

Citizens Concerned About the Election  
c/o J. A. Kei  
20 Ridge Road  
Catonsville, MD 21228-1908

December 23, 2004

Dear Senator Sarbanes:

We the undersigned are members of a committee, Citizens Concerned About the Election. We are gravely concerned about the 2004 election results, process, and validity.

Our committee comprises Constitutionlists, Democrats, Federalists, Greens, Independents, Libertarians, republicans, and non-partisans. Some of our members canvassed the region, starting in September 2003, to help people register and become first-time voters. Members of our group walked door-to-door, stood on freezing cold-to-blistering hot street corners, and made countless telephone calls in Delaware, Florida, Iowa, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and other states to assure that every willing voter would be able to cast a vote.

On election weekend, 80 Marylanders from our group traveled to Youngstown, Ohio, in a non-partisan effort to enable people of all political persuasions to vote. One of the pilgrims to Youngstown came home with a report of a voter who tried to vote for John Kerry, only to be asked by the voting machine if he were sure he would like to cast his ballot for George Bush. Later, we learned that problems like this happened all across Ohio. Even one such occurrence could be considered reason enough to question the accuracy of an election, and members of our committee witnessed at least three of these events.

Several members of our committee traveled to the non-partisan People for the American Way headquarters in Washington on November 13 to computerize some of the data flooding the office detailing similar problems across the country. From these accounts and from testimony at hearings in Washington, D.C., on December 8th and in Columbus, Ohio, on December 13, it is apparent that more than adequate evidence exists to question the validity of the election.

We have done everything we can. Now, we ask you to immediately join our efforts to achieve justice for those who cast votes in the 2004 election. We urge you, as our representatives in Washington, to inform major media outlets and newspapers throughout Maryland that you share our doubts about the validity of the results of the election, support a hand recount in Ohio, demand answers to the questions raised by Representative Conyers and others, and take a stand against the use of suppression/intimidation tactics to disenfranchise voters.

As you know, this is a time sensitive issue. Will you be one of the United States Senators to bravely stand up and official object to the illegitimate electors from Ohio on January 6 when the Electoral College meets? Our "Democracy" and the people of Maryland expect no less.

Sincerely,

Citizens Concerned About the Election  
20 Ridge Road, Catonsville, Maryland 21228-1908  
410.747.5571

## OHIO 2004 – Post Election Timeline

*(Links to all statements made here can be found in text at <http://blog.democrats.com/ohio>)*

Bush Lead	Change
136,483	Election night
132,590	-3,893 Franklin County (Gahana 1-B) computer error
118,506	-14,084 Provisional Ballots (all 88 counties; 79% valid)

Many of the 21% of rejected provisional ballots were valid under the rules in place before SoS Ken Blackwell changed them in 2004, which counted provisional ballots cast anywhere in the county. Blackwell's intent was to disenfranchise Democratic voters – an act of fraud comparable to Katherine Harris' fraudulent felon purge.

92,672 (or is it nearly 97,000?) “spoiled” ballots (undervotes and overvotes): As Florida 2000 proved, machine failures disproportionately hurt Democrats. These votes must be counted.

How much unquantifiable fraud was committed? Lots, according to Democrats on the House Judiciary Committee ([http://www.truthout.org/docs\\_04/120404W.shtml](http://www.truthout.org/docs_04/120404W.shtml)) and dKosopedia ([http://www.dkosopedia.com/index.php/2004\\_Ohio\\_Irregularities\\_-\\_Details](http://www.dkosopedia.com/index.php/2004_Ohio_Irregularities_-_Details)) and FreePress.org and rincewind. Here is a fabulous map of Ohio problems (<http://www.votersunite.org/images/mapflyerohio2004.gif>). As in Ukraine, the U.S. Presidential election should be rescheduled because of widespread fraud.

- 12/20 Mercer County officials let a Triad technician “disassemble” a tabulator and replace a switch.
- 12/20 Lucas County officials let a Diebold technician reprogram the scanners in the middle of the recount.
- 12/20 Erie County officials let technicians replace a computer chip.
- 12/19 Prof. Ron Baiman updated Prof. Steve Freeman's analysis of the exit polls that predicted a Kerry win, and confirmed Freeman's conclusion that the results in the battleground states (OH, PA, and FL) and nationally were impossible.
- 12/18 Freepress.org revealed Ken Blackwell kept a secret slush fund – and also failed to keep a statewide inventory of voting machines for security. Freepress.org also found Shelby County discarded critical recount data.
- 12/17 Mathematician Tim Lohrentz carefully calculated the number of disenfranchised voters in Franklin County (Columbus), concluding over 22,000 voters were likely kept from voting due to long lines. About 70% – over 15,000 – were in heavily Democratic precincts.
- 12/17 Cliff Arnebeck's Ohio fraud lawsuit – Moss v. Bush – was re-filed, two days after it was thrown out on a technicality.
- 12/16 John Kerry's lawyer demanded a full investigation of Hocking voting machine tampering.
- 12/15 John Conyers told Keith Olbermann he and others in Congress are considering formally challenging Ohio's Bush electors on January 6.
- 12/15 Hocking County: NY Times reports John Conyers' request for an FBI investigation of Triad recount

machine tampering and fraud conspiracy. Triad is a Republican-owned company that tallies punch votes in 41 Ohio counties.

