the relief of victims in areas affected by the December 26, 2004, Indian Ocean tsunami for which a charitable contribution deduction is allowable under section 170 of the Internal Revenue Code of 1986.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 12:55 p.m. Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess until approximately 12:55 p.m.

□ 1258

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 58 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from Arizona (Mr. SHADEGG) please take his place in the well of the House and take the oath of office at this time.

Mr. SHADEGG appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the swearing in of the gentleman from Arizona, the whole number of the House is adjusted to 429.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1 (HOUSE OF REPRESENTATIVES—JANUARY 6, 2005)

At 1:02 p.m., the Sergeant at Arms, Wilson Livingood, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by

the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker and Members of Congress, pursuant to the Constitution of the United States, the Senate and House of Representatives are meeting in joint session to verify the certificates and count the votes of the electors of the several States for President and Vice President of the United States.

After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will then take their places at the Clerk's desk.

The tellers, Mr. LOTT and Mr. JOHN son on the part of the Senate, and Mr. NEY and Mr. LARSON of Connecticut on the part of the House, took their places at the desk.

The VICE PRESIDENT. Without objection, the tellers will dispense with reading formal portions of the certificates.

There was no objection.

The VICE PRESIDENT. After ascertaining that certificates are regular in form and authentic, the tellers will announce the votes cast by the electors for each State, beginning with Alabama.

Senator LOTT (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 55 votes for President and John Edwards of the State of North Carolina received 55 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of California seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 55 votes for President and John Edwards of the State of North Carolina received 55 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Florida seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Senator JOHN son. Mr. President, the certificate of the electoral vote of the State of Georgia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 55 votes for President and John Edwards of the State of North Carolina received 55 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the District of Columbia seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 1 vote for President and John Edwards of the State of North Carolina received 1 vote for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Delaware seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President and Dick Cheney of the State of Wyoming received 3 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Hawaii seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President and Dick Cheney of the State of Wyoming received 3 votes for Vice President.

Senator JOHN son. Mr. President, the certificate of the electoral vote of the State of Iowa seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 1 vote for President and John Edwards of the State of North Carolina received 1 vote for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Kansas seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 1 vote for President and Dick Cheney of the State of Wyoming received 1 vote for Vice President.

Senator JOHN son. Mr. President, the certificate of the electoral vote of the State of Kentucky seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 1 vote for President and John Edwards of the State of North Carolina received 1 vote for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Louisiana seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 1 vote for President and Dick Cheney of the State of Wyoming received 1 vote for Vice President.

Senator JOHN son. Mr. President, the certificate of the electoral vote of the State of Maine seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 1 vote for President and John Edwards of the State of North Carolina received 1 vote for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Maryland seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 1 vote for President and Dick Cheney of the State of Wyoming received 1 vote for Vice President.

Senator JOHN son. Mr. President, the certificate of the electoral vote of the State of Massachusetts seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 5 votes for President and Dick Cheney of the State of Wyoming received 5 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Michigan seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 6 votes for President and Dick Cheney of the State of Wyoming received 6 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Minnesota seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 5 votes for President and John Edwards of the State of North Carolina received 5 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Mississippi seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 5 votes for President and Dick Cheney of the State of Wyoming received 5 votes for Vice President.
Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Massachusetts received 12 votes for President, and John Edwards of the State of North Carolina received 17 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Massachusetts seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 9 votes for President, that John Edwards of the State of North Carolina received 1 vote for President, and John Edwards of the State of North Carolina received 10 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Texas seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and Dick Cheney of the State of Wyoming received 15 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Massachusetts received 31 votes for President, and John Edwards of the State of North Carolina received 31 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of New Mexico seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and Dick Cheney of the State of Wyoming received 5 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of New Hampshire seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 15 votes for President, and John Edwards of the State of North Carolina received 15 votes for Vice President

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of New York seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and Dick Cheney of the State of Wyoming received 15 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of North Dakota seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and Dick Cheney of the State of Wyoming received 3 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the well-known and great State of Ohio seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 20 votes for President and Dick Cheney from the State of Wyoming received 20 votes for Vice President.

What purpose does the gentlewoman from Ohio rise?

Mrs. JONES of Ohio. Mr. Vice President, I seek to object to the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given and have a signed objection, and I do have a Senator.
The VICE PRESIDENT. Has the Senator signed the objection?  

Mrs. JONES of Ohio. Mr. Vice President, the Senator has signed the objection.

The VICE PRESIDENT. An objection presented in writing and signed by both a Representative and a Senator complies with the law, chapter 1 of title 3, United States Code.

The Clerk will report the objection.  

The Clerk reads the objection as follows:

We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

Stephanie Tubbs Jones,  
Representative, State of Ohio

Barbara Boxer,  
Senator, State of California.

The VICE PRESIDENT. Are there further objections to the certificate from the State of Ohio?

The Chair hears none.

The VICE PRESIDENT. The two Houses will withdraw from joint session. Each House will deliberate separately on pending objection and report its decision back to the joint session.

The Senate will now retire to its Chamber.

The Senate retired to its Chamber.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1 and section 17 of title 3, the United States Code, when two Houses withdraw from the joint session to count the electoral votes for separate consideration of objection, a Representative may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question, "Shall the objection be agreed to?"

The Clerk will report the objection made in the joint session.

The Clerk reads the objection as follows:

We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

Stephanie Tubbs Jones,  
Representative, State of Ohio

Barbara Boxer,  
Senator, State of California.

The SPEAKER. The Chair will endeavor to alternate recognition between Members speaking in support of the objection and Members speaking in opposition to the objection.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES) for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I, Stephanie Tubbs Jones, and Barbara Boxer, a Senator from California, have objected to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

I, thank God, have a Senator joining me in this objection, and I appreciate Senator Boxer’s willingness to listen to the plight of hundreds, and even thousands of Ohio voters, that for a variety of reasons were denied the right to vote.

Unfortunately, objection to the electoral votes from Ohio is the only immediate avenue to bring these issues to light. While some have called our cause foolish, I can assure you that my parents, Mary and Andrew Tubbs, did not raise any fools. They raised a lawyer, they raised a former judge, they raised a prosecutor; and thank God they live to see me serve as a Member of the House of Representatives.

I am duty bound to follow the law and apply the law to the facts as I find them, and it is on behalf of those millions of Americans who believe in and value our democratic process and the right to vote that I put forth this objection today. If they are willing to stand at polls for countless hours in the rain as Ohio then I should surely stand up for them here in the halls of Congress.

This objection does not have at its root the hope or even the hint of overturning the victory of the President; but it is a necessary, timely, and appropriate opportunity to review and remedy the most precious process in our democracy. I raise this objection neither to put the Nation in the turmoil of a proposed overturned election nor to provide cannon fodder or partisan demagoguery for my fellow Members of Congress. I raise this objection because I am convinced that we as a body must conduct a formal and legitimate debate about election irregularities. I raise this objection to debate the process and protect the integrity of the true will of the people.

Again, I thank Senator Boxer.

There are serious allegations in two lawsuits pending in Ohio that debate the constitutionality of the denial of provisional ballots to voters: One, the Sandusky County Democratic Party v. J. Kenneth Blackwell and Ohio’s vote recount, Yost v. David Cobb, et al. These legitimate questions brought forward by the lawsuits, which go to the core of our voting process, should be resolved before Ohio’s electoral votes are certified.

Moreover, as you are aware, advancing legislative initiatives is more challenging when you are in the minority party in the Congress. However, this challenge is multiplied when you are in the minority in the House of Representatives because of the House rules compared to the Senate rules.

Voting irregularities were an issue after the 2000 Presidential election when to House Republicans relating to House election reform were not considered. Therefore, in order to prevent our voices from being kept silent, it is imperative that we object to the counting of Ohio’s electoral votes.

What happened in Ohio in Cuyahoga County. There are just over 1 million registered voters in Cuyahoga County which, of course, includes my congressional district. Rejected approximately 10 percent. The beauty of the 2004 election was that more people were fully prepared to exercise their right to vote; however, on election day, hundreds and even thousands of individuals went to the voting polls and were denied their right by my own county where citizen volunteers put forth a Herculean effort to register, educate, mobilize and protect, there were long lines, 4- to 5-hour waits.

Election Protection Coalition testified that more than half of the complaints about long lines they received came from Columbus and Cleveland where a huge proportion of the State’s Democratic voters live. One entire polling place in Cuyahoga County had to shut down at 9 o’clock on election day because there were no working machines. On provisional ballots, Cuyahoga County had over-all provisional ballot rejection of 32 percent. Rejection rates for provisional ballots in African American precincts averaged 20 percent. In Cleveland averaged 37 percent and in some as high as 51 percent.

Significant flaws in registration process and procedures. Initial research identified at least 600 individuals purged from the Cuyahoga County voting rolls without a due process. Cuyahoga County analysis of 10,900 voter applications showed that almost 3,000 were never entered; address updates received but never updated; mistakes in replication showed that almost 3,000 were never entered; address updates received but never updated; mistakes in entering addresses.

I thank the Speaker for the opportunity to be heard, and I raise the objection on behalf of the electors of the State of Ohio.

Ms. PRYCE of Ohio. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentlewoman from Ohio.

Ms. PRYCE of Ohio. Mr. Speaker, on one recent, crisp autumn morning in Boston, one tire-looking Presidential hopeful took the stage in front of a large crowd of loyal, yet disappointed, faces to say the following words: ‘‘It is now clear that even when all the provisional ballots are counted, which they will be, and which they were, there was not an enough outcome for us to be able to win Ohio. And, therefore, we cannot win this election.’’ And so John Kerry conceded the Presidency to George W. Bush with grace and dignity.

Apparently such admirable qualities don’t apply to certain extreme elements of Senator Kerry’s own party. For if they did, surely this House would not be standing here today bogged down in this frivolous debate.

Mr. Speaker, on the other side of the aisle, a handful of Members will step forward and claim that they are here to contest an election of this Nation. They will claim that there was fraud
I think this is, in all the years I have been in politics, one of the most base, outrageous acts to take place. The Democratic State chairman in our State has not challenged, to my knowledge, the count or the outcome in any county. His name is Denny White. The Democratic chairman of no county to that I know of has challenged either the count or the outcome in any county. The Democratic board of election members have not challenged the count or the outcome in any county.

Mr. Speaker, I rise today with a heavy heart on this issue. In all of the years that I have been in public service, I think this is one of the most base, outrageous acts to take place.

Mr. Speaker, I rise today with a heavy heart on this issue. In all of the years that I have been in public service, I think this is one of the most base, outrageous acts to take place.

Ohio’s State Democratic Chairman, whose name is Denny White, has not, to the best of my knowledge, challenged the count or outcome of this election.

Mr. Speaker, I rise today with a heavy heart on this issue. In all of the years that I have been in public service, I think this is one of the most base, outrageous acts to take place.

No Ohio Democratic County Chairman has challenged the count or outcome of this election in any county.

No Ohio Democratic Board of Election member has challenged the count or outcome of this election in any county.

Mr. Speaker, I rise today with a heavy heart on this issue. In all of the years that I have been in public service, I think this is one of the most base, outrageous acts to take place.

The people of the State of Ohio are not challenging the results of the election. The challenges we are hearing today are politically motivated. They are casting aspersions on the bipartisan election officials within the State of Ohio. This is unfair and wrong to do to those hardworking, dedicated officials.

All of the major newspapers in Ohio have editorialized against this despicable action taken by the minority.

