

Ten preliminary reasons why the Bush vote does not compute, Congress must investigate rather than certify the Electoral College

by

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The presidential vote for George W. Bush does not compute.

By examining a very wide range of sworn testimonies from voters, polling officials and others close to the administration of the Nov. 2 election; by statistical analysis of the certified vote by mathematicians, election experts and independent research teams who have conducted detailed studies of the results in Ohio, New Mexico, Florida and elsewhere; from experts who studied the voting machines, tabulators and other electronic equipment on which a fair vote count has depended; and from a team of attorneys and others who have challenged the Ohio results; the freepress.org investigative team has compiled a portrait of an election whose true outcome must be investigated further by the Congress, the media and all Americans — because it was almost certainly not an honest victory for George W. Bush.

Crucial flaws in the national vote count, most importantly in Ohio, New Mexico and Florida, indicate John Kerry was most likely the actual winner on November 2, as reported in national exit polls. At very least, the widespread tampering with how the election was conducted, and how Ohio's votes were counted and re-counted, has compromised this nation's historic commitment to free and fair elections.

On Thursday, January 6, the Electoral College will be challenged by Rep. John Conyers (D-MI) and other members of Congress under a law passed in 1887 in reaction to the fraudulent election of 1876. A fuller investigation requires assent by at least one Senator.

As this vote nears, Ohio's certified presidential vote (and quite likely those of at least Florida and New Mexico) is simply not credible. George W. Bush's 'victory' appears to have resulted from multiple frauds – a GOP 'do-everything' strategy to win the state that swung the election.

In today's article, we list the top ten glaring flaws in the Ohio vote that have allowed Bush to gather the votes to 'win' the presidency in Ohio with an apparent margin of 118,775 votes – the result from an official recount that manually examined only 3 percent of ballots cast.

This list involves very large totals of uncounted, tainted or fraudulent votes. Taken together, they exceed Bush's margin of victory in Ohio.

These expert analyses are based on state and local Board of Election statistics, U.S. Census reports, and other public documents. They were not conducted with any assistance from John F. Kerry's campaign. All the conclusions presented can be re-checked among the wide range of documents posted at freepress.org under the Election 2004 department. The authors will also respond to specific journalistic inquiries at truth@freepress.org. Additional key sources are specified below.

These flaws involve very large numbers of votes. But they cannot fully explain how the results were recorded on Election Day for one crucial reason: the paper and digital record trail needed to analyze the actual voting has been sealed from public scrutiny by Ohio's Republican Secretary of State, Kenneth Blackwell, who both administered the state's election and served as the co-chair of Ohio's 2004 Bush-Cheney campaign.

Blackwell and other Republican officials continue to discount such criticisms. Blackwell has written that the election ran "smoothly." His office has refused subpoenas requesting him to testify, terming them a form of "harassment." Ohio Republican Party Chairman Robert Bennett has said that this year's election had "fewer glitches" than previous ones. "We have bipartisan (election) boards and very specific rules and procedures," he says. "To have fraud within the counting process in Ohio, you would have to have massive collusion."

Nearly 85 percent of the state used paper ballots. Most were tabulated electronically – meaning an evidence trail exists, if it has not been destroyed or fatally compromised. But we have reason to believe this destruction has already occurred in a number of Ohio counties, rendering a full recount and audit impossible.

While the anomalies we have found in the Ohio vote are deep and serious, an in-depth study now indicates shocking parallels in New Mexico, which we will discuss in tomorrow's article.

The Bush-Cheney 'do-everything' strategy in Ohio covered a very wide range of tactics, from disenfranchisement of minority voters to discarding of ballots to tampered tabulators and much more.

Taken as a whole, this compendium of error, fraud, cover-up and contempt indicates that this was not a legitimate election, and is not worthy of being certified by the Congress of the United States:

1. More than 106,000 Ohio ballots remain uncounted. As certified by Blackwell, Ohio's official results say 92,672 regular ballots were cast without indicating a choice for president. This sum grows to 106,000 ballots when uncounted provisional ballots are included. There is no legal reason for not inspecting and counting each of these ballots. This figure does not include thousands of people who did not vote, despite intending to do so in Ohio's inner cities, due to a lack of voting machines, having no available ballots, intimidation, manipulation of registrations, denial of absentee ballots and other means of depriving American citizens of their rightful vote.