- 12/15 Recount leader Katrina Sumner was run off I-70 by two dark blue suburbans with tinted glass, one with Maryland plates.
- 12/14 Ken Blackwell refused to answer any of the 36 specific questions sent by John Conyers on December 2.
- 12/13 Democratic Electors from CT, MA, ME, and VT urged Congress to investigate Stolen Election 2004.
- 12/13 John Conyers held hearings in Columbus, which revealed lots of new scandals: a “Texas Strike Force” in Franklin County that threatened ex-convicts; liberal-arts Kenyon College had too few machines, while nearby Nazarene University had plenty; statistician Ron Paul Baiman said the exit poll swing in Ohio was less than one in 25 million - “in lay terms, impossible”; Prof. Norm Robbins said hundreds of voters were illegally disenfranchised in Cuyahoga;
- 12/13 John Conyers heard “jaw-dropping” testimony from Clint Curtis about writing a program to “flip” votes on electronic voting machines in late 2000 at the request of Florida House Speaker (now Congressman) Tom Feeney.
- 12/13 John Conyers urged Gov. Bob Taft to delay the vote by Bush’s Ohio Electors, but they voted anyway.
- 12/13 Cliff Arnebeck filed his long-awaited contest, arguing Ohio’s 20 Electors for Bush are invalid because of fraud.
- 12/12 John Kerry urged Rev. Jesse Jackson to take a more active role in the Ohio investigation.
- 12/12 Trumbull County: Dr. Werner Lange found 580 absentee votes for which there were no absentee voters identified in the poll books – a major fraud. If extrapolated state-wide, there could be 62,513 fraudulent absentees.
- 12/10 John Kerry’s lawyer Don McTigue wrote all 88 county election boards requesting 11 specific actions to ensure a transparent and valid recount.
- 12/10 Ken Blackwell locks out recount volunteers – the coverup begins!
- 12/10 Montgomery County: In 47 Dayton precincts, which went for Kerry by a margin of 7 to 1, the “spoilage” rate of regular ballots was 5.16%, compared to 1.31% for the rest of the county, according to a study by Richard Hayes Phillips.
- 12/10 Lucas County: Remarkably 25 suburban precincts had over 80% turnout, along with 45 urban Toledo precincts. With central scan tabulation, Richard Hayes Phillips believes the totals were hacked.
- 12/8 House Judiciary Committee Democratic Forum puts election fraud issues before the nation.
- 12/4 Zogby poll: “Concerns have been expressed by some observers of the election that problems with counting the votes may have affected the results and deserve further investigation. Do you think these concerns are...?” Very valid (28.5%), Somewhat valid (14.0%), Mostly invalid (24.2%), Not at all valid (31.2%), Not sure (2.2%).

- 12/3 Columbus daytime rally drew 2,000 activists. Listen to the outstanding evening forum courtesy of Pacifica Radio.
- 12/2 lead dropped to 118,506 as Kerry gained 14,084 from provisional ballots in all 88 counties.
- 12/1 John Kerry joined the legal fight for a statewide recount.
- 11/29 Franklin lost 95,000 votes? Mahoning lost 12,000 votes? Warren lost 6,400 votes? Analysis by Ann Pfeiffer at Buzzflash.
- 11/29 Cleveland: Columnist Juan Gonzalez looked at individual precinct results and found 700 mysterious votes for the far-right Constitutional Party and the Libertarian Party in 10 black precincts – votes probably meant for Kerry. “Also unusual was the drop in the Democratic vote in scores of precincts compared to 2000. But more on that next time...”
- 11/29 Hamilton: Alicia Reese, Cincinnati’s vice mayor, said 1,000 residents didn’t have their ballots counted because they went to the “wrong table” at polling locations with multiple precincts and poll workers did not send them to the right table.
- 11/28 Southwest Ohio results show C. Ellen Connally, an underfunded black woman running for Ohio Supreme Court, running significantly ahead of Kerry in white Republican counties. (Data dissected at DailyKos.com)
- 11/27 Rev. Jesse Jackson called for a recount of votes and said the Ohio Supreme Court should consider setting aside President Bush’s victory Nov. 2.
- 11/26 Cleveland: People for the American Way Foundation sued to stop Cuyahoga County’s elections board from rejecting 8,099 provisional ballots until they are hand checked against voter-registration cards.
- 11/27 Hamilton: Kerry gained 1,778 votes from roughly 11,000 provisional ballots. But roughly 3,000 ballots were rejected: 1100 for voting at the wrong precinct, 400 for voting at the wrong table.
- 11/27 Sandusky: A computer disk containing votes was accidentally backed up into the voting machines twice by an election worker, causing it to look like there was an overcount.
- 11/25 Warren: Attorney Cliff Arnebeck challenged a 33% increase in votes cast, the second highest increase in the state (behind Delaware).
- 11/25: Federal Judge James Carr denied the Cobb/Bednarik lawsuit for an immediate recount.
- 11/24: Dr. Steven Freeman updated his Unexplained Exit Poll Discrepancy and calculated the odds against the exit polls errors in the 3 key states – Ohio, Florida, and Pennsylvania – at 662,000-to-1 – a statistical “impossibility.” Exit pollster Warren Mitofsky told Keith Olbermann there was no significant problem with his poll. Pollster James Zogby told Olbermann 20% of Americans think Bush’s “victory” was bogus and called for a blue-ribbon investigation.
- 11/24 Columbus: Richard Hayes Phillips says withholding of voting machines from predominantly Democratic wards in the City of Columbus cost John Kerry upwards of 17,000 votes. Phillips blames Elections Director Matt Damschroder (the former Executive Director of the Franklin County Republican Party) and his co-conspirators.