Mr. Speaker, the American people want us to work together in a bipartisan fashion. My constituents ask me why we don’t work together more often. What we are seeing here today, two days after being sworn in, is why we don’t see more comity in the House, this action is setting the wrong tone for the beginning of the 109th Congress.

This debate today is not going to change the result of the election, but it will poison the atmosphere. The rise of Representatives.

Mr. Speaker, this challenge should be overwhelmingly defeated.

Mr. CONYERS. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I include for printing in the CONGRESSIONAL RECORD the staff report of the House Judiciary Committee Democratic staff entitled, ‘Preserving Democracy: What Went Wrong in Ohio.’

Preserving Democracy: What Went Wrong in Ohio

EXECUTIVE SUMMARY

Representative John Conyers, Jr., the Ranking Democrat on the House Judiciary Committee, asked the Democratic staff to conduct an investigation into irregularities reported in the Ohio presidential election and to prepare a Status Report concerning the same prior to the Joint Meeting of Congress scheduled for January 6, 2005, to receive and consider the votes of the electoral college for president. The following Report includes a brief chronology of the events; an analysis of the current background law; provides detailed findings (including factual findings and legal analysis); and describes various recommendations for acting on this Report going forward.

We have found numerous, serious election irregularities in the Ohio presidential election, which resulted in the disenfranchisement of voters. Cumulatively, these irregularities, which affected hundreds of thousands of votes and voters in Ohio, were far more serious than could be said the Ohio elections selected on December 13, 2004, were chosen in a manner that conforms to Ohio law, let alone federal requirements and constitutional standards.

This report, therefore, makes three recommendations: (1) consistent with the requirements of the Constitution, Ohio should adopt new election laws; (2) Congress should engage in further hearings into the widespread irregularities reported in Ohio; and (3) Congress should request an Ohio election reform to restore our people’s trust in our democracy. This changes should include putting in place more specific federal protections for federal elections, particularly in the area of capability for electronic voting machines and counting and casting of proportional ballots, as well as other needed changes to federal and state election law.

With regards to our factual finding, in brief, we find that there were massive and unprecedented voter irregularities and anomalies in Ohio. In many cases, these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush-Cheney campaign in Ohio.

First, in the run up to election day, the following actions by Mr. Blackwell, the Republican Party and election officials disenfranchised hundreds of thousands of Ohio citizens, predominantly minority and Democratic voters.

The malversation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters. This was illustrated by the fact that the Washington Post reported that in Franklin County, “27 of the 30 wards with the most machines showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry.” Among other things, the conscious failure to provide sufficient voting machinery violates the Ohio Revised Code which requires the Boards of Elections to provide adequate facilities at each polling place for conducting the election.”

Mr. Blackwell’s decision to restrict provisional ballot access resulted in the disenfranchisement of thousands, if not hundreds of thousands of voters, again predominantly minority and Democratic voters. Mr. Blackwell’s decision departed from past Ohio law on provisional ballots and there is no reason to believe that a broader construction would have led to any significant disruption at the polling places, and did not do so in other states.

Mr. Blackwell’s widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of the thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party’s decision to engage in pre-election “caging” tactics, selectively targeted at lower income minority voters for intimidation had a negative impact on voter turnout. The Third Circuit
found these activities to be illegal and in direct violation of consent decrees barring the Republican Party from targeting minority voters for poll challenges. The Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of voters who were statutorily entitled to vote, but became discouraged by the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials. Mark Weaver, a lawyer for Republican officials, admitted the challenges "can't help but create chaos, longer lines and frustration.

Mr. Blackwell's refusal to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to cast provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for.

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1964, and the Ohio Constitution. Due Process Clause and the Equal Protection Clause. We found innumerous irregularities in the counting of Ohio law, including counties which did not randomly assign voters and store ballots and machinery; and counties which prevented witnesses for candidates from observing the various aspects of the recount.

The voting company computer Triad has essentially admitted that it engaged in a scheme to count votes in several counties to provide "cheat sheets" to those counting the ballots. The cheat sheets informed election officials how many votes they could count in a particular recount and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full county- wide hand recount mandated by state law.

The Lead Up to the 2004 Ohio Presidential Election In Ohio—In the days leading up to election day 2004, a consensus appeared to have emerged among observers that the state of Ohio would be one of the battleground states that would decide who would be elected the Forty-fourth President of the United States. Both the Democratic and Republican President candidates and outside groups, had spent considerable time outside groups, had spent considerable time and resources to win the state, but the day before the election, the Democratic candidates appeared to have the edge. The Democratic Party also had vastly outperformed its Republican counterparts in registering voters in this key state.

Numerous irregularities were reported throughout Ohio. In particular, in predominately Democratic and African-American areas, the voting process was chaotic, taxing and ultimately fruitless for many. The repeated and suspicious challenges of voter eligibility and a lack of inadequate number of voting machines in these areas worked in concert to slow voting to a crawl, with voting lines as long as ten hours. (iii) in Montgomery County a down ballot and under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voters League investigation project found these activities to be illegal and in violation of HAVA.

There were numerous, significant unexplained irregularities in other counties throughout the state of Ohio. (i) In Mahoning county a 4.9 percent of the vote was cast for President Bush, but the actual winner has yet to be determined. (ii) In Montgomery County a county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers and would not allow voting to continue without authorization of the FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than votes in other precincts, and voters casting more than one ballot; (iv) in Butler County a Democratic- funded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspicious 98.55 percent, and after 100 percent of the vote was reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of irregularities involving provisional ballots and conducting and completing the recount that disenfranchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete): Mr. Blackwell's failure to articulate clear and convincing standard of counting provisional ballots resulted in the loss of thousands of predominantly minority votes. In Cuyahoga County alone, the lack of guidance and the arbitrary review standards significantly contributed to the fact that 8,899 out of 24,472 provisional ballots were ruled invalid, the highest proportion in the state of Ohio. Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and the Equal Protection Clause. We found innumerous irregularities in the recount in violation of Ohio law, including counties which did not randomly assign voters and store ballots and machinery; and counties which prevented witnesses for candidates from observing the various aspects of the recount.

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Numerous irregularities were reported throughout Ohio. In particular, in predominately Democratic and African-American areas, the voting process was chaotic, taxing and ultimately fruitless for many. The repeated and suspicious challenges of voter eligibility and a lack of inadequate number of voting machines in these areas worked in concert to slow voting to a crawl, with voting lines as long as ten hours. (iii) in Montgomery County a down ballot and under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voters League investigation project found these activities to be illegal and in violation of HAVA.

There were numerous, significant unexplained irregularities in other counties throughout the state of Ohio. (i) In Mahoning county a 4.9 percent of the vote was cast for President Bush, but the actual winner has yet to be determined. (ii) In Montgomery County a county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers and would not allow voting to continue without authorization of the FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than votes in other precincts, and voters casting more than one ballot; (iv) in Butler County a Democratic- funded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspicious 98.55 percent, and after 100 percent of the vote was reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of irregularities involving provisional ballots and conducting and completing the recount that disenfranchised
Comptroller David M. Walker requesting an investigation of the voting machines and technologies used in the 2004 election; On November 8, 2004, Representatives Conyers, Nadler, Wexler, Scott, Watt, and Holt wrote to GAO Comptroller Walter requesting that additional concerns surrounding the voting machines and technologies used in the 2004 presidential election; On November 15, 2004, Representatives Lee, Flier, Olver, and Meeks joined in the request for a GAO investigation; On December 2-3, 2004, Congressman Conyers and other Judiciary Democratic Members wrote to Ohio Secretary of State J. Kenneth Blackwell concerning Ohio election irregularities; On December 3, 2004, Representative Woolsey joined in the request for a GAO investigation; On December 3, 2004, Congressman Conyers wrote to Warren Mitofsky of Mitofsky International requesting the release of exit poll raw data showing the presidential election; as such data may evidence instances of voting irregularities; On December 6, 2004, Representatives from Washington, D.C., Congresswoman Yamane hosted a forum on voting irregularities in Ohio; On December 13, 2004, Congressman Conyers hosted an event focusing on voting irregularities in Ohio in Columbus, Ohio; On December 13, 2004, Congressman Conyers and other Members wrote to Ohio Governor, Bob Taft, Speaker of Ohio State House, Larry Householder, and President of Ohio State Senate, Doug White, requesting a delay of the meeting of Ohio’s presidential electors; On December 14, 2004, Congressman Conyers wrote to Ohio Secretary of State J. Kenneth Blackwell in regards to the Secretary’s refusal to cooperate with the Judiciary Democratic Members investigating election irregularities in Ohio; On December 15, 2004, Congressman Conyers wrote to FBI Special Agent in Charge, Kevin R. Brock and Hocking County, Ohio Prosecutor, Larry Beal, requesting an investigation into alleged Ohio election problems; On December 21, 2004, Congressman Conyers wrote to Ohio candidates requesting that they report any incidences of irregularities or deviations from accepted law or practice in Ohio; On December 21, 2004, Congressman Conyers wrote to several major media outlets requesting the exit poll raw data from the 2004 presidential election; On December 22, 2004, Congressman Conyers wrote to Triad GSI President Brett Rapp and Triad GSI Ohio Field Representative Michael Barbarin, Jr. regarding the voting machine company’s involvement in the Presidential election and Ohio recount and allegations that it intentionally or negligently provided flawed voting machines in the presidential election from being counted; On December 23, 2004, as a follow-up letter to the December 22 letter, Congressman Conyers wrote to Triad’s President Rapp and Ohio Field Representative Barbarin upon learning that Triad had remote access to tabulating computers controlled by the Board of Elections; and On January 3, 2004, federal and Ohio state law enforcement agencies, Senator Feingold and Jesse Jackson, Sr. in Columbus, Ohio for a rally calling attention to the need for national election reform and the January 8th joint session of Congress where they will testify; Citizen groups have played a substantial role in achieving relevant information. Citizens have a fundamental right to vote. Congress has legislated the right to vote. Congress has recognized that all qualified voters have a constitutionally protected right to vote. Congress has determined that the right to vote extend to and include the right to a full and fair recounting of those votes. A recount is fundamental to ensure a full and effective counting of all votes. Ohio courts have held that “[a] recount ... is the only fair and equitable procedure to ensure the correct tally of the votes.” The Supreme Court recently emphasized, “[a] timely recount is an integral part of an election.” The West Virginia Supreme Court, construing a recount statute similar to Ohio’s recount provisions, stressed the importance of an election recount to the fairness and integrity of the election itself. Indeed, courts in states which provide a statutory right to a recount uniformly have held that an election cannot be deemed over and final until a recount provided under state law has been completed. B. Federal Statutory Election Safeguards There are numerous federal statutes that protect the right to vote. First and foremost, the Voting Rights Act prohibits any person, whether acting under color of law or otherwise, from: (1) failing or refusing to permit any qualified person from voting in ... federal elections; (2) refusing to count the vote of a qualified person; or (3) intimidating any one attempting to vote or any one who is assisting a person in voting. In addition, the Civil Rights Act of 1968 provides criminal penalties for violations of civil rights, including interference with the right to vote. Specifically, section 245 of title 18 makes it a crime for any person who “by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with any person because he is or has been, or in good faith believes he is or has been, a candidate for any office, or any other person or any class of persons from voting or qualifying to vote.” In 1993, Congress enacted the National Voter Registration Act which requires that, for federal elections, states establish fair and expedient procedures so that eligible citizens may register to vote. Specifically, section 42 makes it a crime for any person to willfully steal, destroy, conceal, mutilate, or
alter any voting records, therefore those
having to do with voter registration.
After the widespread problems that oc-
curred in the November 2000 election, Con-
gress enacted the Help America Vote Act (HAVA), thereby creating a new federal agency with election administration responsibilities, setting requirements for voting and voting systems and certain other aspects of election administration, and providing federal funding. Perhaps the central requirement of HAVA was that, beginning on January 1, 2001, any voter not listed as registered must be offered and permitted to cast a provisional ballot. HAVA included a variety of additional new requirements, including provisions that became law on January 1, 2001 (extendable to 2006), states using voter registration must employ computerized, statewide voter registration systems that are accurately maintained.

