

Ohio GOP election officials ducking subpoenas as Kerry enters stolen vote fray

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COLUMBUS — Ohio Republican Secretary of State J. Kenneth Blackwell refused to appear at a deposition on Monday, December 27. The deposition was part of an election challenge lawsuit filed at the Ohio Supreme Court. Meanwhile John Kerry is reported to have filed a federal legal action aimed at preserving crucial recount evidence, which has been under GOP assault throughout the state.

Richard Conglianese, Ohio Assistant Attorney General, is seeking a court order to protect Blackwell from testifying under oath about how the election was run. Blackwell, who administered Ohio's November 2 balloting, served as co-chair of the Bush-Cheney campaign.

James R. Dicks, Miami County Assistant Prosecuting Attorney, filed a motion to block a subpoena in his county while Conglianese filed to block subpoenas in ten key Ohio counties.

President George Bush, Vice-President Richard Cheney and White House Political Advisor Karl Rove received notice that they will be deposed Tuesday and Wednesday, December 28 and 29. The trio's Ohio attorney, Kurt Tunnell, so far claims his clients have not been properly served. Under Ohio law, the Republican-dominated Ohio Supreme Court is responsible for serving the three.

Meanwhile, the Election Protection legal team has collected new statements under oath describing more voting and vote-counting problems on November 2.

Voters in Trumbull County have testified that on Election Day they received punch-card ballots where holes were already punched for Bush. Meanwhile, a notarized affidavit signed by Angela Greene, who voted at Whitehall Yearling High School in central Ohio's Franklin County, stated that one of the malfunctioning electronic voting machines at her polling place was delivered without a cartridge - meaning votes cast might have gone uncounted.

In Miami County, Blackwell certified a 98.6% turnout in the Concord Southwest precinct, comprised of 520 votes for Bush and 157 for Kerry. This statistically improbable turnout has all but 10 of the 689 registered voters casting their ballots on Election Day. A preliminary canvas by The Free Press of less than half the precinct found 25 registered voters admitting they had not voted, meaning the official tally was almost certainly fraudulent.

The nearby Concord South precinct certified a 94.27% voter turnout, with 468 alleged votes for Bush versus 182 for Kerry. Miami County is included in the election challenge since it

somehow reported nearly 19,000 additional votes after 100% of the precincts had reported on Election Day.

In Madison County, where public records requests were filed to obtain voting records, the voting results provided by the Madison County Board of Elections came directly from a private company, Triad Governmental Systems, Inc. An email dated November 29, 2004 from Brandon Sandlin of Triad reads as follows: "Hello to all in Madison County! Attached you will find the cumulative report (oh49unov.pdf) with over and under votes reported as well as the official abstract (oh49abs.pdf). These reports may be printed for your records and then mailed to the state along with your other certification reports." Coming from a private corporation, Triad's letter underscores the barriers to making a reliable independent public assessment and recount of Ohio's presidential tally.

In Mahoning County, the Washington Post reported new affidavits documenting electronic "vote hopping" from Kerry to Bush. This means voting machines highlighted the choice for Bush before the voter recorded a choice of his or her own. The legal team has been told by a computer expert that this may mean the machines were pre-set on a Bush vote as a default. The Free Press has obtained dozens such sworn statements of vote hopping.

The legal team is also exploring new evidence that in Coshocton, Ohio, write-in votes wrongly defaulted to Bush when run through the voting machine.

On December 23, U.S. Representative John Conyers, Jr. of the House Judiciary Committee, wrote a letter to Triad President Brett A. Rapp inquiring whether or not Triad possessed remote access capabilities for any of the 41 counties where its election tabulation software or computers are in use.

Attorneys for the election challenge team are also exploring ties between Triad and the Tallahassee-based company Datamaxx. Ohio public safety and police agencies use the Datamaxx DMPP2020 software for its LEADS computer systems. Datamaxx makes numerous remote access products that law enforcement can access with mobile and handheld computers. CommSys, a Dayton, Ohio-based company provides technical support for Datamaxx.