- 11/23 Cleveland: Election officials rejected 8,099 provisional ballots – one out of three of the 24,472 provisional ballots cast. They rejected 5,595 because there was no record of their registration. “I find it inconceivable that over 5,000 voters in the county would wait an hour in the pouring rain to vote if they haven’t registered,” said Dr. Norm Robbins.
- 11/22: Cobb & Badnarik sued Ken Blackwell for an immediate recount. The Ohio Democratic Party joined the recount effort, and the Kerry Campaign will “participate.”
- 11/22: After four public hearings, Bob Fittrakis described how the Ohio election was rigged for Bush by Franklin County BOE Director Matt Damschroder, who sent too few voting machines to black precincts in order to produce long lines and turn away voters. Keith Olbermann explored the Republican plan to delay the recount past the meeting of the Electoral College.
- 11/20: The Ohio Honest Elections Campaign, led by attorney Cliff Arnebeck, announced it would challenge Ohio’s results, using sworn testimony collected at 4 public hearings.
- 11/19 Cleveland: Richard Hayes Phillips examined precinct results and concluded Kerry mysteriously lost at least 6,000 votes due to low turnout in the city (50%) compared to the surrounding county (72%).
- 11/19 Libertarian candidate Michael Badnarik and Green VP candidate Pat LaMarche spoke at the ReDefeatBush.com protest at LaFayette Park in front of the White House.
- 11/17 The Ohio Democratic Party sued to get Federal Judge Michael H. Watson to order Ken Blackwell to impose uniform standards for counting provisional votes on all 88 counties.
- 11/16 MSNBC’s David Schuster says Kerry could pull within 3,000 votes in Ohio, when all the provisional and “spoiled” ballots are counted.
- 11/15 The Green Party raised the necessary \$113,600 for the Ohio recount in 4 days.
- 11/15 Justice Through Music is offering a \$100,000 reward for evidence of 2004 presidential election fraud.
- 11/13 Thanks to angry calls from activists around the country, Ken Blackwell backed off on discarding provisional ballots without birthdates.
- 11/13 Cleveland: Spanish-speaking residents said they encountered a number of problems on Election Day, including some that prevented votes from being cast. A lack of Spanish-speaking poll workers, no Spanish ballots and names missing from voter lists were among the complaints.
- 11/13 Cincinnati activist Carrie Davis asked a state appeals court to order Ken Blackwell to allow the public and reporters to watch the official vote counting at county elections boards.
- 11/12 Exit pollsters claimed their poll was wrong because Bush voters refused to take the poll.
- 11/11 Kerry campaign scrutinizes Ohio: “The Kerry campaign has compiled a list of more than 30 questions for local election officials, asking about the number of absentee and provisional ballots, any reports of equipment malfunctions on election night, and any ballots that still listed third-party challenger Ralph Nader as a candidate.”

- 11/11 Green candidate David Cobb (KPFK interview) and Libertarian candidate Michael Badnarik jointly announced their intentions to file a formal demand for a recount of the presidential ballots cast in Ohio – and called upon Secretary of State Kenneth Blackwell, a Republican who chaired the Ohio Bush campaign, to recuse himself from the recount process. They'll need \$110,000, and are collecting contributions on their respective sites. Ralph Nader said Blackwell should resign in disgrace.
- 11/11 PFAW Foundation's Election Protection team is supporting efforts to impound voting machines, or obtain back-up data from machines, in Florida, Ohio, Pennsylvania and New Mexico because of reported voting discrepancies and problems [and] collaborating on public hearings in Ohio this weekend to take official testimony and input from voters and volunteers who observed voting problems there on November 2.
- 11/10 Warren: Despite county claims they had to lock down the election office because of FBI warnings, the FBI denies warning officials of any special threat. Olbermann is all over this.
- 11/10 Cuyahoga: officials suddenly change the rules for counting provisional ballots, adding a brand new requirement for date of birth. Dozens of ballots are immediately disqualified for this reason.
- 11/10 Cuyahoga: Excess votes dismissed as report bug by Cleveland Plain-Dealer and Akron Beacon-Journal
- 11/10 Kenneth Blackwell's spokesman ridicules blog investigation: "There are also Web sites devoted to theories that there was no landing on the moon," said James Lee.
- 11/10 Keith Olbermann notes negative 25 million in Youngstown and quotes Prof. Jonathan Turley: "So when you look at provisionals and absentees and then those pockets of votes, yeah, there probably is enough of a margin if things broke for Kerry that he could turn the state. Is it likely? No. But it is not impossible."
- 11/10 Election Law at Moritz identifies important questions to research, starting with long lines, provisional ballots, and problems with electronic machines and punch cards.
- 11/9 Ohio Democratic Party declares Every Vote Will Be Counted!
- 11/9 Cuyahoga County: Keith Olberman (video here, recap here) reports 93,000 more votes than voters – and so does Randi Rhodes.
- 11/9 Youngstown County: VerifiedVoting.org discovered one precinct recorded -25 million votes (not included in tally)
- 11/9 Lucas County: Officials throw out 709 of the first 1548 provisional ballots examined; 6719 total to be examined. In 2000 and 2002, 90% of provisional ballots were accepted.
- 11/8 Kerry lawsuits are pending
- 11/8 ReDedefeatBush.com says Bush got 86% of his lead from 9 counties where he got over 70% of the vote (Auglaize, Hancock, Holmes, Mercer, Putnam, Shelby, Union, Van Wert and Warren); in 2000, he broke 70% in only 2.
- 11/8 Bob Fittrakis estimates 102,134 (65.7%) of 155,428 provisional ballots are for Kerry
- 11/8 Franklin County: Bob Fittrakis cites many issues, including deliberate shortage of voting machines

in black wards, absentee ballot challenges, confusing absentee ballot design, felon purge, and wrong directions to polls

