

## Kerry Won... Here are the Facts

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Bush won Ohio by 136,483 votes. In the United States, about 3 percent of votes cast are voided—known as “spoilage” in election jargon—because the ballots cast are inconclusive. Drawing on what happened in Florida and studies of elections past, Palast argues that if Ohio’s discarded ballots were counted, Kerry would have won the state. Today, the Cleveland Plain Dealer reports there are a total of 247,672 votes not counted in Ohio, if you add the 92,672 discarded votes plus the 155,000 provisional ballots. So far there’s no indication that Palast’s hypothesis will be tested because only the provisional ballots are being counted.]

Greg Palast, contributing editor to Harper’s magazine, investigated the manipulation of the vote for BBC Television’s Newsnight. The documentary, “Bush Family Fortunes,” based on his New York Times bestseller, *The Best Democracy Money Can Buy*, has been released this month on DVD .]

Kerry won. Here are the facts.

I know you don’t want to hear it. You can’t face one more hung chad. But I don’t have a choice. As a journalist examining that messy sausage called American democracy, it’s my job to tell you who got the most votes in the deciding states. Tuesday, in Ohio and New Mexico, it was John Kerry.

Most voters in Ohio thought they were voting for Kerry. At 1:05 a.m. Wednesday morning, CNN’s exit poll showed Kerry beating Bush among Ohio women by 53 percent to 47 percent. The exit polls were later combined with—and therefore contaminated by—the tabulated results, ultimately becoming a mirror of the apparent actual vote. [To read about the skewing of exit polls to conform to official results, [click here](#) .] Kerry also defeated Bush among Ohio’s male voters 51 percent to 49 percent. Unless a third gender voted in Ohio, Kerry took the state.

So what’s going on here? Answer: the exit polls are accurate. Pollsters ask, “Who did you vote for?” Unfortunately, they don’t ask the crucial, question, “Was your vote counted?” The voters don’t know.

Here’s why. Although the exit polls show that most voters in Ohio punched cards for Kerry-Edwards, thousands of these votes were simply not recorded. This was predictable and it was predicted. [See TomPaine.com, “An Election Spoiled Rotten,” November 1.]

Once again, at the heart of the Ohio uncounted vote game are, I’m sorry to report, hanging chads and pregnant chads, plus some other ballot tricks old and new.

The election in Ohio was not decided by the voters but by something called “spoilage.” Typically in the United States, about 3 percent of the vote is

voided, just thrown away, not recorded. When the bobble-head boobs on the tube tell you Ohio or any state was won by 51 percent to 49 percent, don't you believe it ... it has never happened in the United States, because the total never reaches a neat 100 percent. The television totals simply subtract out the spoiled vote.

### Whose Votes Are Discarded?

And not all votes spoil equally. Most of those votes, say every official report, come from African-American and minority precincts. (To learn more, click [here](#).)

We saw this in Florida in 2000. Exit polls showed Gore with a plurality of at least 50,000, but it didn't match the official count. That's because the official, Secretary of State Katherine Harris, excluded 179,855 spoiled votes. In Florida, as in Ohio, most of these votes lost were cast on punch cards where the hole wasn't punched through completely—leaving a 'hanging chad,'—or was punched extra times. Whose cards were discarded? Expert statisticians investigating spoilage for the government calculated that 54 percent of the ballots thrown in the dumpster were cast by black folks. (To read the report from the U.S. Civil Rights Commission, click [here](#) .)

And here's the key: Florida is terribly typical. The majority of ballots thrown out (there will be nearly 2 million tossed out from Tuesday's election) will have been cast by African American and other minority citizens.

So here we go again. Or, here we don't go again. Because unlike last time, Democrats aren't even asking Ohio to count these cards with the not-quite-punched holes (called "undervotes" in the voting biz). Nor are they demanding we look at the "overvotes" where voter intent may be discerned.

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 a close election with punch cards as the state's primary voting device invites a Florida-like calamity."

But this week, Blackwell, a rabidly partisan Republican, has warmed up to the result of sticking with machines that have a habit of eating Democratic votes. When asked if he feared being this year's Katherine Harris, Blackwell noted that Ms. Fix-it's efforts landed her a seat in Congress.

Exactly how many votes were lost to spoilage this time? Blackwell's office, notably, won't say, though the law requires it be reported. Hmm. But we know that last time, the total of Ohio votes discarded reached a democracy-damaging 1.96 percent. The machines produced their typical loss—that's 110,000 votes—overwhelmingly Democratic.