The Free Press has also obtained a list of all voting machines assigned in Franklin County, including serial numbers. The list contains at least 42 machines originally assigned to predominantly African-American and inner city wards that voted 80% for Kerry, and where voters waited in line for three hours and more on Election Day. These 42 machines were blacked out on the list, raising the question of whether these were among the 68 machines the Franklin County Board of Elections has admitted holding back in the warehouse despite obvious shortages at certain polling places. Affidavits from poll workers confirm that numerous requests for more machines were made through election day, but that few if any were delivered.

Franklin County Board of Elections Chair Bill Anthony claims that low-level poll workers refused to accept the machines assigned by high-ranking election officials. But he has yet to provide specific details. Anthony has repeatedly claimed that he was a watchdog for Democratic interests in the election, but he was a political appointee of the Republican Secretary of State.

Under Ohio election law, the members, directors and deputy directors of all boards of

elections are assigned by the Secretary of State. They hold these paying jobs at his discretion regardless of whether they are Democrat or Republican. A major argument of those who claim Ohio's 2004 presidential election was fraud-free centers on the myth that local precincts are run as bipartisan operations, deflecting charges of partisan interference while failing to account for the fact that the principles all owe their jobs to the Secretary of State, who in this case served as co-chair of the state's Bush-Cheney campaign.

These problems add to the established pattern of problems that favored Bush at Kerry's expense.

Despite the legal stonewalling, lawyers directing the election challenge case are still pursuing evidence-gathering efforts. Three expert witnesses are scheduled to be deposed on Thursday and Friday, including specialists in statistics and vote counting irregularities.

The challengers are seeking a January 4th hearing before the Ohio Supreme Court. Members of Congress meet in Washington on January 6 to evaluate the Electoral College vote. Led by Rep. John Conyers (D-MI), it is virtually certain numerous members of the Congressional Black Caucus will challenge that vote. But the assent of a Senator is required for the challenge to go forward, and thus far none has definitively confirmed.

Despite ducking depositions, Blackwell is escalating his public appearances in hopes of becoming Ohio's next governor. On January 12, 2005, Blackwell is scheduled to speak at the exclusive Scioto Country Club on the topic of "Ethics in Leadership." Blackwell became nationally known after disenfranchising voters who had not registered on 80-pound bond paper stock under an archaic Ohio law. He reversed longstanding Ohio tradition that allowed voters to cast provisional votes by county by ruling that none of these votes would be counted unless the voter was in the right precinct. He also was recently censured for running a "get out the vote" campaign for Issue One, a Constitutional amendment banning gay marriage and spousal benefits.

Meanwhile, Sen. John Kerry (D-MA) was reported to be filing a brief in federal court in relation to the activities of Triad and events in Hocking County, where serious questions have arisen as to the integrity of the recount. Kerry previously circulated a letter to all 88 counties requesting information on how the vote was conducted. The Kerry campaign raised millions of dollars from grassroots supporters with the promise that "all votes would be counted." But the Democrats are not known to have helped fund the legal work of the Green and Libertarian Parties and their grassroots Election Protection supporters, who have raised the money for the shoestring campaign that has kept the legal challenges alive thus far.

An Election Protection rally in downtown Columbus has been set by Rev. Jesse Jackson for 2pm Monday, January 3. It will be followed by a national gathering in Washington January 6, to take place as Congress evaluates the Electoral College and the Ohio votes, which have allegedly given George W. Bush another term in the White House.

Revised and updated 1:32 pm December 28, 2004 — Bob Fittrakis, Steve Rosenfeld and Harvey Wasserman are co-authors of the upcoming OHIO'S STOLEN ELECTION: VOICES OF THE DISENFRANCHISED, 2004, a book and film project from <http://freepress.org> .

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