- 11/7 NY Times reports 92,000 overvotes, undervotes, and “counting errors.”
- 11/7 NY Times reports 155,000 provisional ballots, but they could all be thrown out because it takes 3 votes to count a provisional ballot on county boards with 2 Dems and 2 Reps. Over 90% are probably valid.
- 11/7 Auglaize County: Former ES&S employee tampered with the vote counting computer on October 16.
- 11/6 Activists plan recount around this calendar: Absentee deadline is 11/12, then canvass begins; certification expected 12/1; then recount can begin. Any disputes over choosing Electors must be resolved by 12/7; the Electoral College meets on 12/13.
- 11/6 Mahoning County: Did Kerry lose 10,000 votes around Youngstown?
- 11/6 Safe Bush Counties: Why did C. Ellen Connally, an underfunded black woman running for Ohio Supreme Court, lose by less than Kerry?
- 11/6 Miami County: 19,000 votes added to tally in exact same proportion?
- 11/6 Darke County: 3,000 new votes ALL for Bush?
- 11/5 Citizen Action demands counting of 92,672 “uncounted” overvotes and undervotes, and public access to all data
- 11/5 Warren County: 92,251 votes counted in secret – Bush gets 72% – Keith Olberman gets an explanation
- 11/4 Youngstown: Touchscreen voting machines were registering “George W. Bush” when people pressed “John F. Kerry” ALL DAY LONG
- 11/3 Hundreds storm State House in response to massive voter suppression and corruption
- 11/3 Was the Ohio Election Honest and Fair?
- 11/3 VoteProtect.org records 2,580 incidents, including many voters who were prevented from voting
- 11/3 VotersUnite.org records 28 incidents
- 11/3 Lucas County (Toledo): Technical problems snarled the process throughout the day. Jammed or inoperable voting machines were reported throughout the city.
- 11/3 Mahoning County: using touchscreens, some races showed votes of negative 25 million
- 11/2 Hamilton County (Cincinnati): Problems with punch card voting machines delayed the start of voting for up to an hour Tuesday morning at a suburban precinct. Voters were unable to slide their punch-card ballots all the way into any of the six voting machines that had ALL evidently been damaged in transit.
- 10/31 Lake County: Voters received a memo on bogus Board of Elections letterhead informing voters who registered through Democratic and NACCP drives that they could not vote. Election officials referred the matter to the sheriff.

10/31 Cuyahoga County (Cleveland): Election officials received a spate of complaints after voters began receiving phone calls incorrectly informing them that their polling place had changed. In addition, unknown volunteers began showing up at voters' doors illegally offering to collect and deliver completed absentee ballots to the election office. Officials have not identified who is behind the tricks. "We've never seen anything like this before, where there seems to be a concerted effort to give voters misinformation," Jane Platten said.

Widely circulated "Voting Information" fliers from the "Bipartisan Voting Authority" claimed that "due to record numbers of registered voters this year," Republicans would be voting on Tuesday, November 2 while Democrats should vote Wednesday, November 3. The flier did not inform voters the polls would be closed on Wednesday.

OHIO 2004 – Current Synopsis

*[Links to all statements made here can be found in text at <http://blog.democrats.com/ohio>]*

Many of the issues above involve FRAUD. They form the basis for the contest filed on December 13. If the Ohio Supreme Court (controlled by Republicans, of course) finds enough fraud, it can declare Kerry the winner or order a revote – as in Ukraine.

If Kerry wins Ohio under either scenario, Congress would be presented with 2 slates of Electors on January 6 – one slate for Bush and one slate for Kerry. If one Senator and one Representative file a written motion challenging the Bush Electors, the two Houses of Congress would have to begin an immediate debate.

In 2000, 14 Representatives led by the Congressional Black Caucus filed written motions challenging Florida's Bush Electors, a scene made famous at the beginning of Fahrenheit 9-11. But no Senators were willing to join them, so there was no debate.

Activists must begin lobbying their Senators now to support a challenge to Bush's Ohio Electors on January 6.

Here is a list of available statements from Senators:

VT: Jim Jeffords (1) – undecided – contact Vermonters for Voting Integrity

12/15/04: Jeffords' press secretary, Diane Derby, said Dec. 14 that she could not speak directly to the request because the senator had not yet seen the letter.

Jeffords supports creation of a paper trail for electronic voting, and national standards for provisional ballots, Derby said. He is hopeful that ongoing challenges to the 2004 election, including lawsuits, a recount in Ohio and a study by the non-partisan Government Accountability Office

"will get to the heart of some of the concerns and questions," she added.

"He has been pretty consistent that reform and clarification of existing law needs to be passed by Congress," Derby said. She refused to speculate on whether he would agree to directly challenge the 2004 results.

VT: Pat Leahy (D) – no – contact Vermonters for Voting Integrity

12/15/04: A spokesman for Sen. Patrick Leahy said he would not challenge the certification on Jan. 6. “That wouldn’t change the results,” said David Carle, Leahy’s spokesman in Washington, “it would only prompt a discussion.”

“The Electoral College has met and the results have been officially counted,” Carle said. “Sen. Leahy believes we need to continue to push to find the problems that prevented every vote from being counted and to learn from those mistakes. He strongly supports the Government Accountability Office’s investigation into the problems in Ohio and other states that clouded this election.”