C. Ohio Election Safeguards

Ohio has enacted numerous provisions designed to protect the integrity of the voting and tabulation process.

1. The Right to Vote in Ohio Under the Ohio Constitution, “Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be required by law, and has not been declared by the Board of Elections, there are recorded...”

2. Declaring Results

Ohio law requires that, before the Sec-

racy of State can declare the initial results of
election. Therefore, in Ohio, each of the 88 county boards of elections (“county boards”) must (1) canvass the results in the county, (2) certify abstracts of those results, and (3) send the certified abstracts to the Secretary of State. Only after the Sec-
raty of State receives the certified ab-

tracts from the county boards is the Sec-
tary of State able to declare the initial results

in Ohio. Ohio law prohibits electing machinery from being serviced, modified, or altered in any way subsequent to an elec-
tion, unless in the presence of the full board of elections and other observers. Any handling of ballots for a subsequent recount must be done in the presence of the entire Board of Elections.

3. Security of Ballots and Machinery

In addition, Ohio law prohibits election machinery from being serviced, modified, or altered in any way subsequent to an election, unless in the presence of the full board of elections and other observers. Any handling of ballots for a subsequent recount must be done in the presence of the entire Board of Elections.

4. The Law of Recounts and Contests

The Secretary of State’s declaration of the initial results of a Presidential election in Ohio is final. The recount of the initial results is required where the margin of victory is one-fourth of one percent or less, or where a candidate who is not declared elected applies for a recount within five days of the Secretary of State declaring the results of the election and remits the re-

quired bond. In either instance, the Sec-
tary of State “shall make an amended decla-
reration of the results” of the Presidential election after a full and complete recount of the initial results throughout the state is complete. If the recount does not determine a winner, the Secretary of State has determined, that in certain statutorily defined circumstances, the Secretary’s final declaration of the results of a Presidential election in Ohio is final to a full and complete recount of the initial results.

Once the recount applications have been filed, all affected counties must notify the applicant and all others who received votes in the election of the method and place at which the recount will take place, and those notices to be mailed to all voters ten days prior to the start of the recounts. Nothing in Ohio law prohibits the notices from being mailed prior to the certification of results.

5. Determination of Ohio’s Electoral College Votes

Ohio and federal law intersect with regard to the issue of determining the extent to which Ohio’s electoral votes are counted to-wards the electoral college. The 12th Amendment sets forth the requirements for casting elec-
toral votes and counting those votes in Con-
gress. The electoral vote of a state may be cast and certify their ballots and transmit them to the Vice President in his or her capacity as President of the Senate. In addition, the Electoral Count Act provides that the results be transmitted to the secretary of state of each state, the Archivist of the United States, and the federal judge in the district in which the state capital is located, and where the ballots at a time designated by statute, “the President of the Senate shall, in the...
presence of the Senate and House of Representa-
tives, open all the certificates and the votes shall then be counted.

Congress has specified that all controversies surrounding the appointment of electors should be resolved six days prior to the meeting of electors (on December 7, 2004, for purposes of this year’s presidential election) in order to allow electors to appear before Congress when Congress meets on January 6, 2005, to declare the results of the 2004 election.

Specifically, 3 U.S.C. § 5 provides, in pertinent part:

"if any State shall have provided, by laws enacted before the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned."

The joint session of the Senate and House is held on January, unless Congress determines otherwise following the presidential election at 1:00 p.m. No debate is allowed during the joint session. The President of the Senate opens the electoral vote certificates in alphabetical order from each state, passes them to four tellers (required by statute to be appointed two from each House) who announce the results. The votes are then acted upon and those results are announced by the President of the Senate. The candidates for President and Vice President receiving a majority of the electoral votes, currently set at 270 of 538, are declared to have been "elected President and Vice President of the States."

Section 15 of title 3, United States Code, provides that, when the results from each of the states are announced, that "the President of the Senate shall call for objections, if any." Any objection must be presented in writing by a member of either House and signed by a member of the House of Representatives before the same shall be received." The objection must "state clearly and concisely, and with the greatest brevity, the grounds therefor." When an objection has been properly made in writing and endorsed by a member of each House the Senate withdraws from the House chamber, and each body meets separately to consider the objection. "No votes . . . from any other State shall be acted upon until the [pending] objection . . . is finally disposed of."

Section 17 of title 3 limits debate on the objections in each body to two hours, during which time no member may speak more than once or for more than five minutes. Both the Senate and the House must separately agree to the objection; otherwise, the challenged vote or votes are counted. It appears to be accepted that there are three general grounds for objecting to the counting of electoral votes. The law suggests that an objection may be made on the grounds that (1) a vote was not "regularly given" by the challenged elector(s); (2) the elector(s) was not "lawfully certified" under state law; or (3) two slates of electors have been presented by electors whose appointment has been lawfully certified . . . from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electoral votes as to be so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate he shall cause them to be canvassed and the electoral votes counted which shall have been regularly given by the electors who are shown . . . to have been appointed." Since the Electoral Count Act of 1887, no objection meeting the requirements of the Act has been made against an entire slate of state electors. In the 2000 election several objections were made to state electors, but these objections were intended to challenge the electoral votes from the State of Florida. However, no Senator joined in the objection, and, therefore, the objection was not "received." In addition, there was no determination whether the objection constituted an appropriate basis under the 1887 Act. However, if a State has not followed its own procedures and met its obligation to conduct a free and fair election, a valid objection—"if endorsed by at least one Senator and a Member of the House of Representatives respectively, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned."

One of the critical reforms of HAVA was federal funding for states to acquire new and updated voting machines, and to fairly allocate the machines. Under HAVA, the Election Assistance Commission (EAC) provides payments to States to help them meet the uniform standards of the federal election technology and administration requirements in title III of the law. In 2004, the EAC proc- essed a payment of $32,562,331 for fiscal year 2003 and $58,430,186 for fiscal year 2004 for a total of $90,992,517. There is no information publicly available describing what, if any, Ohio HAVA funds were used and for what those funds were used. Non-partisan groups have identified credible concerns regarding the allocation of machines on election day:

Franklin County

A New York Times investigation revealed that state election officials re-duced the number of electronic voting ma-chines assigned to downtown precincts and added them to the suburbs. "They used a formula developed by state election officials, but on past turnout in each precinct and on the number of so-called active vot-ers—a smaller universe. . . . In the Columbus area, the result was that suburban precincts that supported Mr. Bush tended to have more machines per registered voter than urban precincts that supported Mr. Kerry."

The Washington Post also found that in voter-rich Franklin County, which encom-passed the state capital of Columbus, election officials decided to make do with 2,866 machines, even though their analysis showed that the county needed 5,000 machines.

Since the Washington Post reported that 81 voting machines were never placed on election day, and Board Director Matt Damshober admitted that another 77 machines had been placed on the wrong day, the City of Columbus. However, a county purchasing official who was on the line with Ward Moving and Stor-age Company, documented only 2,741 voting machines delivered through the November 2 election day." While Franklin County’s records reveal that they had 2,866 "machines available" on election day. This would mean that the even larger number of at least 125 machines remained unused on Election Day. Mr. Damshober misinformed a federal court on Election Day when he testified the county had no additional Republic machines; however, this testimony was in connection with a Voting Rights Act lawsuit brought by the state Democratic Party that alleged minority pre-cincts were intentionally deprived of ma-chines.

After the election the Washington Post also reported that in Franklin County, "27 of the 30 wards with the most machines per reg-istered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry."

At seven of the eight polling places in Franklin County, a heavily populated urban community, there were only three voting machines per location; but there had been five machines at these locations during the 2004 primary.

According to the presiding judge at one polling site located at the Columbus Model Neighborhood facility at 1393 E. Broad St., there had been five machines during the 2004 primary. Moreover, at Douglas Elementary School, there had been four machines during the spring primary.

We have received additional information of hardship caused by the misallocation of ma-chines based on past turnout, transmission, with waits of 4-5 hours or more being the order of the day. For example, we have learned of four machine waits at Precincts 30-405 on the same street in Columbus for one voting machine per thousand voters, where the adjacent precinct had one station for 184 voters. Additionally, it appears that in a number of locations, polling places were moved from large locations, such as gyms, where voters could comfortably wait inside to vote, to smaller locations where voters were required to wait outside.

Dr. Bob Fittrakis testified before the House Judiciary panel that Franklin County Board of Elections Chair, Bill Anthony, said that a truckload of 75 voting machines were held back on election day while people waited 5 to 6 hours to vote.

Over 102,000 new voters were registered in Franklin County. A majority of them were African Americans. "And so," said State Senator Ray Miller, "only logic would say, we need more machines, particularly in the black community."

Rev. William Moss testified that there were "unprecedented long lines" and noted that Secretary of State Blackwell did not provide the machine capacity to accommodate the augmented elec-torate in Columbus.
At Kenyon College, a surge of late registrations promised a record vote. Nevertheless, Knox County officials allocated two machines per precinct for elections. Frazier, a former employee of Secretary Blackwell, describing several irregularities concerning the use of HAVA money and the acquisition of election machinery by the state. Secretary Blackwell’s office failed to comply with the requirements of the voting reform grant that required all of the voting machines in Ohio to be inspected for security reasons. Ms. Frazier also asserts that she “was routinely told to violate the bidden contracts to order supplies from other companies for all 17 Secretary of State offices throughout the State which were cheaper vendors, leaving a cash surplus differential in the budget” and that, when she inquired as to where the money differential was going, she was essentially told that this was not her concern and that she should not inquire about where that money went. Secretary Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Through intent or negligence, massive errors that led to long lines were made in the distribution and allocations of voting machines. The Washington Post reports that in Columbus alone, the misallocation of machines reduced the number of voters by up to 15,000. In our hearings, this is likely conservative estimate, and statewide, the shortage of machines could have resulted in the loss of hundreds of thousands of votes. The vast majority of this lost vote caused by lengthy lines in the midst of adverse weather was concentrated in urban, minority and Democratic leaning precincts. This misallocation appears to be of the pivotal factors concerning the vote outcome and vote in the entire election in Ohio.

On its face, the misallocation, shorting, and failure to timely deliver working machines would appear to violate a number of legal safeguards of Equal Protection and Due Process, particularly given the racial disparities involved. Denying voters the means to vote in a reasonable and fair manner is not only detrimental to the communities but also preventing them from voting outright.

Second, the failure to provide enough voting machinery violates both Ohio’s Constitution and HAVA. Ohio’s Voting Protection Coalition testified that allowing provisional ballots outside their own precincts would be “a recipe for Election Day chaos,” Secretary Blackwell required such ballots to be cast at the actual polling place or otherwise they would be discarded entirely. Mr. Blackwell’s rationalization appears to have ignored the fact that Ohio had never been able to grant fair broader rights to provisional ballots, and that other states that permitted voters to cast them from anywhere within their county did not face the chaos he feared.

