoga County Board of Elections in Federal court and claimed that the Election Board employees failed to enter new registrations onto the voter rolls, or to update changes sent in by voters, or to enter addresses correctly. The Board also failed to notify the applicants of any potential problems. The suit asked the Board to place the voters correctly on the rolls before the election. However, this was not resolved before Nov. 2.

It was well known that there was a massive voter registration drive going on, but apparently Blackwell's strategy was to drag his heels in processing these, adding to the confusion. On Oct. 5, the *New York Times* reported that the Cuyahoga County Board of Elections had already spent \$200,000 on temporary workers to handle the new voter registrations, which the *Times* put at 230,000. But, ultimately, the Cuyahoga Board received 344,000 new voter registration forms this year, more than three times the number it had received for the 2000 election. Were these forms processed in time, or properly?

Some of Blackwell's dirty tricks, such as requiring 80-pound paper (see article, p. 24) were overruled by the courts, but others were fully in play.

In Cincinnati, some 150,000 voters were moved from active to inactive status within the last four years for not voting in the last two Federal elections. This is not required under Ohio law, but is an option allowed and exercised by the

Hamilton County Board of Elections. These “unlikely” voters were the ones that were being targeted by the Democrats to “get out and vote.”

Cutting Out the Absentee Ballots

On Nov. 5, around 2 p.m., a Federal judge granted a temporary restraining order in the case, *White v. Blackwell*, over the denial of provisional ballots to voters who had mistakenly not received absentee ballots, reports the Moritz College of Law at Ohio State University. Prior to 2 p.m., anyone who had not received their absentee ballot was simply not allowed to vote. The TRO ordered Blackwell to inform all election workers that voters who allege they have mistakenly not received an absentee ballot *may* vote by provisional ballot. However, earlier in the day, all such voters had been turned away, and there is no record of how many thousands that may have been.

Voting rights groups are investigating whether there was apparent tampering with absentee ballots in Ohio, as has been document in Florida. For example, a lawsuit in Florida, brought by the American Civil Liberties Union, cited examples in Broward County, where the Board of Elections dropped off 2,500 absentee ballots to the Post Office on Saturday, Oct. 30; and Palm Beach County where 5,500 absentee ballots were dropped off the same day. The ACLU suit requested that all absentee ballots returned by Nov. 12 be counted.

However, in Ohio, ballots that were received after Nov. 2 are not being counted. A Board of Elections official in one county told *EIR* on Nov. 4, “Oh, yes, we received several absentee ballots in the mail today. They will not be counted.” There are no exceptions, even if the postmark was long before Election Day. On Nov. 10, an Ohio voter reported to *EIR* that she had just received her absentee ballot the day before—that is, a week *after* the election.

Insufficient Election Machines

Another major question is whether there was deliberate withholding of election machines from areas of high turnout. In Cuyahoga County, LaRouche PAC activists reported on Election Day that by about 1 p.m., voters were beginning to turn away from crowded polls, where the wait was becoming hours long because of an insufficient number of machines.



Ohio Secretary of State J. Kenneth Blackwell (right) dragged his heels on processing new voter registrations, in an apparent effort to suppress the vote for Kerry.

Democratic Party officials told LaRouche PAC that there were fewer voting machines in some precincts for the general election than there had been for the Democratic primary. They also reported that in more affluent areas of Cleveland and Cuyahoga, there were more machines than ever before.

On Nov. 5, the *Columbus Dispatch* and *Cleveland Plain Dealer* focussed in on Franklin County, which includes Columbus, the state capital. John Kerry won the County, not just the city of Columbus, by a wide margin.

But, polling places throughout the county (not only in the city, but also its suburbs) lacked enough machines, and the average machine logged nearly 200 votes (times 5 minutes per voter = 16-17 hours, but the polls were open only 13 hours, and long lines sent some people away). A Republican Party official was quoted saying that up to 2,000 voting machines were held back by the Republican-dominated Board of Elections, some of which were then distributed to affluent suburban areas; this report is still being investigated.