Activists:

*(Links to all websites can be found in text at <http://blog democrats.com/ohio>)*

- \* Alliance for Democracy
- \* Citizens’ Alliance for Secure Elections
- \* Election 2004
- \* Green Party (volunteer)
- \* League of Pissed Off Voters
- \* Ohio Election Fraud (Ray Beckerman)
- \* Ohio Vigilance – Election 2004 Audit!
- \* RecountOhio.org
- \* The Free Press
- \* We Do Not Concede
- \* You Stole My Vote 51 Capital March

In-depth research:

*(Links to all research can be found in text at <http://blog democrats.com/ohio>)*

- \* Voter suppression in Cleveland and Columbus (broken machines and long lines)
- \* Cuyahoga County African American voting patterns
- \* The Unexplained Exit Poll Discrepancy by Steve Freeman

Blog investigations:

*(Links to all investigations can be found in text at <http://blog democrats.com/ohio>)*

- \* 11/9 VOTE FRAUD Links – a DU Compendium (DU/Eloriel)
- \* 11/6 Vote Counting Thread (MyDD/Bowers)
- \* 11/5 Ohio Provisional Ballots, Recounts, and Fraud (DailyKos/Hunter)
- \* 11/5 Outrage in Ohio: Angry residents storm State House in response to massive voter suppression and corruption (IMC/Solnit)

## Compilations

*[Link to compilation can be found in text at <http://blog democrats.com/ohio>]*

\* Evidence of Fraud in the 2004 U.S. Presidential Election: A Reader (Michael Keefer)

Just for the record, here are the “official stories” about the Ohio vote:

*[Link to news stories can be found in text at <http://blog democrats.com/ohio>]*

\* 12/5 WashPost: Okay, We Lost Ohio. The Question Is, Why?

\* 11/4 WashPost: GOP Won With Accent On Rural and Traditional (credits religion-themed mailings, 85,000 volunteers, and “parties for the president”)

STATEMENT OF REP. JOHN CONYERS, JR. – 2004 Election Forum  
Columbus, Ohio, December 13, 2004

At the outset of this hearing, I would like to announce that 10 Members of Congress, including myself, have written to Governor Taft asking him to either delay or treat as provisional the vote of Ohio's presidential electors.

Secretary of State Blackwell's actions have had the result of unduly delaying the initial certification of votes so that any recount and other litigation could not possibly be completed by December 13. Under these circumstances, law and equity -- not to mention the credibility of our democratic system -- demand a delay.

The closer we get to Columbus and the Ohio presidential election, the worse it looks.

Each and every day it becomes increasingly clear that the Republican power structure in this state is acting as if they have something to hide:

- 1) Why else would the Secretary of State abrogate Ohio law and lock down public election records in Green County this weekend?
- 2) Why else would Mr. Blackwell -- who is also the co-chair of the Bush-Cheney campaign in Ohio! -- take position after position to prevent citizens from registering, prevent registered voters from getting ballots, and prevent lawful ballots from being counted?
- 3) Why else would Mr. Blackwell refuse to answer a single one of the 36 questions presented to him by 12 members of Congress?
- 4) Why else would Mr. Blackwell unnecessarily delay the certification of the Ohio vote, making a recount impossible by the meeting of the electoral college?
- 5) Why else would the exit polls, which showed a significant lead for Kerry throughout the day, be so out of whack with the final returns?
- 6) Why else would there not be a single investigation by the state into the huge Republican effort to disenfranchise minority voters?

No investigation into the unprecedented lock down on Warren County?

No investigation into the mysterious disappearance of 4,000 votes in Franklin County?

There is no right more precious in our constitution than the right to vote.

That is why I pledge that this investigation will not end and we will not go away until these questions are answered.

LETTER FROM HOUSE COMMITTEE ON THE JUDICIARY TO OHIO SECRETARY OF STATE KENNETH BLACKWELL  
*Original letter can be found at [http://www.truthout.org/mm\\_01/5.120404W.pdf](http://www.truthout.org/mm_01/5.120404W.pdf)*

One Hundred Eighth Congress  
Congress of the United States  
House of Representatives  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington DC 20515-6216  
(202) 225-3951

December 2, 2004

The Honorable J. Kenneth Blackwell  
Ohio Secretary of State  
180 East Broad Street, 16th Floor  
Columbus, OH 43215

Dear Secretary Blackwell:

We write to request your assistance with our ongoing investigation of election irregularities in the 2004 Presidential election. As you may be aware, the Government Accountability Office has agreed to undertake a systematic and comprehensive review of election irregularities throughout the nation. As a separate matter, we have requested that the House Judiciary Committee Democratic staff undertake a thorough review of each and every specific allegation of election irregularities received by our offices.

Collectively, we are concerned that these complaints constitute a troubled portrait of a one-two punch that may well have altered and suppressed votes, particularly minority and Democratic votes. First, it appears there were substantial irregularities in vote tallies. It is unclear whether these apparent errors were the result of machine malfunctions or fraud.

Second, it appears that a series of actions of government and non-government officials may have worked to frustrate minority voters. Consistent and widespread reports indicate a lack of voting machines in urban, minority and Democratic areas, and a surplus of such machines in Republican, white and rural areas. As a result, minority voters were discouraged from voting by lines that were in excess of eight hours long. Many of these voters were also apparently victims of a campaign of deception, where flyers and calls would direct them to the wrong polling place. Once at that polling place, after waiting for hours in line, many of these voters were provided provisional ballots after learning they were at the wrong location. These ballots were not counted in many jurisdictions because of a directive issued by some election officials, such as yourself.