Because of Secretary Blackwell’s restrictive order, the Sandusky County Democratic Party filed a federal lawsuit to overturn it. The plaintiff’s basis for the suit was that the order was discriminatory because lower-income people were more likely to move and, therefore, appear at the wrong place. Further, the order would have disenfranchised first-time voters, many of whom would not know where to vote.

In his rulings in favor of the plaintiffs and against Secretary Blackwell, U.S. District Judge James Carr held that the blame lay squarely on Secretary Blackwell. The court was forced to issue two rulings ordering Secretary Blackwell to issue HAVA-compliant directives. Secretary Blackwell abided by neither judgment and instead proceeded with directives that would disenfranchise Ohio voters.

With respect to the speed of the case, the court noted that its speed was the result of Secretary Blackwell falling to issue provisional voting guidelines for almost two years after the enactment of HAVA: “The exigencies requiring the relief being ordered herein are due to the failure of the defendant to fulfill his duty not only to this Court, as its injunction directed him to do, but more importantly, to his failure to do his duty as Secretary of State to ensure that the election laws are upheld and enforced. . . . The primary cause of the delay in the court’s order has been the Defendant Blackwell’s failure to have an HAVA-compliant Directives 2004-33 relating to provisional voting for nearly twenty-three months after HAVA’s enactment. . . . Blackwell has never explained why he failed to act promptly in bringing Ohio’s provisional election procedures into line with federal law.” The court then turned its attention to the substance of Secretary Blackwell’s original and amended directives. In these directives, “Blackwell described not a single provision of federal law generally, much less HAVA in particular. . . . By failing to discuss HAVA, on the one hand, and describing only outmoded, no longer applicable procedures on the other, Blackwell made the election officials more confused than they would have been if the directive had not issued.” In addition, because the amended directive did not clearly state that persons who might not be eligible to vote must be informed of their right to vote provisionally, the court held that Blackwell’s proposed directive would disenfranchise all such individuals. The court believed that, by seeming to deprive voters and county election officials of valuable information regarding HAVA and provisional ballots, Secretary Blackwell sought to accomplish the same result in Ohio in 2004 that occurred in Florida in 2000. Ultimately, the court was forced to require the use of provisional ballots, “within the right deadline, to issue specific guidelines pertaining to provisional ballots.”
earlier elections, a vote cast in Stark County rejected provisional ballots cast at the places, which contained multiple precincts, that were located at different tables.

As a result, 1,110 provisional ballots were counted to give any voter a provisional ballot. Those decisions will be made by the board of elections according to state law.

Mr. Blackwell’s decision to restrict the use of provisional ballots is one of the most critical in the election and could well have resulted in disenfranchisement of tens of thousands of voters. In a single polling place in Hamilton County, 1,000 provisional ballots were rejected because the voter was not a registered voter. The pur- pose of provisional ballots is to allow any person in the wrong precinct shouldn’t be given a provisional ballot. . . . The pur- pose of that exception is to not turn anyone away from the polls. . . . We want as many votes to count as possible.

Many of the county boards of elections also disagreed with Blackwell’s interpretation of the law and with his motivations. Franklin County Board Chairman William Anthony, who happens to be a Republican, stated that Secretary Blackwell was following Mr. Blackwell’s initial directive to reject provisional ballots cast at the wrong precinct. Anthony stated, “The Cuyahoga County Board of Elections will not turn voters away. . . . We are simply trying to avoid confrontation at the ballot box on November 2. . . . We do not want to mirror the decisions made by the board of elections according to state law.”

In Hamilton County, election officials implemented Mr. Blackwell’s directive and refused to count provisional ballots cast at the correct polling place even if they were cast at the wrong precinct. Some polling places contained multiple pre- cincts that were located at different tables. As a result, provisional ballots were deemed invalid because voters voted in the wrong precinct. In about 40 percent of these cases, voters found the correct polling places, which contained multiple precincts, but workers directed them to the wrong table. In other areas, precinct workers refused to give any voter a provisional ballot. Also, election workers at polling places directed voters who they said were not a priority and might occur after the election because of how it might confuse voters. The Mahoning County Board of Elections Directive 15-04 stated that provisional ballots would not be counted to voters who was not a priority and might occur after the election because of how it might confuse voters. The Montgomery County Board of Elections Directive 2-04 stated that provisional ballots would be counted to voters who was not a priority and might occur after the election because of how it might confuse voters.

Other counties such as Madison County followed Mr. Blackwell’s ruling and directed the county board to accept registration forms that were printed in newswire in the Cleveland Plain Dealer.” As Director Vu pointed out, his of- fice does not “have a micrometer at each desk to check the weight of the paper.”

The Montgomery County Board of Elec- tions said the paper weight order was frustrat- ing their ability to process registrations. They attempted to comply by mailing a new form, which threatened to be sent as forms of incorrect weight, but a processing backlog of 4,000 forms prevented them from sending new forms in the October election. The court found that some voters could have been disenfranchised. Steve Harsman, the Deputy Director of the Board, says “there is just no reason to use 60-pound paper.”

Finally, Secretary Blackwell was not fol- lowing his own order. An Ohio lawyer, John Parshall, who happens to be a Republican, wrote that forms obtained at Blackwell’s office were printed on 60-pound paper. An election board official stated that he obtained 50-pound weight forms from Blackwell’s office.

After several weeks of pressure from vot- ing rights advocates, such as the League of Women Voters of Ohio and People for the American Way, Secretary Blackwell reversed his decision on September 28, 2004. Even his new order, however, was not drafted clearly enough. He did not withdraw the first direc- tive, and the New York Times found the sec- ond directive to be “worded so inartfully that it could create confusion. As a matter of fact, the Delaware County Board of Elec- tions could not accept its own Voter Registration Forms and directed voters to request a new one by calling a number; Secretary Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and other Members of the Judiciary Committee on December 2, 2004.
Mr. Russell Pry (Member, Summit County Board of Elections): Did you personally send any mail to Ms. Herrold?  
Ms. Miller: No, I did not.  
Mr. Pry: Did you have any mail that was returned to Ms. Herrold?  
Ms. Miller: No, I have not.  
Mr. Pry: Do you have any personal knowledge as we stand here today that Ms. Herrold does not live at the address at 238 30th Street Northwest?  
Ms. Miller: Only that which was my impression; that their mail had not been able to be delivered.  
Mr. Pry: And who gave you that impression?  
Mr. Pry: And what did—  
Ms. Miller: He sent me to be officer of the party.  
Mr. PRY: An officer of which party?  
Ms. Miller: Republican party.  
Mr. PRY: Where did you complete this challenge form at?  
Ms. Miller: My home.  
Mr. Pry: What did Mr. Simon tell you with respect to the Herrold residence?  
Ms. Miller: That the mail had come back undeliverable several times from that residence.  
Mr. Pry: And you never saw the returned mail?  
Ms. Miller: No, I did not.  
Mr. Pry: Have you indicated that you signed this based on some personal knowledge?  
Ms. Hutchinson: (Joseph F. Hutchinson, Jr. Summit County Board of Elections) Reason to believe, it says, I have reason to believe, it says it on the form.  
Ms. Jones: It says, “I hereby declare under penalty of election falsification, that the statements above are true as I verily believe.”  
Mr. Arshinkoff: (Alex R. Arshinkoff, Summit County Board of Elections) Reason to believe, it says, “I have reason to believe.”  
Mr. Arshinkoff: It says here, “I have reason to believe.”  
Ms. Hutchinson: It says what it says.  
Mr. Arshinkoff: You want her indicted, get her indicted.  
Mr. Pry: That may be where it goes next.  
Ms. Miller: That is one of our most fundamental rights.  
Mr. Pry: The caging tactics were so problematic that a federal district court in New Jersey and a panel of the Third Circuit found that the Republican party engaged in voter intimidation in violation of the 1962 and 1967 decrees that barred the party from targeting minority voters for challenges at the polls. They found sufficient evidence that the Ohio Republican Party and the RNC conspired to be “disruptive” in minority-majority districts and enjoined the party from using the list. The Third Circuit granted a hearing en banc and therefore stayed the order and vacated the opinion.  
The U.S. District Court for the Southern District of Ohio found the same activities to violate the federal Voting Rights Act and the Equal Protection Clause of the Constitution. Most importantly, notice of the Republican-intended challenge and subsequent hearing was sent to the 35,000 voters for the challenge and the same voters were not needed because Ohio law already safeguarded elections from voter fraud by the use of election judges. In particular, Ohio law mandates that four election judges staff each polling place and provides that the presiding judge of each group can make decisions regarding voter qualifications. Although Secretary Blackwell reversed his position and issued a statement on October 29, 2004, excluding challengers from polling places, his position became less relevant when Jim Petro, Ohio Attorney General, argued in favor of the challenges taking place and said the Secretary’s new statement was unlawful. Seeing the irony in these conflicting opinions, Judge Dott asked “how can the average election official or inexperienced challenger be expected to understand the challenge process if the two top election officials cannot?”  
These two lower court rulings did not stand. The Sixth Circuit Court of Appeals reversed the two lower court opinions on a 2-1 vote. The Supreme Court of the United States denied the applications to vacate the 6th Circuit’s stays of the lower court rulings. While troubled about the “undeniably serious implication of voter suppression and disfranchisement,” Justice John Paul Stevens said the full Court could not consider the case because there was insufficient time to properly review the filings and submissions.  

Analysis

The decision by the Ohio Republican Party to utilize thousands of partisan challengers in the voting booths undoubtedly had an impact on the minority and urban areas. In addition to intimidating minority voters, this scheme helped lead to increased delays and longer waits in voting lines in these areas. This was a particularly damaging outcome on a day of severe adverse weather in Ohio. As a federal court looking at these issues concluded: if challenges are made with any frequency, the result could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls.

Three separate courts issued opinions expressing serious concerns with Ohio’s voter challenge processes. At the state level, Cuyahoga County Common Pleas Judge John O’Dell ruled that Secretary Blackwell had changed his mind in first limiting challengers to one per polling place and then, after the October 22 challenger registration deadline, allowing multiple challengers.

Two federal district court judges also found the challenge procedure to be problematic. In one lawsuit, the plaintiffs were Donald and Marian Spencer, an elderly African-American couple who alleged the challenge statute harked back to Jim Crow disenfranchisement. In her opinion rejecting the GOP challenge system, U.S. District Court Judge Susan Diott wrote that “there exists an enormous risk of chaos, delay, intimidation and pandemonium inside the polls and in the lines out the door.” In the other district court case, Summit County Democratic Central and Executive Committee, et. al. v. Blackwell, Judge John R. Adams noted the risk that “the integrity of the election may be irreparably harmed.” If challenges are made with any frequency, he wrote, “the resultant disruption and delay could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls.”

Judge Diott also noted the racial disparity inherent in challenges, citing that only 14% of new voters in white areas would face challenges while up to 97% of new voters in black areas would face them. The Chair of the Hamilton County Board of Elections, Tim Adams noted the risk that “the integrity of the election may be irreparably harmed.” If challenges are made with any frequency, he wrote, “the resultant disruption and delay could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls.”

5. Targeting Minority and Urban Voters for Legal Challenges

Facts

The Ohio Republican Party, which Secretary Blackwell helped lead as Chair of the Bush-Cheney campaign in Ohio, engaged in a massive and concentrated challenge of minority voters at the polls. The Republican Party lined up poll challengers for 30 of Ohio’s 88 counties, and the vast majority were focused in minority-majority districts and stations. In addition to intimidating minority voters, this scheme helped lead to increased delays and longer waits in voting lines in these areas.