2. Most uncounted ballots come from regions and precincts where Kerry was strongest. In Hamilton County, 4,515 ballots or 51.64 percent of the uncounted county total, came from Cincinnati, where Kerry won 67.98 percent to Bush's 31.54 percent. In Cuyahoga County, 4,708 ballots or 44 percent of the county total came from Cleveland, where Kerry won all 65 precincts. In Summit County, 2,650 ballots or 48.72 percent of the county total came from

Akron, which Kerry won 68.75 percent to Bush's 28.00 percent.

3. Of the 147,000 combined provisional and absentee ballots counted by hand after Election Day, Kerry received 54.46 percent of the vote. In the 10 largest Ohio counties, Kerry's margin was 4.24 to 8.92 percent higher than in the certified results, which were predominantly machine counted. As in New Mexico, where George W. Bush carried every precinct whose votes were counted with electronic optical scanning machines, John Kerry's vote count was significantly lower among ballots counted on Election Day using electronic tabulators.

4. Turnout inconsistencies reveal tens of thousands of Kerry votes were not simply recorded. Systematic mathematical scrutiny reveals that the certified results at the statewide and precinct-to-precinct level display key patterns against a backdrop of implausible results. Most striking is a pattern where turnout percentages (votes cast as a percentage of registered voters) in cities won by Kerry were 10 percentage points or more lower than in the regions won by Bush, a virtually impossible scenario.

In Franklin County, where Columbus is located, Kerry won 346 precincts to Bush's 125. The median Kerry precinct had 50.78 percent turnout, compared to 60.56 percent for Bush. Kerry's lower numbers are due to local election officials assigning more voting machines per capita to Republican-leaning suburbs than the Democrat-leaning inner city - a political decision and likely Voting Rights Act violation. If Kerry-majority precincts in Columbus had a 60 percent turnout, as recorded throughout the rest of the state, he would have netted an additional 17,000 votes.

5. Many certified turnout results in key regions throughout the state are simply not plausible, and all work to the advantage of Bush. In southern Perry County, two precincts reported turnouts of 124.4 and 124.0 percent of the registered voters. These impossible turnouts were nonetheless officially certified as part of the final recount by Blackwell. But in pro-Kerry Cleveland, there were certified precinct turnouts of 7.10, 13.15, 19.60, 21.01, 21.80, 24.72, 28.83 and 28.97 percents. Seven entire wards reported a turnout less than 50 percent. But if the actual Cleveland turnout was 60 percent, as registered statewide, Kerry would have netted an additional 22,000 votes. Kerry is also thought to have lost 7,000 votes in Toledo this way.

6. Due to computer flaws and vote shifting, there were numerous reports across Ohio of extremely troublesome electronic errors during the voting process and in the counting. In Youngstown, there were more than two-dozen Election Day reports of machines that switched or shifted on-screen displays of a vote for Kerry to a vote for Bush. In Cleveland, there were three precincts in which minor third-party candidates received 86, 92 and 98 percent of the vote respectively, an outcome completely out of synch with the rest of the state (a similar thing occurred during the contested election in Florida, 2000). This class of error points to more than machine malfunction, suggesting instead that votes are being electronically shifted from one candidate to another in the voting and counting stage. All reported errors favored Bush over Kerry.

7. In Miami County, two sets of results were submitted to state officials. The second, which padded Bush's margin, reported that 18,615 additional votes were counted, increasing Bush's total by exactly 16,000 votes. Miami County's turnout was up 20.86 percent from 2000, but only had experienced a population increase of 1.38 percent by 2004. Two Miami County precincts were certified with reported turnouts of 98.55 and 94.27 percent. In one of

the precincts this would have required all but ten registered voters to have cast ballots. But an independent investigation has already collected affidavits of more than 10 registered voters that did not cast ballots on Nov. 2, indicating that Blackwell's officially certified vote count is simply impossible, which once again favoring Bush.

In Warren County, in southern Ohio, an unexplained Homeland Security alert was cited by Republican election board officials as a pretext for barring the media and independent observers from the vote count. In Warren and neighboring Butler and Clermont Counties, Bush won by a margin of 132,685 votes. He beat Gore in these counties in 2000 by 95,575 votes, meaning an implausible pickup of almost 40,000 votes.