We are sure you agree with us that regardless of the outcome of the election, it is imperative that we examine any and all factors that may have led to voting irregularities and any failure of votes to be

properly counted. Toward that end, we ask you to respond to the following allegations:

## I. Counting Irregularities

A. Warren County Lockdown – On election night, Warren County locked down its administration building and barred reporters from observing the counting. When that decision was questioned, County officials claimed they were responding to a terrorist threat that ranked a “10” on a scale of 1 to 10, and that this information was received from an FBI agent. Despite repeated requests, County officials have declined to name that agent, however, and the FBI has stated that they had no information about a terror threat in Warren County. Your office has stated that it does not know of any other county that took these drastic measures.

In addition to these contradictions, Warren County officials have given conflicting accounts of when the decision was made to lock down the building. While the County Commissioner has stated that the decision to lockdown the building was made during an October 28 closed-door meeting, emailed memos – dated October 25 and 26 – indicate that preparations for the lockdown were already underway.

This lockdown must be viewed in the context of the aberrational results in Warren County. In the 2000 Presidential election, the Democratic Presidential candidate, Al Gore, stopped running television commercials and pulled resources out of Ohio weeks before the election. He won 28% of the vote in Warren County. In 2004, the Democratic Presidential candidate, John Kerry, fiercely contested Ohio and independent groups put considerable resources into getting out the Democratic vote. Moreover, unlike in 2000, independent candidate Ralph Nader was not on the Ohio ballot in 2004. Yet, the tallies reflect John Kerry receiving exactly the same percentage in Warren County as Gore received, 28%.

We hope you agree that transparent election procedures are vital to public confidence in electoral results. Moreover, such aberrant procedures only create suspicion and doubt that the counting of votes was manipulated. As part of your decision to certify the election, we hope you have investigated these concerns and found them without merit. To assist us in reaching a similar conclusion, we ask the following:

1. Have you, in fact, conducted an investigation of the lockdown? What procedures have you or would you recommend be put into place to avoid a recurrence of this situation?
2. Have you ascertained whether County officials were advised of terrorist activity by an FBI agent and, if so, the identity of that agent?
3. If County officials were not advised of terrorist activity by an FBI agent, have you inquired as to why they misrepresented this fact? If the lockdown was not as a response to a terrorist threat, why did it take place? Did any manipulation of vote tallies occur?

B. Perry County Election Counting Discrepancies – The House Judiciary Committee Democratic staff has received information indicating discrepancies in vote tabulations in Perry County. For example, the sign-in book for the Reading S precinct indicates that approximately 360 voters cast ballots in that precinct. In the same precinct, the sign-in book indicates that there were 33 absentee votes cast. In sum, this would appear to mean that fewer than 400 total votes were cast in that precinct. Yet, the precinct’s official tallies indicate that 489 votes were cast. In addition, some voters’ names have two ballot stub numbers listed

next to their entries creating the appearance that voters were allowed to cast more than one ballot.

In another precinct, W Lexington G AB, 350 voters are registered according to the County's initial tallies. Yet, 434 voters cast ballots. As the tallies indicate, this would be an impossible 124% voter turnout. The breakdown on election night was initially reported to be 174 votes for Bush, and 246 votes for Kerry. We are advised that the Perry County Board of Elections has since issued a correction claiming that, due to a computer error, some votes were counted twice. We are advised that the new tallies state that only 224 people voted, and the tally is 90 votes for Bush and 127 votes for Kerry. This would make it appear that virtually every ballot was counted twice, which seems improbable.

In Monroe Township, Precinct AAV, we are advised that 266 voters signed in to vote on election day, yet the Perry County Board of Elections is reporting that 393 votes were cast in that precinct, a difference of 133 votes.

4. Why does it appear that there are more votes than voters in the Reading S precinct of Perry County?

5. What is the explanation for the fluctuating results in the W Lexington AB precinct?

6. Why does it appear that there are more votes than voters in the Monroe Township precinct AAV?

#### C. Perry County Registration Peculiarities

In Perry County, there appears to be an extraordinarily high level voter registration, 91%; yet a substantial number of these voters have never voted and have no signature on file. Of the voters that are registered in Perry County an extraordinarily large number of voters are listed as having registered in 1977, a year in which there were no federal elections. Of these an exceptional number are listed as having registered on the exact same day: in total, 3,100 voters apparently registered in Perry County on November 8, 1977.

7. Please explain why there is such a high percentage of voters in this County who have never voted and do not have signatures on file. Also, please help us understand why such a high number of voters in this County are shown as having registered on the same day in 1977.

#### D. Unusual Results in Butler County

In Butler County, a Democratic Candidate for State Supreme Court, C. Ellen Connally received 59,532 votes. In contrast, the Kerry-Edwards ticket received only 54,185 votes, 5,000 less than the State Supreme Court candidate. Additionally, the victorious Republican candidate for State Supreme Court received approximately 40,000 less votes than the Bush-Cheney ticket. Further, Connally received 10,000 or more votes in excess of Kerry's total number of votes in five counties, and 5,000 more votes in excess of Kerry's total in ten others.

It must also be noted that Republican judicial candidates were reportedly "awash in cash," with more than \$1.4 million and were also supported by independent expenditures by the Ohio Chamber of Commerce.