Three separate courts issued opinions expressing serious concerns with Ohio’s voter challenge processes. At the state level, Cuyahoga County Common Pleas Judge John O’Dell ruled that Secretary Blackwell exceeded his authority in issuing a directive that let each political party have multiple challengers at each polling place. While the Democratic Party had only one challenger per polling place, the Republican Party had registered one challenger for each precinct (there are multiple precincts in many counties). Judge O’Dell found the directive to be “unlawful, arbitrary, unreasonable and unconscionable, coming four days after the deadline for partisan challengers to register with their county boards of elections.” An attorney with the Ohio Attorney General’s office, Jeffrey Hastings, argued in favor of the challenges taking place and said the Secretary’s new statement was unlawful. Seeing the irony in these conflicting opinions, Judge Dott asked “how can the average election official or inexperienced challenger be expected to understand the challenge process if the two top election officials cannot?”

These two lower court rulings did not stand. The Sixth Circuit Court of Appeals reversed the two lower court opinions on a 2-1 vote. The Supreme Court of the United States denied the applications to vacate the 6th Circuit’s stays of the lower court rulings. While troubled about the “undeniably serious implication of voter suppression and disfranchisement,” Justice John Paul Stevens said the full Court could not consider the case because there was insufficient time to properly review the filings and submissions.

Analysis

The decision by the Ohio Republican Party to utilize thousands of partisan challengers in the voting booths undoubtedly had an impact on the minority and urban areas. In addition to intimidating minority voters, this scheme helped lead to increased delays and longer waits in voting lines in these areas. This was a particularly damaging outcome on a day of severe adverse weather in Ohio. As a federal court looking at these issues concluded: if challenges are made with any frequency, the result could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls.

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challenger program, given the adverse weather conditions and the lack of trained pollworkers, the disruptions caused by challengers could easily have reduced minority turnout. The court did not query the reasons that tens of thousands of voters, if not more. It is noteworthy that these disruptions were predicted by Republican officials: “Mark Weaver, a lawyer for the Ohio Republican Party, has observed that ‘the courts won’t be resolved until [Election Day], when all of these people are trying to vote. It can’t help but create chaos, longer lines and frustration.’ He added that ‘challengers at the polls] were bound to slow things down.’”

This will lead to long lines.

While the program of challenging voters was ultimately upheld, after a series of back and forth decisions, clearly this is an issue which harkens back to the “Jim Crow” era. As U.S. District Judge John Danforth has written in his Summit County opinion: “In light of these extraordinary circumstances, and the contentious nature of the imminent election, the Court cannot and must not turn a blind eye to the substantial likelihood that significant harm will result not only to voters, but also to the voting process itself, if apppointed challengers are permitted at the polls on November 2. . . . The presence of appointed challengers at the polls could significantly impede the electoral process and infringe on the rights of qualified voters.”

As a result, the Ohio challenger system de-serves reconsideration by the legislature or further judicial action.

6. Denying Absentee Voters Who Never Got Their Ballots the Right to a Provisional Ballot

Facts

Secretary Blackwell also issued a ruling preventing the issuance of provisional bal-lots for voters who requested absentee bal-lots, even if they failed to receive them by the cutoff date and did not request them at all. Despite the fact that these errors oc-curred on the part of the Ohio government and not the voters, Secretary Blackwell de-termined they should not receive provisional ballots at the polls.

A lawsuit filed by a college student, Sara White, who never received her absentee bal-lot and was denied a provisional one, led to a ruling that other similar voters must be issued provisional ballots. The court ordered Lucas County to provide provisional ballots, and directed Secretary Blackwell to advise all Boards of Elections of the same within 30 minutes. The legal ruling over-turning the restrictive ruling allowing absentee ballots came late in the afternoon, and as a result, many voters intending to vote that day were prevented from doing so.

Analysis

Mr. Blackwell’s decision to prevent those voters who requested absentee ballots, but did not receive them on a timely basis, from being able to vote, also likely disenfran-chised many voters, particularly seniors who were turned away from the polls before the decision was known.

The federal court found that Mr. Blackwell’s decision clearly violated HAVA: “HAVA is clear; that all those who appear at a polling place and assert their eligibility to vote irrespective of the fact that their eligi-bility may be questioned by other people at the polling place or by the Board of Elections, shall be issued a provisional bal-lot.” In addition, this restrictive directive also has led to a series of violations of Article S, Section 1 of the Ohio Constitution, grant-ing every Ohio citizen the right to vote if he or she is otherwise qualified.

7. Denying Access to the News Media

Facts

Secretary Blackwell also sought to prevent the news media and exit poll takers from lo-cating themselves within 100 feet of polling places. This would have been the first time in thirty years in which reporters were pre-vented from monitoring polls. Media organi-izations filed suit. The U.S. Court of Appeals for the Sixth Circuit ruling that struck down Secretary Blackwell’s decision. In its opinion, the court noted: “without the benefit of electors behind closed doors” and found that the district court’s ruling had “interpreted and applied the statute overly broadly in such a way that this prerogative would be violative of the first amendment”.

Analysis

Mr. Blackwell’s decision to prevent news media and exit polls from interviewing Ohio citizens was clearly a clear violation of the First Amendment’s guaran-tee that state conduct shall not abridge freedom of the press. His decision also likely violated Ohio’s own Constitution that provides: “Every citizen may freely speak, write, and publish his sentiments on all sub-jects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.” His decision does not appear to have had any negative impact on the vote, but po-tentially made it more difficult for the media to uncover voting irregularities, discrep-ancies, and disenfranchisement.

B. Election Day

1. County-Specific Issues

Warren County—Counting in Secret Because of a Terrorist Threat?

Facts

On election night, Warren County, a tradi-tional Republican stronghold, locked down its administration building and barred re-porters from counting. When that decision was questioned, County officials claimed they were responding to a ter-rorist threat that ranked a “10” on a scale of 1 to 10, and that this information was re-ceived from an FBI agent. Despite repeated requests, County officials have declined to name that agent, however, and the FBI has no record of it.

Analysis

Mr. Blackwell’s decision to lock down the building the Thursday before election night, while the Warren County Commissioner has stated that the decision to lock down the building was made during an October 25 closed-door meeting, e-nvironmental analyst October 25 and 26—in-dicate that preparations for the lockdown were already underway.

Statements that describe how ballots were left unguarded and unprotected in a ware-house on Election Day, and they were hastily moved after county officials received complaints.

It is important to view the lockdown in the context of the aberrant results in Warren County. An analyst who has received all the vote data for the precinct in sev-eral Ohio counties did a detailed analysis of the greatest increase in votes for President Bush by precinct, and the Bush-Kerry mar-gin in Warren County. The analyst revealed that Warren County first did a lockdown to count the votes, then apparently did another lockdown to recount the votes later, result-ing in an even greater Bush margin and very unusual new patterns.

Moreover, in the 2000 Presidential election, the Democratic Presidential candidate, Al Gore, stopped running television commer-cials and pulled resources out of Ohio weeks before the election. He won 28% of the vote in Warren County in 2004, the Democratic President and Vice-President of the United States ran fiercely contested Ohio and independent groups also put considerable resources into getting out the Democratic vote. Moreover, unlike in 2000, independent candidate Ralph Nader was not on the Ohio ballot in 2004. Yet, the tal-lies reflect John Kerry receiving exactly the same percentage of the vote in Warren County as Gore received in 2004.

In support of his assertion that there was no wrongdoing in Warren County, Secretary Blackwell has referred to a Democratic elec-tion observer in Warren County, Jeff Ruppert, who has said he observed nothing inappropriate at the County administration building. While we have no reason to doubt Mr. Ruppert’s truthful account of what he actually observed, a complete review of his statements shows numerous problems at the ballot counting center. At the hearing, Mr. Ruppert ac-knowledges that he was subject to the lock-out and had to present identification to even be admitted to the building. Once he gained entry, Mr. Ruppert stated that he did not see any concerns over how provisional ballots were handled at polling places—which he said seemed to be inconsistent.” He also points to the case of a Democratic election observer in Warren County, the Buckeye Review, an African American news-paper, stepped into the booth, pushed the button for Kerry—and watched her vote jump to the Bush column. “I saw what hap-pened,” Judge John Danforth wrote. “I watched them repeat it again and they’re starting early!”

The Elec-tion Protection Coalition also confirmed...
these voting “glitches” noting that a “voter reported ‘Every time I tried to vote for the Democratic Party Presidential vote the machine went blank. I had to keep trying, it took me 10 minutes a week’.”

The voting machine in Youngstown experienced what election officials called “calibration problems.” Thomas McCabe, Deputy Director of the Mahoning County Board of Elections, stated that the problem “happens every election” and “[i]t’s something we have to live with and we can fix it.”

There is no indication here of a premeditated malfunction. Indeed, it was later determined the cause was a computer glitch and the voting machines were not affected in any way.

The current issue of voting irregularities continues to raise questions about what will be done to remedy this situation. Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

**Analysis**

Evidence strongly suggests many individuals voting in Mahoning County for Senator Kerry had their votes recorded for President Bush. Due to lack of cooperation from Secretary of State Blackwell, we have not been able to determine how many people were impacted or whether the machines malfunctioned due to intentional manipulation or error. This determination would help us determine whether violations of Voting Rights Act were committed.

Ascertaining the precise cause and implicated function did not occur in other counties in Ohio during the 2004 Presidential election, and what actions have been taken to ensure that this type of malfunction does not happen in the future.

Miami County—Where did nearly 20,000 extra votes for George W. Bush come from?

In Miami County, voter turnout was a highly suspect and improbable 98.55 percent. With 100% of the precincts reporting on Wednesday, November 3, 2004, President Bush received 22,807 votes, or 65.80% of the vote, and Senator Kerry received 10,724 votes, or 33.92% of the vote. Thus, Miami reported a total of 33,531 votes, of which nearly 19,000 new ballots were added after all precincts were counted, boosting President Bush’s vote count to 33,399, or 65.77%, while Senator Kerry’s vote percentage and machine malfunction. Further, a determination should be made as to whether we can absolutely certain that this particular malfunction did not occur in other counties in Ohio during the 2004 Presidential election, and what actions have been taken to ensure that this type of malfunction does not happen in the future.

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after 19,000 new votes were added to the roster. The vote results in Miami constitute yet another significant anomaly in the tens of thousands range without any explanation or investigation. Secretary of State Blackwell, leading us to conclude that there is likely some vote error or vote manipulation. This could constitute a violation of constitutional guarantees of equal protection and due process and, if intentional, would likely violate the Voting Rights Act and Ohio election law.

Perry County Irregularity in Number of Votes and Voters

Facts

The House Judiciary Committee Democratic staff has received information indicating discrepancies in vote tabulations in Perry County. Discrepancies have been found in other counties. For example, in Trumbull County there are apparently more absentee votes than absentee voters according to a recent study.

In another precinct in Perry County, 235 voters are registered according to the County’s initial tallies. Yet, 434 votes cast ballots. As the tallies indicate, this would be an impossible 124% turnout. In fact, the number of absentee votes cast in the County was initially reported to be 174 votes for Bush, and 246 votes for Kerry. We are advised that the Perry County Board of Elections has since issued a correction claiming that, due to a computer error, some votes were counted twice. We are advised that the new tallies state that only 224 people voted, and the tally is 90 votes for Bush and 127 votes for Kerry. This would make it appear that virtually every ballot was counted twice, which seems improbable.