But Bush's numbers meant 13,566 people who voted for C. Ellen Connally, the liberal Democratic candidate for Ohio Supreme Court Chief Justice, also voted for Bush. In Butler County, Bush officially was given 109,866 votes. But conservative GOP Chief Justice Moyer was given only 68,407, a negative discrepancy of more than 40,000 votes. Meanwhile, Connally was credited with 61,559 votes to John Kerry's 56,234. This would mean that while Bush vastly outpolled his Republican counterpart running for the Supreme Court, African-American female Democrat running for the Supreme Court on the Democratic side outpolled Kerry. By all accounts such an outcome is inconceivable. Again, it indicates a very significant and likely fraudulent shifting of votes to Bush.

8. Democratic voters were apparently targeted with provisional ballots. These ballots require voters to fill out extensive forms at the poll. Under extraordinary rules established by Blackwell these ballots were set to be discarded if even minor errors were committed. Poll watchers in Cleveland and Columbus have testified that most provisional ballots were given to minority and young voters. The same is true with presumed liberal college and university students. In Athens, where Ohio University is located, 8.59 percent of student ballots were provisional. At Kenyon College and Oberlin College, liberal arts institutions, there were severe shortages of voting machines when compared with nearby religious-affiliated schools. Students at Kenyon waited up to eleven hours to vote. Provisional ballots were also required of mostly African-American students at Wilberforce College.

9. Ohio's Election Day exit poll was more credible than the certified result, according to intense statistical analysis. In-depth studies by Prof. Ron Baiman of the University of Illinois at Chicago shows that Ohio's exit polls in Ohio and elsewhere were virtually certain to be more accurate than the final vote count as certified by Blackwell. Ohio's exit polls predicted a Kerry victory by percentages that exceeded their margin of error. Compared to the voter access, voting technology and vote counting problems in Ohio, the exit polls were far more systematic and reliable. Critics of the exit polls' accuracy say too many Democrats were sampled, but a detailed analysis of that assertion shows no credible evidence for it. The stark shift from exit polls favoring Kerry to final results in Florida, Pennsylvania and Ohio all went in Bush's direction, and are, according to Baiman, a virtual impossibility, with odds as high as 150 million to one against.

10. The Ohio recount wasn't random or comprehensive and may have involved serious illegalities. Under Ohio law, 3 percent of the ballots in a precinct are examined by hand. If the numbers match what was counted on Election Day, then the rest of the ballots are compiled electronically. In many districts, Republican Secretary of State Blackwell chose the precincts to be counted in a partisan manner, weighing the choices toward precincts where there were no disputes while avoiding those being contested. Moreover, there have been numerous confirmed instances where employees of the private companies that

manufactured the voting machines had access to the machines and the computer records before the recount occurred. In at least two counties, technicians from Diebold and Triad dismantled key parts of voting machines before they could be subjected to audits for recount. In some counties, vendor companies conducted the recount – not public election officials. At least one county—Shelby—has admitted to discarding key data before the recount could be taken. In Greene County unrecounted ballots were left unguarded in an unlocked building, rendering the recount moot.

These ten points are among the most serious clouding the electoral outcome in Ohio, but are only part of a larger pattern. Their correlation with similar evidence in New Mexico, Florida and elsewhere gives them added gravitas. Scores of sworn affidavits and the ongoing work of teams of attorneys, statisticians and other experts have revealed far more points of contention and suspicion, many of which we will present in tomorrow’s article.

The sources used for this report are available at <http://freepress.org>. The statistical analysis was primarily done by Richard Hayes Phillips, PhD. A transcript of his deposition in the election challenge lawsuit detailing these findings can be found at: http://freepress.org/images/departments/Dep_Phillips.pdf. The exit poll analysis was by Ron Baiman, PhD, and a transcript of the deposition describing his analysis can be found at: http://freepress.org/images/departments/Dep_Baiman.pdf. Additional material appears in court filings in Moss v. Bush and related legal actions filed with the Ohio Supreme Court.

Taken together, these ten points involve votes that cumulatively exceed Bush’s 118,775 vote margin in the state.

These flaws must be thoroughly investigated before Congress ratifies the Electoral College. The legitimacy of the presidency and American Democracy is at stake. In tomorrow’s article we will outline more of the evidence leading up to Thursday’s historic vote.

Bob Fittrakis, Steve Rosenfeld and Harvey Wasserman are co-authors of OHIO’S STOLEN ELECTION: VOICES OF THE DISENFRANCHISED, 2004, a book/film project from <http://freepress.org> .

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