While you may have found an explanation for these bizarre results, it appears to be wildly implausible that 5,000 voters waited in line to cast a vote for an underfunded Democratic Supreme Court candidate and

then declined to cast a vote for the most well-funded Democratic Presidential campaign in history. We would appreciate an answer to the following:

8. Have you examined how an underfunded Democratic State Supreme Court candidate could receive so many more votes in Butler County than the Kerry-Edwards ticket? If so, could you provide us with the results of your examination? Is there any precedent in Ohio for a downballot candidate receiving on a percentage or absolute basis so many more votes than the Presidential candidate of the same party in this or any other presidential election? Please let us know if any other County in Ohio registered such a disparity on a percentage or absolute basis.

#### E. Unusual Results in Cuyahoga County

Precincts in Cleveland have reported an incredibly high number of votes for third party candidates who have historically received only a handful of votes from these urban areas. For example, precinct 4F in the 4th Ward cast 290 votes for Kerry, 21 for Bush, and 215 for Constitution Party candidate Michael Peroutka. In 2000, the same precinct cast less than 8 votes for all third party candidates combined.

This pattern is found in at least 10 precincts through throughout Cleveland in 2004, awarding hundreds of unlikely votes to the third party candidate. Notably, these precincts share more than a strong Democratic history: the use of a punch card ballot. In light of these highly unlikely results, we would like to know the following:

9. Have you investigated whether the punch card system used in Cuyahoga County led to voters accidentally voting for third party candidates instead of the Democratic candidate they intended? If so, what were the results? Has a third party candidate ever received such a high percentage of votes in these precincts.

10. Have you found similar problems in other counties? Have you found similar problems with other voting methods?

#### F. Spoiled Ballots

According to post election canvassing, many ballots were cast without any valid selection for president. For example, two precincts in Montgomery County had an undervote rate of over 25% each – accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president. This is in stark contrast to the 2% of undervoting county-wide. Disturbingly, predominantly Democratic precincts had 75% more undervotes than those that were predominantly Republican. It is inconceivable to us that such a large number of people supposedly did not have a preference for president in such a controversial and highly contested election.

Considering that an estimated 93,000 ballots were spoiled across Ohio, we would like to know the following:

11. How many of those spoiled ballots were of the punch card or optical scan format and could therefore be examined in a recount?

12. Of those votes that have a paper trail, how many votes for president were undercounted, or

showed no preference for president? How many were overcounted, or selected more than one candidate for president? How many other ballots had an indeterminate preference?

13. Of the total 93,000 spoiled ballots, how many were from predominantly Democratic precincts? How many were from minority-majority precincts?

14. Are you taking steps to ensure that there will be a paper trail for all votes before the 2006 elections so that spoiled ballots can be individually re-examined?

G. Franklin County Overvote – On election day, a computerized voting machine in ward 1B in the Gahanna precinct of Franklin County recorded a total of 4,258 votes for President Bush and 260 votes for Democratic challenger, John Kerry. However, there are only 800 registered voters in that Gahanna precinct, and only 638 people cast votes at the New Life Church polling site. It was since discovered that a computer glitch resulted in the recording of 3,893 extra votes for President George W. Bush.

Fortunately, this glitch was caught and the numbers were adjusted to show President Bush's true vote count at 365 votes to Senator Kerry's 260 votes. However, many questions remain as to whether this kind of malfunction happened in other areas of Ohio. To help us clarify this issue, we request that you answer the following:

15. How was it discovered that this computer glitch occurred?

16. What procedures were employed to alert other counties upon the discovery of the malfunction?

17. Can you be absolutely certain that this particular malfunction did not occur in other counties in Ohio during the 2004 Presidential election? How?

18. What is being done to ensure that this type of malfunction does not happen again in the future?

H. Miami County Vote Discrepancy – In Miami County, with 100% of the precincts reporting on Wednesday, November 3, 2004, President Bush had received 20,807 votes, or 65.80% of the vote, and Senator Kerry had received 10,724 votes, or 33.92% of the vote. Miami reported 31,620 voters. Inexplicably, nearly 19,000 new ballots were added after all precincts reported, boosting President Bush's vote count to 33,039, or 65.77%, while Senator Kerry's vote percentage stayed exactly the same to three one-hundredths of a percentage point at 33.92%.

Roger Kearney of Rhombus Technologies, Ltd., the reporting company responsible for vote results of Miami County, has stated that the problem was not with his reporting and that the additional 19,000 votes came before 100% of the precincts were in. However, this does not explain how the vote count could change for President Bush, but not for Senator Kerry, after 19,000 new votes were added to the roster. To help us better understand this anomaly, we request that you answer the following:

19. What is your explanation as to the statistical anomaly that showed virtually identical ratios after the final 20-40% of the vote came in? In your judgment, how could the vote count in this County have changed for President Bush, but not for Senator Kerry, after 19,000 new votes were added to the roster?

20. Are you aware of any pending investigations into this matter?

I. MAHONING COUNTY MACHINE PROBLEMS – In Mahoning County, numerous voters reported that when they attempted to vote for John Kerry, the vote showed up as a vote for George Bush. This was reported by numerous voters and continued despite numerous attempts to correct their vote.

21. Please let us know if you have conducted any investigation or inquiry of machine voting problems in the state, including the above described problems in Mahoning County, and the results of this investigation or inquiry.

## II. PROCEDURAL IRREGULARITIES

### A. Machine Shortages

Throughout predominately Democratic areas in Ohio on election day, there were reports of long lines caused by inadequate numbers of voting machines. Evidence introduced in public hearings indicates that 68 machines in Franklin County were never deployed for voters, despite long lines for voters at that county, with some voters waiting from two to seven hours to cast their vote. The Franklin County Board of Elections reported that 68 voting machines were never placed on election day, and Franklin County BOE Director Matt Damschroder admitted on November 19, 2004 that 77 machines malfunctioned on Election Day. It has come to our attention that a county purchasing official who was on the line with Ward Moving and Storage Company, documented only 2,741 voting machines delivered through the November 2 election day. However, Franklin County's records reveal that they had 2,866 "machines available" on election day. This would mean that amid the two to seven hour waits in the inner city of Columbus, at least 125 machines remained unused on Election Day.