Dirty Tricks

Prior to the election, both the *Columbus Dispatch* and WVKO radio documented that phone calls from people impersonating Board of Elections workers were made to registered voters in Ohio, directing them to different and incorrect polling sites. According to Bob Fittrakis, who worked on vote protection in Ohio, one individual was falsely told not to vote at the polling station across the street from his house, but at a “new” site, four miles away. Under Blackwell’s new rules

concerning provisional ballots, such a vote would not be counted.

But the biggest single case of such dirty tricks in Ohio was cited by Terry McAuliffe, chairman of the Democratic National Committee, on national television, Oct. 30. Pairing off with Republican National Committee head Ed Gillespie, on ABC's "This Week" talk show, McAuliffe said that 250,000 flyers falsely telling Ohio voters that their registrations were not valid had been distributed, especially to minority group voters. McAuliffe handed a copy to Gillespie on the air, but viewers were not given a chance to see it.

By McAuliffe's description, the leaflet was similar to the forged Board of Elections letter of Oct. 22, sent out on Lake County Board of Elections letterhead, that told voters that they were ineligible to vote on Election Day.

Documentation

Election Protection Telephone Log

The following are excerpts of notes from just one volunteer for the Election Protection Coalition, "Lane," a retired lawyer from Maryland who was logging complaints from voters in Youngstown, Ohio, on Election Day. Many similar calls were received by others on the same Election Protection team.

1. Too few polling machines, particularly for rush-hour voting, poorer areas/large numbers of people. (3 to 4 hours by time that Lane got there!) Even given that, they were breaking down. One polling location that Lane visited, by the time that Lane got there, had only two machines for very large group. (9 calls)

2. No provisional ballot was offered to man who filled in/requested absentee ballot. When he arrived, he could not get a provisional ballot. (1 call)

3. Two machines at the same polling location were not functioning. . . . (6 calls in the early morning)

7. Voter (female) was turned away, because voter was not on list at polling location. Election office said person was registered voter in proper precinct. GOP challenger said that the voter must go to Election office. Lane made telephone call and finally got voter able to vote. (1 call)

8. Voter (female) called to say the last words on the machine were "Thank You!" Voter inquired: "Does that mean my ballot is complete and will be counted?" Lane found out it did not mean that the ballot would be counted. Voter must see "Your vote has been counted" to be assured. (1 call)

10. Frantic people. People were leaving. Machines are broken. This could escalate. "We want paper ballots sent to us." (4 calls—in consecutive order)

14. Every time voter selected "Kerry," voter got "Bush" selection. . . . (4 calls—very quickly.)

16. Lane et al. made effort to call ES&S to tell them that machines were malfunctioning. Phones were so busy, because they could not get them answered fast enough. Board of Elections said the machines . . . had calibration problems and someone would come out. The Board of Elections was undated.

17. Two different precincts at same polling location. Too many votes at each precinct. Traffic was too heavy. Cheer them up! Then Lane et al. went out again and sent out food. After Lane told them about Lane's South Africa experience (Voters would have to stand in line from when the polls closed at 7:30 p.m., until 1:30 a.m. (at least), in order to cast their ballot.) Lane and her colleagues went out to the lines and told the voters they were heroes. (7 calls)

18. Machines at some polls had to be re-set after every voter. This took so long that people started to leave. Lane and her colleagues sent food out to the voters. (1 call)

19. Voter (male) was taken to hospital. Voter had not expected this problem. Voter had no absentee ballot. Lane got voter absentee ballot. (1 call)

20. Issue 1 "Defense of Marriage" was holding up line. Voters did not understand what the issue, "Defense of Marriage," meant. (1 call)

21. One poll was so dark inside and outside the voters could not see in order to vote. One Election Protection staff bought six lamps and extension cords with own money so that voters could see. (1 call)

