

# And so the sorting and discarding of Kerry votes begins

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Are the provisional ballots in Ohio being thrown out? A new rule for counting provisional ballots in Cuyahoga County, Ohio was implemented on Tuesday, November 9 at approximately 2:30 in the afternoon, [according to election observer Victoria Lovegren](#) .

The new ruling in Cuyahoga County mandates that provisional ballots in yellow packets must be “Rejected” if there is no “date of birth” on the packet. The *Free Press* obtained copies of the original “Provisional Verification Procedure” from Cuyahoga County which stated “Date of birth is not mandatory and should not reject a provisional ballot.” The original procedure required the voter’s name, address and a signature that matched the signature in the county’s database.

Lovegren described the clerks as “kind of disturbed” after the new ruling came down. She said that one of the clerks told her, “This is new. This just came down. They just changed it in the last thirty minutes.” According to Lovegren, 80 yellow-jacketed provisional ballots piled up in the hour and 45 minutes she observed. By Lovegren’s tally, three provisional ballots were rejected because the registered voters’ registration had been “cancelled.” The rest, she said, were being discarded because of no date of birth.

In 2000, an estimated 9% of Ohio’s provisional ballots were rejected and not counted, according to Secretary of State Kenneth Blackwell. Many election observers are predicting the number will be much higher this year due to directives from Blackwell’s office.

An earlier analysis in the *Free Press* of the 155,428 unofficial provisional ballots recorded at the [Secretary of State’s website](#) found that a clear majority, 85,096, came from the 15 counties Kerry won. An additional 17,038 came from urban Hamilton County, home of Cincinnati, and Wood County, where Bush won with 53% and 53.5% respectively. Traditionally, Hamilton County’s provisional ballots are disproportionately cast in the African American majority wards of the central city and not in the affluent Republican-dominated suburbs. Thus, nearly two-thirds (65.7%), or 102,134, provisional ballots come from areas where the provisional ballots are likely to be pro-Kerry.

The official county-by-county board of elections’ final tally will begin on Saturday, November 13, the 11th day after the election and be completed by the 15th day. Following this canvassing period, 11-15 days after the election, an automatic recount would ensue if the gap between Kerry and Bush narrowed to less than one quarter of one percent, an estimated 16-19,000 votes, depending on how many are actually counted.

During the canvassing, Bush will no doubt lose 3,893 votes from the infamous ward 1B in Gahanna, Ohio where a “computer glitch” counted 4,258 votes for Bush from 638 voters.

But it is unlikely that Kerry will draw within the needed automatic recount margin.

At the end of the canvass, candidates including Kerry have five days to apply for a paid recount, according to election attorney Donald McTigue. McTigue served as U.S. representative Dennis Kucinich's campaign treasurer during the Democratic presidential primaries. The recount would be held within five days, and gives any candidate who applies, Kerry or others, the right to physically inspect the polling place materials including 92,672 ballots that failed to record a vote for President.

Under Ohio law, like Florida law in 2000, the recount can include these ballots, many of them punch cards with the notorious "hanging chads" and optically scanned ballots where marks may have gone slightly astray but a vote for president is clearly evident.

Overseas ballots postmarked by Election Day and late absentees just prior to the election also remain to be counted. During a recount, candidates may also inspect authorizations to vote, to make sure that the machine tallies are in line with the actual votes cast. They also may examine voter registration forms to argue for improperly rejected provisional ballots.

Local boards of elections may amend election results if obvious mistakes are pointed out. It will cost \$10 per precinct in Ohio, or an estimated \$120,000, to recount the whole state.

The official tallies are due at the Secretary of State's Office by December 1. The Secretary of State must certify the election under Ohio law by December 3.

U.S. representative Dennis Kucinich complained in an article on [CommonDreams.org](http://CommonDreams.org) that "Dirty tricks occurred across the state, including phony letters from Boards of Elections telling people that their registrations through some Democratic activist groups were invalid and that Kerry voters were to report on Wednesday because of massive voter turnout."

The *Free Press*, in its November 7 article "[None dare call it voter suppression or fraud](#)," pointed to possible voting anomalies in Miami County, Ohio where nearly 19,000 new ballots appear to have been added after 100% of the precincts had reported. The additional votes were at virtually the exact same ratio as earlier Bush votes, 65.8% for earlier votes and 65.77% for the latter. Kerry's vote percentage was identical, despite the nearly 19,000 new votes at 33.92%.

Roger Kearney of Rhombus Technologies, Ltd. [told the Free Press](#), "The report you saw the following morning at 9 a.m. was probably either the 60 or 80 percent report." Kearney's company is the reporting company for vote results for Miami County; he claims that the problem was not with his reporting and that the additional 19,000 votes came before 100% of the precincts were in.

As for the statistical anomaly that showed virtually identical ratios after the final 20-40% of the vote came in, Kearney offered no explanation and said he merely reports the results given to him.

Miami County reports its votes in 20 percent blocks instead of a continuous running tally. "I watch as Steve Quillen, the Board Director, put floppy disks that he had taken from the tabulating computer and put them into the reporting computer. He did this at about 20%, 40%, 60%, 80% and 100% of the count ... I looked at each of these reports. When the final one came out about midnight, we copied the report file onto my floppy disk. I came home

and immediately posted it to the website. The page is still on our website exactly as it was shortly after midnight ... No one had access to this computer but me.”

Kearney told the *Free Press* that the software used at the Miami County Board of Elections for counting the votes is from Elections Systems & Software (ES&S). The strong Republican ties of ES&S are well established in the public record. (See for example, “[Diebold’s political machine](#)” at motherjones.com).

Such statistical anomalies may be examined if Kerry has the courage to demand a recount, or if other candidates who have legal standing to request a recount are curious. McTigue told a gathering of suburban Democrats that Kerry may recount eight counties of interest, and other candidates may recount the rest of Ohio.

Unless the opportunity is seized, more than 100,000 votes will likely go uncounted, and statistical anomalies and “computer glitches” will remain unexamined.

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