In Monroe Township, Precinct AAV, a review of the poll books shows that 481 people signed in to vote on election day, yet the Perry County Board of Elections is reporting that only 368 people voted on election day, a difference of 13 votes. The same discrepancy appears with respect to Monroe Township AAV. The poll books show that 384 people signed in on election day to vote, while the Perry County Board of Elections reports that 393 votes were cast, a difference of 9 votes.

We have also received information that in at least three precincts, Pike West AAY, New Lexington 1 AB, and Redfield AAC, more signatures appear in the sign-in books than registered voters in the precincts. In these cases, it is likely that someone was counting signatures instead of voters.

In Perry County, there appears to be an extraordinarily high percentage of 91% voter registration; yet, a substantial number of these voters have never voted and have no signature on file. Of the voters that are registered in Perry County, an extraordinarily large number of voters are listed as having registered on the exact same day: in total, 3,100 voters apparently registered in Perry County on November 8, 1977.

In Madison, according to a Democratic staff count of the poll books, there are approximately 751 registered voters in Madison Township AAS, while the Perry County Board of Elections reports that there are 850 registered voters in that township. Secretary of State Blackwell has refused to answer any questions concerning these matters posed to him by Ranking Member Conyers and other Members of the Judiciary Committee on December 2, 2004.

Analysis

Clearly, there is an unexplained discrepancy between the actual vote tallies and the number of registered voters in various precincts as well as other statistical anomalies in the County. Given the lack of any explanation or investigation into the source of these irregularities, it is not inconceivable that some sort of vote tampering has occurred. If so, that such election irregularities could represent a violation of his statutory duty to investigate election irregularities.

In Franklin County, there were reports that unknown volunteers distributed in the inner city, telling Republicans to vote on Tuesday and Democrats to vote on Wednesday due to unexpected heavy voter registration.

In Cuyahoga County and Franklin County, there were reports that unknown volunteers began showing up at voters’ doors illegally offering to collect and deliver complete absentee ballots to the election office.

The Election Protection Coalition testified that in Franklin County, voters received fliers informing them that they could cast a ballot on November 3.

In Franklin County there were reports that about a dozen voters were contacted by someone claiming to be from the county board of elections, telling them their voting location was changed. ‘‘Door-hangers’’ telling African-American voters to go to the wrong precinct were distributed.

Analysis

The use of intimidation and misinformation in Ohio on election day was widespread and pervasive and clearly suppressed the vote. The NAACP testified that they received over 200 complaints of election irregularities in Ohio. As a matter of fact, the Election Protection Commission has testified that, in total, there have been over 3,300 incidents of voting irregularities in Ohio.

The following is a brief highlight of some of the more egregious irregularities we have learned of during the course of our investigation:

a. Intimidation and Misinformation

Facts

In the course of our hearings we learned:

The NAACP testified that it received over 200 calls regarding incidents of suspected voter intimidation or unusual election-related activities, particularly actions taken by challengers who intimidated poll workers and voters. Other specific incidents involved a caller who reported that someone was going door-to-door telling people they were not registered to vote. A voter in Franklin County was called at her polling place in the mail identified as being from the state that said he would have to vote by provisional ballot because he had not moved and had lived at the address for 10-15 years. One polling place worker was only asking African American voters for their address. A new voter was told that there were vote challengers at her precinct. When she was voting, she was confused by the punch cards. She was afraid to ask poll workers for help for fear that she would be challenged. Voters were demanding that voters provide ID, leading many people to leave. This egregious behavior should be curtailed by the state.

In Franklin County, at the Holiday Inn observed a team of 25 people who called themselves the ‘‘Texas Strike Force’’ using payphones to make intimidating calls to likely voters, targeting people recently in the prison system. The ‘‘Texas Strike Force’’ members paid their way to Ohio, but their hotel accommodations were paid for by the Ohio Republican Party, whose headquarters is across the street. The hotel worker heard one caller threaten a likely voter with being reported to the FBI and returning to jail if he voted. Another hotel worker called the police, who came but did nothing.

Phone calls incorrectly informed voters that their ballots were cast. The Cleveland Plain Dealer found that several Lake County residents received an official-looking letter on Board of Elections letterhead informing them that their polling place had changed or that they were not properly registered to vote.

On election day, a false bulletin from Franklin County Board of Elections was posted at polling locations, and fliers were distributed in the inner city, telling Republicans to vote on Tuesday and Democrats to vote on Wednesday due to unexpected heavy voter registration.

In Cleveland, the Washington Post reported that unknown volunteers began showing up at voters’ doors illegally offering to collect and deliver complete absentee ballots to the election office.

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show a similar anomaly, reporting that 51,818 people cast ballots but only 47,768 ballots were recorded in the presidential race, including 61 write-ins, meaning that approximately 1.3% of voters, nearly 5%, were not counted for a presidential candidate.

At our Columbus, Ohio hearing, several documented problems in Cuyahoga County were brought to our attention by the Greater Cleveland Voter Registration Coalition (GCVRC). GCVRC, a group of approximately 10,000 voters before the 2004 elections, yet when they tracked the registrations, 3.5% were either not entered at all or entered incorrectly, meaning the voter had not registered or applied. While the board of Cuyahoga County was alerted to this problem as early as September, no corrective measures were taken. In fact, just over 10,000 people were likely not correctly registered and lost their right to vote. These registration problems led to provisional ballots being thrown out.

The NAACP reported that many voters complained they were asked to show ID when they thought it was unnecessary or were unable to vote because they lacked proper ID. At several locations in Cuyahoga County, all voters were being asked for ID, not just new voters. A voter called to say that all voters were being asked for ID. The poll workers were checking the address of the voter against the address on the registration and if they did not match, the voter was being taken away, a possible violation of a provisional ballot. In still another case, a voter was challenged because the address on the ID did not match the registration address (but was in the same precinct). There were numerous cases where election workers sent voters to the wrong precinct.

A voter in Cleveland ran out of ballots, and put in an emergency request for ballots but did not receive them.

The Associated Press reported that officials ticketed lawfully parked cars at the polling stations.

Election protection volunteers received complaints from voters that they were not registered and they refused to give her a provisional ballot. Some polling places either ran out of provisional ballots or never had any at their location. For example: a voter registered to vote in September, when she went to the polling place in Cuyahoga County on Election Day, they said she was not registered and they refused to give her a provisional ballot.

In Franklin County, some voters, who were in line to vote outside of the doors to the polling place, were sent home at 7:30 p.m. when the polls closed.

Just as we witnessed in the Florida presidential election in 2000, improper purging and other errors by election officials represent a very serious problem and have a particularly negative impact on minority voters. The fact that the Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official misconduct provides a strong indication that the NAACP received more than 1,000 purging complaints on election day indicate that the overall number of voters who may have been disenfranchised by official mistakes and wrongful purging is in the scores of thousands, if not more. Congressional passage of HAVA’s provisional ballot requirement was meant to mitigate errors such as this, but Secretary Blackwell’s unduly narrow interpretation of this requirement, as well as weak rules for counting and checking damaged ballots, made it far less likely that individuals whose registration was wrongfully purged or never entered would be able to receive a provisional ballot and have their vote count.

Given the information we have, it is unclear whether improper purging and other registration errors which appear so prevalent in Ohio were the result of human mistake or intentional misconduct. If it was intentional, a strong case can be made that it violated the Voting Rights Act, Equal Protection, Due Process, possibly the National Voter Registration Act, as well as Ohio’s right to vote law. The Secretary of State’s failure to investigate these registration errors and other irregularities may also violate his duties to do so under Ohio law.

HAVA funds were supposed to be used to implement the Voting Rights Act, Equal Protection, and Republican candidates. Issues such as misconduct and errors are exacerbated by the fact that there are numerous issues in our democracy. Our concerns in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few who operate voting machines and computers in our election represents an increasingly serious issue in our democracy.
be error prone in Florida. Sixty-eight of the 88 counties still rely on the outdated punch card machines. Thus, at least in the critical swing state of Ohio the promise of HAVA that states acquire new voting equipment so that more votes could count has not been met. With regard to the severe undercount voting figures in Montgomery County, we have not received any cooperation from Secretary Blackwell in ascertaining how this occurred. This may have been due to some equipment or poll worker error or, in the worst case, manipulation.

b. Exit Polls Bolster Claims of Irregularities and Fraud

An exit poll serves as a predictor of the final vote results in an election. It is conducted by interviewing voters about their vote selections as they are leaving the polls. The process for conducting reliable exit polls was largely created in 1967 by CBS News pollster and statistician, Warren Mitofsky, now known as “a world recognized expert in exit polling in particular and public opinion polling in general.” Former Mexican President Carlos Salinas credited Mr. Mitofsky’s work for contributing to the prevention of fraud and enhancing public credibility in the 1994 election in Mexico.

The exit poll data taken on November 2, 2004, was compiled by two well-respected firms: the National Election Pool and Edison Media Research. Joseph Lenski, who conducted the exit polls for Edison Media Research, trained in the field of exit polling under Mr. Mitofsky before starting his own firm. They conducted in 2004 exit polls under a contract from the National Election Pool (NEP), a consortium of six news and media organizations: the Associated Press, ABC, CNN, CBS, NBC, and Fox.

In this year’s election, the National Election Pool conducted two types of exit polls: 72,000 voters were interviewed in statewide polls, and an additional 13,000 voters were interviewed for a national poll. The national poll’s sample size was approximately six times larger than the sample normally used in high quality pre-election national polls. This poll size would normally yield a very small margin of error and would be very accurate. Each exit poll survey normally results in a close congruence between exit poll and official results. The sample size for Ohio was 1,963 voters, which is quite large for statistical purposes and equivalent to the normally result in a close congruence between exit poll and official results. The official results showed Bush winning by 2.5 percentage points in Ohio. National poll data showed a similar shift from a clear advantage for Senator Kerry on Election Day to a victory for President Bush with 51% to Senator Kerry’s 48%.

On December 3, 2004, Rep. Conyers requested the raw exit poll data from Mitofsky International. Mr. Mitofsky replied “The data collected for this election were gathered and held for the benefit of those news organizations, and I am not at liberty to release them.” Despite this denial, Rep. Conyers requested the data directly from the news wire and television companies that contracted with Mr. Mitofsky and Mr. Lenski, and the Edison Media Research Board would decide how to release a full report in early 2005. “To release any information now would be incomplete,” she said.

Further, a spokesperson for the Associated Press said, “like Congressman Conyers, we believe the American people deserve answers. We want exit polling information to be made public as soon as it is available, as we intended. At this time, the data is still being evaluated for a final report to the National Election Pool.”

Analysis

Clearly something is amiss if this is indicated by the differential between the exit poll information we have obtained and the final vote tallies in Ohio. It is rare, if not unprecedented, for a differential so dramatic as the exit poll predictions to the official results. Kerry was predicted to win by a differential of 4.2 percentage points. The final results showed Bush winning by 2.5 percentage points. The differential between the prediction for Kerry and the winning results for Bush represent a swing of 6.7 percentage points. Professor Freeman has further concluded, for election results to swing so drastically, that statistical analysis shows a probability that the exit polls’ board would decide how to release a full report in early 2005. “To release any information now would be incomplete,” she said.

And, if the exit poll discrepancy could not have been due to chance or random error, as advertised, then it is a matter of fact that the official results were incorrect. Thus, we do not dispute these exit poll results, and their discrepancy with the official vote counts, as others might do. We believe they provide important evidence that something was amiss in the Ohio election.