22. People in area of Hillman Elementary School . . . had water turned off, if their bill was un-paid, coincidentally, on the morning of the election. This precinct was in a black neighborhood. Water Department/utility told voters to stay home to wait until the matter was resolved, because the voters needed to let someone in their unit. (It was later discovered/rumored the Democratic mayor of Youngstown endorsed George W. Bush, and this was a ploy to keep black voters away from the polls.) The Water Department/utility company did not come. Lane's colleagues went to the people's homes so some of the voters could vote. (1 call—a number of people)

24. Hillman School. Two machines were down. [Name deleted] was incensed. He did not wait for Election Protection people to fix the problem. He went to the Board of Elections to take matters in his own hands. The print-out said "No Selection." When he complained, he found out people at Elizabeth Baptist Church/Tabernacle Church/Canton, Ohio, experienced the same situation. (5 calls)

25. International Towers. Voters cars were being ticketed. Voters felt their cars were properly parked. (1 call)

26. Similar harassment from instance in Mahoning

County to Trumbull County. (1 call)

27. Hysterical caller from Hillman School. "There are not enough machines. We need more people." . . . (4 calls)

29. Wick Park polling location. Breakdown of machines again. Voter would press Kerry, and they got Cheney. (1 call)

31. Price Memorial Zion/Two polling locations. Five women (Mother, Girl, and three others). Finished voting for all choices. Went to review: "Presidential choice not selected." Ballot would not register "Kerry." (1 call)

32. Price Memorial Zion/Two polling locations. Three additional women (Mother, Girl, and three others) had same problem: [Finished voting for all choices. Went to review: "Presidential choice not selected." Ballot would not register "Kerry."] (1 call)

Congressmen Demand Urgent Probe of Vote Suppression

On Nov. 5, prominent members of Congress sent an "urgent request" to the Government Accountability Office to investigate the massive technical failures in voting machines during the 2004 Presidential elections. They also requested a full investigation of the elections officials' "responses" to the difficulties. On Nov. 8, a second letter reiterated the importance of this investigation. Both appear below.

The Honorable David M. Walker
Comptroller of the United States
U.S. General Accountability Office
441 G. Street Washington, D.C. 20548

Dear Mr. Walker:

We write with an urgent request that the Government Accountability Office immediately undertake an investigation of the efficacy of voting machines and new technologies used in the 2004 election, how election officials responded to difficulties they encountered and what we can do in the future to improve our election systems and administration.

In particular we are extremely troubled by the following reports, which we would also request that you review and evaluate for us:

- In Columbus, Ohio, an electronic voting system gave President Bush nearly 4,000 extra votes. "Machine Error Gives Bush Extra Ohio Votes," Associated Press, November 5.

- An electronic tally of a South Florida gambling ballot failed to record thousands of votes. "South Florida OKs Slot Machines Proposal," Id.

- In one North Carolina county, more than 4,500 votes were lost because officials mistakenly believed a computer

that stored ballots could hold more data than it did. "Machine Error Gives Bush Extra Ohio Votes," Id.

- In San Francisco, a glitch occurred with voting machines software that resulted in some votes being left uncounted. Id.

- In Florida, there was a substantial drop off in Democratic votes in proportion to voter registration in counties utilizing optical scan machines that was apparently not present in counties using other mechanisms. http://ustogether.org/election04/florida_vote_patt.htm

The House Judiciary Committee Democratic staff has received numerous reports from Youngstown, Ohio that voters who attempted to cast a vote for John Kerry on electronic voting machines saw that their votes were instead recorded as votes for George W. Bush. In South Florida, Congressman Wexler's staff received numerous reports from voters in Palm Beach, Broward and Dade Counties that they attempted to select John Kerry but George Bush appeared on the screen. CNN has reported that a dozen voters in six states, particularly Democrats in Florida, reported similar problems. This was among over one thousand such problems reported. "Touchscreen Voting Problems Reported," Associated Press, November 5.

- Excessively long lines were a frequent problem throughout the nation in Democratic precincts, particularly in

EIR Online

Gives subscribers online the same economic analysis that has made *EIR* one of the most valued publications for policymakers, and established LaRouche as the most authoritative economic forecaster in the world.



