

# The re-election of Jim Crow: How Jeb Bush's team is trying to steal Florida again

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There is no shame.

In 2000, Katherine Harris, Florida Secretary of State, ordered county elections officials to purge 57,000 citizens from voter registries as felons not allowed to vote in Florida. In fact, about 95 percent of these voters were innocent of crimes — but 54 percent were guilty of being African-American. No guess there: a voter's race is right there on the voter form. So there was the election: BBC Television, for whom I conducted the investigation of this black-out operation, figures Al Gore lost 22,000 votes this way.

But I was wrong. The company that put together this racial roster that fixed the election, DBT On-Line of Boca Raton, has now 'fessed up, having been sued by the NAACP for violating Floridians' civil rights. They have turned over to the NAACP's lawyers a report indicating that the state ordered the purge of 94,000 voters and that, according to the company's data, no more than 3,000 are likely illegal voters.

In April of this year, Harris wrote that my reporting was "twisted and maniacally partisan" — but not, in the main, wrong. The Secretary of State, now candidate for Congress for Sarasota, settled with the NAACP, agreeing that legal voters had been mistakenly purged, but admitting no wrongdoing.

Here's where it gets nasty. Harris and the state admit that tens of thousands of black voters had been wronged, and with plantation noblesse have agreed to return them to the voter rolls — at the beginning of 2003. In other words, the votes seized in November 2002 will not be emancipated until after the ballots are counted in the race between Governor Jeb Bush and his Democratic opponent Bill McBride.

Is there some technical reason for the delay? The first purge was launched in 1998 only weeks before Jeb's last run for office; yet the order to reverse the process is dragging for months since settlement and nearly two years since the exposure of the list's falsity.

Not all of the 91,000 wrongly listed for the purge lost their vote; and most, though not all, are Democrats. But in a Governor's race in a statistical dead heat, these tens of thousands of votes may well decide the outcome.

## THE BLACK BUTTON

Nevertheless, that doesn't seem enough for the Republican controllers of the state's voting apparatus. In the 2000 race, despite the odd statement by Republican spokesman James Baker that Florida's votes were counted six times, in fact, just short of 180,000 ballots were never tallied — "spoiled" in the parlance of elections officials.

How does a vote “spoil”? Is it left out of the refrigerator too long? In Florida, a spoiled ballot is one that is mis-marked — especially easy to do with the paper ballots used throughout much of Florida. While the nation was chortling over “butterfly” ballots and “hanging chads,” the race was decided by the machines that optically read the paper ballots. It’s hard to imagine a machine with a racial bias, but they can be programmed for Jim Crow outcome.

Here’s how it happened. Take two counties: Gadsden, Florida’s most heavily African-American county (57% minority population) and white-majority Leon County (which includes the capital, Tallahassee). Both counties used paper ballots; both were read by machines. But in the black county one in eight votes was “spoiled” — voided and never read; while in next-door Leon, almost no ballot went uncounted (a spoilage rate of only one in two-hundred).

The 180,000 spoiled ballots came overwhelmingly from the blackest, poorest, most Democratic counties. How could that be? ABC TV’s Nightline sent down their Clark Kents to investigate — and they concluded that African-American voters were not properly educated and trained to handle the sophisticated voting process. In other words, blacks are too dumb to figure out how to vote.

I found another explanation while investigating the matter for BBC TV Newsnight out of London. The Leon County officials showed me that in their (white) county, if a voter made an error, the machine automatically returned the ballot and issued a new one for correction. However, if the black voters of Gadsden made a minor error — a stray mark, a circle not an x — their machine accepted the ballot, then voided it; the reject mechanisms were either missing or disabled.

This was no surprise mistake — Leon County election clerks told me that before the election, they set up example machines at their office across from the Governor’s office, and his election chiefs thoroughly examined how the machines operated.

Florida officials are considering an end to this mechanical apartheid; the issue will be addressed some time after the November race.

## COUP D’ETAT BY COMPUTER

But the old dogs of ballot-bending are learning some new tricks. Before resigning to run for Congress, Secretary of State Harris leaned hard on the counties to purchase “touch screen” voting machines. But not just any machines. Harris first authorized the use of machines by only one company, Election Systems & Software of Omaha. While Harris later authorized others, ES&S used its jump ahead to work an agreement with the association of county elections supervisors to kick back to the group five percent of the cost of new machines purchased by any county.

It was ES&S machines that were used in Florida’s 2002 primaries and were plagued by countless breakdowns. A report by state Inspector General Christopher Mazzella says that the company “bears major responsibility” for the foul-ups. An ACLU study found that, once again, it was Miami-Dade’s black voters who were disproportionately disenfranchised by “lost votes.”

Who is behind ES&S that its way into Florida seemed so well lubricated? Its lobbyist: Sandra Mortham. Mortham is the frothingly partisan predecessor to Harris as secretary of state, a founding member of Women for Jeb and the official who in 1998, before Harris, promoted

and carried out the first round of the fake felon purge. If Mortham's credentials as an unbiased source of corrective voting mechanisms are a bit questionable, ES&S's track record for reliability should have caused some concern. From Hawaii to Venezuela, there have been questions about the company's machines.

In early voting during the week of October 21, voters in Dallas County, Texas, complained that ES&S touch-screen machines were registering Democratic votes as votes for Republican candidates. This might affect one of the most important Senate races in the country, between Democrat Ron Kirk and Republican John Cornyn.

It was no surprise to me that ES&S machines failed. I tried the test ballot on the company web site, and despite their supposedly reliable system, still succeeded in "overvoting" and voting twice for the same candidate — until their site seized up. Nor is it surprising that problems with the touch screen voting occurred mostly in African-American precincts.

Greg Palast is an award-winning BBC reporter who has also written for Salon, Harper's, and the Washington Post. In February, Penguin Plume will issue a special U.S. edition of Palast's book, *The Best Democracy Money Can Buy*, with the latest on his investigation of vote manipulation in Florida. Fredda Weinberg contributed to this report. .Copyright Greg Palast 2002. For fair use only/ pour usage équitabile seulement .

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