Full, accurate and reliable statistical analysis cannot be completed until the final data from the exit polls is released. The limited available “uncalibrated” or raw data indicates the broad discrepancies that are discovered. However, according to the National Election Pool data was “calibrated” or corrected after the official results were published. It may be standard practice for polling companies to recalibrate poll results to reflect actual election results if it omits the assumption that the official count is correct, and that any discrepancies must have been due to imbalances in their sample or some other polling error.” Data thus available on Election Day showed these large discrepancies is now no longer public. However, the raw numbers are available on the Internet. An independent, detailed analysis of the early exit poll data is necessary to verify the actual results of the election and to restore complete legitimacy to this election. In any event, the discrepancies that we are
able to identify place the entire Ohio election results under a cloud of uncertainty.

C. Post-Election

1. Confusion in Counting Provisional Ballots

Facts

Secretary Blackwell’s failure to issue standards for the counting of provisional ballots led to a chaotic and confusing result such that each of Ohio’s 88 counties could count legal ballots differently or not at all. In turn, this fostered a situation where subsequent to the election, Cuyahoga County mandated that provisional ballots in yellow packet must be “rejected” if there is “date of birth” on the packet. This ruling was issued despite the fact that the original “Provisional Verification Procedure” from Cuyahoga County dated “Date of birth is not mandatory and should not reject a provisional ballot” and simply required that the voter’s name, address and signature match the signature in the county’s database. The People for the American Way Foundation sought a legal ruling ordering Secretary Blackwell and the county elections board to compare paper registration lists and provisional ballots. People For the American Way further asked the Board to notify each voter whose ballot was invalid and how the invalidation could be challenged.

In another case, while the state directed counties to ensure voters had been registered since 2000 and was living away from home counties to ensure voters had been registered since 2000, the highest share of provisional ballots were ruled invalid, the highest proportion in Cuyahoga County, 8,099 out of 24,472 provisional ballots. The actions and simply required that the machine count. As a consequence, recounts could not be sought until at least December 11, and the Green/Libertarian recount began on December 13. As a result, the recount was pending when the Secretary of State sent certification on December 7, and before the electoral college met on December 13. Because it appeared the Secretary of State had intentionally delayed certification to ensure that the recount would be completed by this time period, 11 Members of Congress, including Rep. Conyers, wrote to Gov. Taft asking that they delay or treat as provisional the December 13 meeting of the state’s presidential electors.

The counties completed their recounts on December 28, 2004, but due to a variety of triad GSI, a voting machine company. In light of this information, and given my expertise and research on voting technology issues and the integrity of ballot counting systems, it is my professional opinion that the incident in Hocking County, Ohio, threatens the overall integrity of the recounts of the presidential election in Ohio, and threatens the ability of the presidential candidates, their witnesses, and the counter-plaintiffs in the above-captioned action, to fully analyze, inspect, and assess the ball- lot data and the related voting data from the 2004 presidential election in Ohio. It is my understanding that 41 of Ohio’s 88 counties use Triad voting machines. As a result, the recount in Hocking County could complicate the statewide recount, and undermine the public’s trust in the credibility and accuracy of the recount.

We have received several additional reports of machine irregularities involving the Triad 1000 system. Such information, including a report that Triad was able to alter election software by remote access:

In Union County, the hard drive on the voting machine at one precinct had failed after the election and had been replaced. The old hard drive was returned to
the Union County Board of Elections in response to a subpoena.

The Directors of the Board of Elections in both Fulton and Henry County stated that the Board reprogrammed the machine computer by remote dial-up to count only the presidential votes prior to the start of the recount.

In Greene County, the 3% hand-count failed to match the machine count twice. Subsequent runs on that machine did not match each other nor the hand count. The Monroe County Commissioners summoned a repairman from Triad to bring in a new machine and the recount was suspended and reconvened for the following day. On the following day, voting was taking place at the Board of Elections office and the old machine was gone. The Board conducted a test run followed by the 3% hand-count ballots. The results matched this time and the Board conducted the remainder of the recount by machine.

In Harrison County, a representative of the Triad company reprogrammed and retested the tabulator machine and software prior to the start of the recount. The Harrison County tabulating computer was connected to a second computer which is linked to the Secretary of State’s Office in Columbus. The Triad technician handled all ballots during the machine recount and performed all tabulation functions. The Harrison County Board of Elections kept voted ballots and unused ballots in a room open to public access. The room was locked at night and during daytime hours when the court-house is open. The Board had placed voted ballots in unsealed transfer cases stored in an old wooden cabinet that, at one point, was said to be lockable, at another point, was said to be unsecureable.

On December 15, 2004, Rep. Conyers forwarded information concerning the irregu- larities to the FBI and local prosecutors in Ohio. He has not received a response to that letter. On December 22, 2004, Rep. Conyers forwarded a series of questions concerning this course of events to the President of Triad GSI and to Mr. Barbian. Counsel for Triad GSI has indicated that a response would be forthcoming later this week or shortly thereafter.

**Analysis**

Based on the above, including actual ad- misions and statements by Triad employ- ees, it strongly appears that Triad and its employees engaged in a course of behavior to provide “cheat sheets” to those counting the ballots. The cheat sheets told them how many votes they should find for each can- didate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full county-wide hand recount mandated by state law. If true, this would frustrate the entire purpose of the recount law—to randomly ascertain if the vote counting appa- ratus is operating fairly and effectively, and if not, to correct any such hand recount. By en- suring that election boards are in a position to conform their test recount results with the election night results, Triad’s actions may be intended to allow the Board to count only those voting machines (in or out of state) from conducting a full and fair recount in compliance with equal protection, due process, and the first amendment.

In addition, the course of conduct outlined above would appear to violate numerous pro- visions of federal and state law. As noted above, 42 U.S.C. §1973 provides for criminal penalties for any person who, in any election for federal office, “knowingly and willfully deprives, defrauds, or attempts to defraud the residents of a State of a fair and impar- tially conducted election process having to do with the procurement, casting, or tabulation of ballot- lots that are known by the person to be ma-

**January 6, 2005**

**CONGRESSIONAL RECORD—HOUSE**

**H101**
was discovered to be unsecure. In the short period of time that observers were given to examine voting records, ballots were not counted for apparently erroneous reasons. In a number of cases, Greene County officials rejected ballots because the secrecy envelope for the ballot appeared to indicate that the voter had voted in the wrong precinct, notwithstanding a notation made—apparently by an election worker—indicating the vote should count. The records appeared to indicate that, in some cases, voters wearing wrong precincts by election workers and, in others, were given the wrong precinct’s envelope for the ballot because election workers had run out of envelopes for a particular precinct.

These records also appeared to indicate that some voters were purged from the voting rolls on the basis that they failed to vote in the previous election, while other voters who had not voted in several elections had not been purged. On October 26, Secretary Blackwell issued a directive and provided it to Greene County officials regarding the “pre-challenging” process, where a voter’s eligibility is challenged prior to the election, and sent an attached list of voters who were to be purged. Greene County officials then went to the Board of Elections. Notice was sent by the Board to these voters on the Friday before the election by registered mail, and was likely opened Monday morning. Informed such voters of their right to be present at a Monday hearing, where the voter’s eligibility would be confirmed.

Other irregularities appear in the official ballot counting charts prepared by election officials, including a number of precincts where the number of voters did not match the number of votes cast despite the fact that the charts indicate that those numbers “must match.” We only became evident indicating that eligible voters did not have their ballots counted for invalid reasons. For example, an overseas military ballot was not counted because it was a photocopy rather than the original ballot; an 85 year old voter did not have his absentee vote counted because it did not have a stub attached; a disabled voter who indicated she marked her ballot with the assistance of election workers did not have her absentee vote counted because no stub was attached; an absentee voter with a proper stub, the ballot did not match this vote counted because it was received “too late,” but before the initial certification of results; and provisional ballots that were not counted by election officials forgot to sign as a witness when the ballot was cast. Substantial numbers of provisional ballots appear to have been rejected because voters were purged in the last two years.

Analysis
Numerous Ohio laws appear to have been broken in Greene County. First it is a misdemeanor to deny the public access to election records and to clearly state “No director of elections, deputy director of elections, or employee of the board of elections designated by the director or deputy director of elections may inspect the records or data of any person in possession, under reasonable regulations established and posted by the board of elections, the public records filed or kept by the board of elections.” Not only is this a crime, but grounds for dismissal from election duties—required whether the offender is an official or an employee. It does not appear that anyone has been prosecuted, and no one has been dismissed as required by statute.

Second, the complete lack of security on Friday morning, coupled with any number of laws requiring that ballots and machinery be kept absolutely secure. Section 3505.31 requires that ballots, pollbooks, poll lists, tally sheets and voting machines be kept tamper-proof under seal. Ballots are to be held secure until a recount is properly conducted. Unsecured ballots may not be handled by anyone except the board and its employees. Failure of these duties by board members and their employees, is a felony, as “No member, director or employee of a board of elections shall willfully or negligently violate or neglect to perform any duty imposed upon him by law, or willfully or negligently perform it in such a way as to hinder the objects of the law.” Again, it requires that the offender be dismissed, and again, it appears that those accused were not.

It is important to note that this statute does not require any intent of wrongdoing—simple negligence is enough to invoke the statute and there is no explanation as to why it has not been enforced.

Third, Greene County’s operation seems to have several Constitutional problems, both federally and at the state level. The selective use of challenges and purges invokes the Equal Protection clause. We were unable to confirm any legitimate reason why some voters were challenged, and others were not. There are also Due Process concerns as those to be purged were not given sufficient notice to meaningfully participate in the challenge.

Additionally, it appears that the county run a way as to hinder the objects of the law.

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conference room for an additional ten minutes or so for a private discussion. When the Board reconvened a few days later, it announced that it would be conducting a machine recount of this county’s votes. When a Green Party observer objected, she was told by the Board that she was not allowed to speak.

c. Irregularities in the Treatment of Ballots—Some Counties Marking Ballots and Some Counties Not Securely Storing Ballots

In the course of our investigation we learned:

In Washington County, the Board of Elections had, in the first count, excluded ballots which included no votes and overvotes. During the recount, the Board allowed such ballots to be marked by the Board. An observer protested this practice. The election official pulled a black marker from his right pocket and began sitting at the ballot box.

In Belmont County, the Deputy Director of Elections stated that her county had hired a consulting firm to reprogram the counting machines. In Portage County, all ballot boxes were always in plain sight—anyone could see the ballots. In Huron County, a光学扫描计票机 test was observed only by Republican witnesses. This test was conducted the day before the Green Party witness was invited to observe the test.

In Putnam County, Board of Elections officials told observers that their Board would meet on December 15th to decide the start date. When the objection was pulled back on the 15th, she was told the recount had already taken place.

In Allen County, observers were not allowed to examine provisional ballots and absentee ballots during the recount. The Board told them that they must make an appointment at a later time working around the Board’s schedule. The Board further stated that only the specific person who cast such a ballot is allowed to inquire whether his or her vote was counted.

In Holmes County, observers asked to see the spoiled ballot pile, comprised of five ballots, but the Board denied access, stating that they were in a sealed envelope that could not be opened.

In Licking County, the Board denied observers access to view provisional and absentee ballots.

In Mahoning County, the Board denied observers access to view rejected absentee ballots.

In Medina County, the Board denied observers access to view provisional ballot tallies, provisional ballots, and the actual machines and ballot booklets used.

In Morgan County, both provisional and absentee ballots were not counted, and the Board denied observers access to view these ballots. The Board stated that these ballots were locked away and would be destroyed 80 days after the election.

In Stark County, the Board denied an observer request to view the provisional ballots.