EIR Contributing Editor,
Lyndon H. LaRouche, Jr.

Issued every Tuesday, *EIR Online* includes:

- Lyndon LaRouche's economic and strategic analyses;
- Charting of the world economic crisis;
- Special features not in the print version of *EIR*.

\$360 per year Two-month trial, **\$60**

For more information,

Call **1-888-347-3258** (toll-free)

VISIT ONLINE:

www.larouchepub.com/eiw

Florida and Ohio. In one Ohio voting precinct serving students from Kenyon College, some voters were required to wait more than eight hours to vote. "All Eyes on Ohio," Dan Lothian, CNN, November 3.

We are literally receiving additional reports every minute and will transmit additional information as it comes available. The essence of democracy is the confidence of the electorate in the accuracy of voting methods and the fairness of voting procedures. In 2000, that confidence suffered terribly, and we fear that such a blow to our democracy may have occurred in 2004.

Thank you for your prompt attention to this inquiry.

Sincerely,
John Conyers, Jr.
Ranking Member
House Judiciary Committee

Jerrold Nadler
Ranking Member
Subcommittee on the Constitution

Robert Wexler
Member of Congress

* * *

Dear Mr. Walker:

We write to follow-up on our urgent November 5 request that the Government Accountability Office immediately undertake an investigation of the efficacy of voting machines and new technologies used in the 2004 election, how election officials responded to difficulties they encountered and what we can do in the future to improve our election systems and administration.

In that letter, we indicated we would follow up with additional information as it becomes available. To that end, we would also request that you review and evaluate the following:

- More than 30,000 complaints have been noted on one website: <http://voteprotect.org/index.php?display=EIR> MapNation. We request that you evaluate a sampling of these incidents.

- Enclosed are more than 265 specific complaints. These can also be found at: <http://www.votersunite.org/electionproblems.asp?offset=240&catid=&showall=&sort=date>. These include the following:

- In Sarper County, Nebraska, a computer problem doubled the votes in half the county's precincts, adding 3000 phantom votes to the totals.

- In Guilford County, North Carolina vote totals were so large that the tabulation computer threw numbers away. Retallying changed two outcomes and awarded an additional 22,000 to John Kerry.

- In Broward County, Florida at least 21 voting machines

malfunctioned and were replaced. Most of them had already been used by voters.

- Citing concerns about potential terrorism, Warren County, Ohio officials locked down the county administration building on election night and blocked anyone from observing the vote count. Warren County was apparently the only one of 88 counties to opt for such measures. This move may also violate Ohio law. "Warren's Vote Tally Walled Off," Erica Solvig, *Cincinnati Enquirer*, November 5, 2004.

- Our offices continue to receive additional reports of election irregularities, including the following:

- In Palm Beach County, Florida results for a County Commissioner race was plagued by malfunctioning voting machine cassettes in several precincts, including 03112 and 03116. While this race remained too close to call, elections officials announced the race for the incumbent with a margin of 580 votes.

- Poll workers in Broward County, Florida expressed concern that boxes of absentee ballots remained uncounted in the central storage facilities and were promptly escorted out of the Supervisor's office by security after raising that concern.

In addition, the additional Members listed below, Congressman Scott, Congressman Watt and Congressman Holt, request to sign on to our November 5 request.

We continue to receive additional reports every minute and will transmit additional information as it comes available. There is substantial concern that much of the primary evidence needed to evaluate these allegations will not be preserved without immediate action. We would greatly appreciate any steps you could take to ensure the preservation of this important information.

Thank you for your prompt attention to this inquiry.

Sincerely,
John Conyers, Jr.
Ranking Member
House Judiciary Committee

Jerrold Nadler
Ranking Member
Subcommittee on the Constitution

Robert Wexler
Member of Congress

Robert C. Scott
Ranking Member
Subcommittee on Crime, Terrorism and Homeland Security

Melvin Watt
Ranking Member
Subcommittee on Commercial and Administrative Law

Rush Holt
Member of Congress