Franklin County's machine allocation report clearly states the number of machines that were placed "By Close of Polls." However, questions remain as to where these machines were placed and who had access to them throughout the day. Therefore, what matters is not how many voting machines were operating at the end of the day, but rather how many were there to service the people during the morning and noon rush hours.

An analysis revealed a pattern of providing fewer machines to the Democratic city of Columbus, and more machines to the primarily Republican suburbs. At seven out of eight polling places, observers counted only three voting machines per location. According to the presiding judge at one polling site located at the Columbus Model Neighborhood facility at 1393 E. Broad St., there had been five machines during the 2004 primary. Moreover, at Douglas Elementary School, there had been four machines during the spring primary. In one Ohio voting precinct serving students from Kenyon College, some voters were required to wait more than eight hours to vote. There were reportedly only two voting machines at that precinct. The House Judiciary Committee staff has received first hand information confirming these reports.

Additionally, it appears that in a number of locations, polling places were moved from large locations, such as gyms, where voters could comfortably wait inside to vote to smaller locations where voters were required to wait in the rain. We would appreciate answers to the following:

22. How much funding did Ohio receive from the federal government for voting machines?

23. What criteria were used to distribute those new machines?

24. Were counties given estimates or assurances as to how many new voting machines they would receive? How does this number compare to how many machines were actually received?

25. What procedures were in place to ensure that the voting machines were properly allocated throughout Franklin and other counties? What changes would you recommend be made to insure there is a more equitable allocation of machines in the future?

## B. Invalidated Provisional Ballots

As you know, just weeks before the 2004 Presidential election, you issued a directive to county election officials saying they are allowed to count provisional ballots only from voters who go to the correct precinct for their home address. At the same time, it has been reported that fraudulent flyers were being circulated on official-looking letterhead telling voters the wrong place to vote, phone calls were placed incorrectly informing voters that their polling place had changed, "door-hangers" telling African-American voters to go to the wrong precinct, and election workers sent voters to the wrong precinct. In other areas, precinct workers refused to give any voter a provisional ballot. And in at least one precinct, election judges told voters that they may validly cast their ballot in any precinct, leading to any number of disqualified provisional ballots.

In Hamilton County, officials have carried this problematic and controversial directive to a ludicrous extreme: they are refusing to count provisional ballots cast at the correct polling place if they were cast at the wrong table in that polling place. It seems that some polling places contained multiple precincts which were located at different tables. Now, 400 such voters in Hamilton county alone will be disenfranchised as a result of your directive.

26. Have you directed Hamilton County and all other counties not to disqualify provisional ballots cast at the correct polling place simply because they were cast at the wrong precinct table?

27. While many election workers received your directive that voters may cast ballots only in their own precincts, some did not. How did you inform your workers, and the public, that their vote would not be counted if cast in the wrong precinct? How many votes were lost due to election workers telling voters they may vote at any precinct, in direct violation of your ruling?

28. Your directive was exploited by those who intentionally misled voters about their correct polling place, and multiplied the number of provisional ballots found invalid. What steps have you or other officials in Ohio taken to investigate these criminal acts? Has anyone been referred for prosecution? If so, what is the status of their cases?

29. How many provisional ballots were filed in the presidential election in Ohio? How many were ultimately found to be valid and counted? What were the various reasons that these ballots were not counted, and how many ballots fall into each of these categories? Please break down the foregoing by County if possible.

C. Directive to Reject Voter Registration Forms Not Printed on White, Uncoated Paper of Not Less Than 80 lb Text Weight

On September 7, you issued a directive to county boards of elections commanding such boards to reject voter registration forms not “printed on white, uncoated paper of not less than 80 lb. text weight.” Instead, the county boards were to follow a confusing procedure where the voter registration form would be treated as an application for a form and a new blank form would be sent to the voter. While you reversed this directive, you did not do so until September 28. In the interim, a number of counties followed this directive and rejected otherwise valid voter registration forms. There appears to be some further confusion about the revision of this order which resulted in some counties being advised of the change by the news media.

30. How did you notify county boards of elections of your initial September 7 directive?
31. How did you notify county boards of elections of your September 28 decision to revise that directive?
32. Have you conducted an investigation to determine how many registration forms were rejected as a result of your September 7 directive? If so, how many?
33. Have you conducted an investigation to determine how many voters who had their otherwise valid forms rejected as a result of your September 7 directive subsequently failed to re-register? If so, how many?
34. Have you conducted an investigation to determine how many of those voters showed up who had their otherwise valid forms rejected to vote on election day and were turned away? If so, how many?

We await your prompt reply. To the extent any questions relate to information not available to you, please pass on such questions to the appropriate election board or other official. Please respond to 2142 Rayburn House Office Building, Washington, DC 20515 by December 10. If you need more time to investigate and respond to some of these inquiries, we would welcome a partial response by that date and a complete response within a reasonable period of time thereafter. If you have any questions about this inquiry, please contact Perry Apelbaum or Ted Kalo of the House Judiciary Committee Democratic Staff at (202) 225-6504.

Sincerely,

Rep. John Conyers, Jr.  
Rep. Melvin Watt  
Rep. Jerrold Nadler  
Rep. Tammy Baldwin