### The Impact Of Challenges

First and foremost, Kerry was had by chads. But the Democrat wasn't punched out by punch cards alone. There were also the 'challenges.' That's a polite word for the Republican Party of Ohio's use of an old Ku Klux Klan technique: the attempt to block thousands of voters of color at the polls. In Ohio, Wisconsin and Florida, the GOP laid plans for poll workers to ambush citizens under arcane laws—almost never used—allowing party-designated poll watchers to finger individual voters and demand they be denied a ballot. The Ohio courts were horrified and federal law prohibits targeting of voters where race is a factor in the challenge. But our Supreme Court was prepared to let Republicans stand in the voting booth door.

In the end, the challenges were not overwhelming, but they were there. Many apparently resulted in voters getting these funky “provisional” ballots—a kind of voting placebo—which may or may not be counted. Blackwell estimates there were 175,000; Democrats say 250,000. Pick your number. But as challenges were aimed at minorities, no one doubts these are, again, overwhelmingly Democratic. Count them up, add in the spoiled punch cards (easy to tally with the human eye in a recount), and the totals begin to match the exit polls; and, golly, you’ve got yourself a new president. Remember, Bush won by 136,483 votes in Ohio.

#### Enchanted State’s Enchanted Vote

Now, on to New Mexico, where a Kerry plurality—if all votes are counted—is more obvious still. Before the election, in TomPaine.com, I wrote, “John Kerry is down by several thousand votes in New Mexico, though not one ballot has yet been counted.”

How did that happen? It’s the spoilage, stupid; and the provisional ballots.

CNN said George Bush took New Mexico by 11,620 votes. Again, the network total added up to that miraculous, and non-existent, ‘100 percent’ of ballots cast.

New Mexico reported in the last race a spoilage rate of 2.68 percent, votes lost almost entirely in Hispanic, Native American and poor precincts—Democratic turf. From Tuesday’s vote, assuming the same ballot-loss rate, we can expect to see 18,000 ballots in the spoilage bin.

Spoilage has a very Democratic look in New Mexico. Hispanic voters in the Enchanted State, who voted more than two to one for Kerry, are five times as likely to have their vote spoil as a white voter. Counting these uncounted votes would easily overtake the Bush ‘plurality.’

Already, the election-bending effects of spoilage are popping up in the election stats, exactly where we’d expect them: in heavily Hispanic areas controlled by Republican elections officials. Chaves County, in the “Little Texas” area of New Mexico, has a 44 percent Hispanic population, plus African Americans and Native Americans, yet George Bush “won” there 68 percent to 31 percent.

I spoke with Chaves’ Republican county clerk before the election, and he told me that this huge spoilage rate among Hispanics simply indicated that such people simply can’t make up their minds on the choice of candidate for president. Oddly, these brown people drive across the desert to register their indecision in a voting booth.

Now, let’s add in the effect on the New Mexico tally of provisional ballots.

“They were handing them out like candy,” Albuquerque journalist Renee Blake reported of provisional ballots. About 20,000 were given out. Who got them?

Santiago Juarez who ran the “Faithful Citizenship” program for the Catholic Archdiocese in New Mexico, told me that “his” voters, poor Hispanics, whom he identified as solid Kerry supporters, were handed the iffy provisional ballots. Hispanics were given provisional ballots, rather than the countable kind “almost religiously,” he said, at polling stations when there was the least question about a voter’s identification. Some voters, Santiago said, were simply turned away.

Your Kerry Victory Party

So we can call Ohio and New Mexico for John Kerry—if we count all the votes.

But that won't happen. Despite the Democratic Party's pledge, the leadership this time gave in to racial disenfranchisement once again. Why? No doubt, the Democrats know darn well that counting all the spoiled and provisional ballots will require the cooperation of Ohio's Secretary of State, Blackwell. He will ultimately decide which spoiled and provisional ballots get tallied. Blackwell, hankering to step into Kate Harris' political pumps, is unlikely to permit anything close to a full count. Also, Democratic leadership knows darn well the media would punish the party for demanding a full count.

What now? Kerry won, so hold your victory party. But make sure the shades are down: it may become illegal to demand a full vote count under PATRIOT Act III.

I used to write a column for the Guardian papers in London. Several friends have asked me if I will again leave the country. In light of the failure—a second time—to count all the votes, that won't be necessary. My country has left me.

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