In Warren County, the Board denied an observer request to view provisional and absentee ballots. The observer has requested that the Board have this decision reviewed by the county prosecutor and the Board is now awaiting the county prosecutor’s decision.

Analysis

The Secretary of State’s failure to issue specific guidance regarding the method to be performed by the optical scan machine would match the 3% hand count. At least one of the election officials stated that she did not want the hand count and machine count to be different because they did not want to do a complete hand count. The Board made the alterations to the ballot after determining the intent of the voters. Following a lunch break during the recount, the Board kept recount observers waiting while a technician from the Diebold company reprocessed the machine.

In Independence, ballots cast in the presidential election were stored by precinct in open cubicles along one wall in the employee lunchroom/meeting room, completely open to anyone who entered the room. Piled on top of the cubicles were bags of Doritos, mugs, cleaning products, Glad Wrap and other miscellaneous items. Board of Elections staff said the room was kept locked, except when used.

In Coshocton County, the Board stored voted ballots mixed with blank, unused ballots in lost and found boxes, unsealed at the time of observation and apparently never sealed after the election. While ballots were stored in a locked room, all Board employees had keys to the room.

In Belmont County, the Deputy Director of Elections stated that her county had hired an independent programmer (“at great expense”) to reprogram the counting machines so that they would only count votes for President during the recount.

In Portage County, all ballot boxes were locked and reopened, locked and re-opened again—always in plain sight—and transported methodically from the visual inspection area to the recount area.

d. Irregularities in the Treatment of Witnesses at the Recount and their Access to Ballots

In the course of our investigation we learned:

In Summit County, recount witnesses were threatened with expulsion if they spoke to counting teams. In some instances, they were expected to “observe” from up to 20 feet away, which prevented them from being able to actually observe recount.

In Huron County, a machine recount test was observed only by Republican witnesses. This test was conducted the day before the Green Party witness was invited to observe the test.

In Putnam County, Board of Elections officials told observers that their Board would meet on December 15th to decide the start date. When the objection was pulled back on the 15th, she was told the recount had already taken place.

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A. Electoral College Challenge

We believe there are ample grounds for challenging the elections from Ohio as being unlawfully appointed.

We say this for several reasons. First, there is considerable doubt that all controversies regarding the appointment of the electors were lawfully resolved prior to the meeting of the electors (on December 7) in order for the state’s electors to be binding Congress as required by 3 U.S.C. Sec. 18.

The Secretary of State of Ohio makes it impossible for the (recount of which he was fully aware) to be completed by December 7, let alone the December 13 meeting of the electors.

Second, there are numerous irrefutable instances where Ohio election law has been violated by the Secretary of State and others such that the election cannot be said to comply with Ohio law, and the electors cannot be considered lawfully certified under state law within the meaning of 3 U.S.C. Sec. 15. These violations of law are highlighted throughout this Report.

The failure to provide adequate voting machinery would appear to violate Ohio’s Constitution, that provides all eligible adults the right to vote, and the Ohio Revised Code which requires the Boards of Election provide “facilities for voting and provide adequate facilities at each polling place for conducting the election.”

Secretary of State Blackwell’s failure to initiate any investigation into this pivotal irregularity notwithstanding his statutory duty to do so under Ohio Revised Code Sec. 3501.35, represents another likely violation of Ohio law.

The “caging” tactics targeting 35,000 new voters by the Ohio Republican Party for election challenges was a major problem. It appears to have contributed to a lack of uniformity that may very well violate both the Due Process Clause and the Equal Protection Clause of the Constitution. As the U.S. Supreme Court held in 2000, “Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.” As the Court articulated in that case, “it is obvious that the recount cannot be conducted in accordance with equal protection and due process without substantial additional work. It would require not only the adoption (after opportunity for argument) of adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them, but also orderly judicial review of any disputed matters that arise.” It may also have violated Ohio state law which charges the secretary of state with “[issuing] instructions by directives and advisories to members of the board of elections by the proper methods of conducting elections” and “[preparing] rules and instructions for the conduct of elections.”

In terms of the specific irregularities, they would seem to be inconsistent if not in outright violation of several aspects of Ohio’s recount law. Those counties which did not randomly select the precinct samples appears to violate the Secretary of State’s directive on this point. Those counties which did not provide the recount (of which he was fully aware) to be completed by December 7, let alone the December 13 meeting of the electors.

RECOMMENDATIONS

1. Section 13.06 of Ohio’s Constitution that provides: “Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of such right. Such abuse of the liberty of speech, or of the press.”
Mr. Blackwell’s decision to prevent those voters who requested absentee ballots, but did not receive them on a timely basis from being able to vote, was found by a federal court to be illegal. This restriction directly violated Article 5, Section 1 of the Ohio Constitution, granting every Ohio citizen the right to vote if he or she is otherwise eligible.

Numerous incidents of voter intimidation and misinformation engaged in Ohio on election day likely violate the Voting Rights Act, the Civil Rights Act of 1968, and the Ohio right to vote. Mr. Blackwell’s apparent failure to institute a single investigation into these matters represents a failure of his statutory duty to investigate election misconduct.

The voting computer company Triad has essentially conceded that it engaged in a course of behavior during the recount in numerous counties to provide “cheat sheets” to those counting the ballots. By ensuring that election boards were in a position to conform their test recount results with the election night results, Triad’s actions may well have prevented scores of counties from conducting a full recount. Triad also appears to violate Ohio law prohibiting election machinery from being serviced, modified, or altered in any way subsequent to an election, so in the absence of the full board of elections and other observers.

Numerous Ohio laws appear to have been broken in Greene County, where after initially being granted access to poll books to conduct an audit, election observers had this access abruptly revoked under the orders of Secretary Blackwell, and arbitrary and capricious practices and counting procedures that disenfranchised hundreds of voters were identified. These practices violate Ohio law requirements preventing the denial of public access to election records; requiring that ballots and machinery be kept absolutely secure; and protecting the right to vote.

The Secretary of State’s failure to issue specific standards appears inconsistent with Ohio state law which charges the secretary of state with “[issuing] instructions for the conduct of elections.”

There were numerous specific irregularities in the recount, including with several aspects of Ohio’s recount law. Those counties which did not randomly select the precinct samples violated the Secretary of State’s direction on this point.

Those counties which did not conduct a full hand count after the 3% hand and machine counts violated Ohio’s statutory right to have consistent results rechecked. Those counties which allowed for irregular marking of ballots and which failed to secure and store ballots and machinery appear to have violated Ohio law mandating that candidates have the right to ensure that ballots are secure between the election and the official recount, that ballots may not be handled by anyone besides Board members and their staff, and may not be handled outside of the presence of the Board and qualifying witnesses. Finally, those counties which prevented witnesses for candidates from observing the various aspects of the recount violated provisions of Ohio law providing that candidates have the right to observe the ballot counting.

Whether the cumulative effect of these legal violations would have altered the actual outcome is not known at this time. However, we do know that there are many serious and intentional violations which violate Ohio’s own law, that the Secretary of State has done everything in his power to avoid accounting for such violations, and it is incumbent on Congress to protect the integrity of its own laws by recognizing the seriousness and implications of those violations.

B. Need for Further Congressional Hearings

It is also clear that Congress needs to conduct additional and more vigorous hearings into the irregularities in the Ohio presidential election and around the country. While we have conducted our own Democratic hearings and investigation, we have been handicapped by the fact that key participants, primarily the Secretary of State Blackwell, have refused to cooperate in our hearings or respond to Mr. Conyers’ questions. While GAO officials are prepared to work with ranking analysis of systemic problems in the 2004 elections, they are not planning to conduct the kind of specific investigation needed to get to the bottom of the range of problems evident in Ohio. As a result, it appears that the only means of obtaining his cooperation in any congressional investigation is under the threat of subpoena, which only the Majority may require.

Given the seriousness of the irregularities we have uncovered, and the importance of the federal elections in Ohio to the House and Senate form a joint, select committee to investigate the full gamut of irregularities across the board. Among the issues require further attention at Congressional hearings are the following:

The misallocation of voting machines. Congress should examine the extent to which the lack of machines in certain areas led to unprecedented long lines that disenfranchised predominantly minority and Democratic voters.

The decisions to restrict provisional ballots to actual precincts and to deny them to voters who did not receive absentee ballots. Congress should examine the extent to which the decisions departed from past Ohio law on provisional ballots, how many voters were impacted, and whether a broader construction would have led to any significant disruption at polling places.

The use of partisan, pre-election “caging” tactics. Congress should examine the extent to which electoral lawmanders were not able to all citizens who request them, as long as they are in the appropriate County.

We recommend that House and Senate Members join together in reforming these laws and preserving our democracy.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLAY) for the purpose of making a unanimous consent request.

(At this time, Mr. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Honorable colleagues, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2 of last year point to an unresolved national crisis: The lack of a unified standard for all voters and all ballots cast in a Federal election. Congress must establish this standard, with a verifiable audit trail or electronic voting machines and malfunctioning voting machines, inaccurate election judges, and lines at polling stations. The lack of a unified standard for all voters and all ballots cast in a Federal election. Congress must establish this standard, with a verifiable audit trail or electronic voting machines and malfunctioning voting machines, inaccurate election judges, and lines at polling stations.
Most of all we are here because not a single election official in Ohio has given us any explanation for the massive and widespread irregularity in the State. No explanation for the machines in Mahoning County that recorded Kerry votes for Bush and an explanation of improper purging in Cuyahoga County. No explanation for the lockdown in Warren County. No explanation for the 99 percent turnout in Miami County. No explanation for machine tampering in Hocking County.

Read on our Web page 101 pages of great staff work that takes this out of semantics, of partisanship; and I appeal to every Member of this body to sustain this objection.

We are here today, not as partisans for one Presidential candidate or another, but because we want to do our duty under the Constitution to protect our democracy.

We are here because of the inner city voter in Franklin County who waited 10 hours in the pouring rain, while suburban voters in the same county had no wait because election officials decided to reallocate voting machines from Columbus to the suburbs.

We are here because the Hispanic voter in Hamilton County who was directed to the wrong voting table, and had their ballot thrown out because of a decision by the Secretary of State to throw out ballots cast at the right polling place but the wrong precinct.

We are here because of the elderly voter in Lucas County who requested an absentee ballot that never showed up and was refused a provisional ballot because of another partisan decision by the Secretary of State.

We are here because of the African American voter in Summit County, who was targeted with an unlawful waiting challenge because of her race and because she refused to answer a certified letter from the chairman of the Republican Party.

Most of all we are here because not a single election official in Ohio has given us any explanation for the 99 percent voter turnout in Miami County. No explanation for the machine tampering in Hocking County.

The debate we have today will not change the outcome of November’s election. We know that. But out of today’s debate, I hope this Congress will listen to our challenge:

A challenge to hold true bipartisan hearings to get to the bottom of what went wrong in Ohio and around the Nation on election day.

A challenge to show the same concern about voter disenfranchisement in this country that we show in Afghanistan, and the Ukraine, and Iraq.

A challenge to enact real election reform; that gives all citizens the right to a provisional ballot; that gives all voters a verifiable paper trail; and that bans election officials from serving as campaign chairs.

The thing we should never fear in Congress is a debate, and the thing we should never fear in a democracy is the voters. I hope that today we have a fair debate and 4 years from now, we have an election all our citizens can be proud of.

Mr. Speaker, I am proud to yield the balance of my time to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding.

I agree with JOHN KERRY. I think George W. Bush won Ohio. But I agree with millions of American citizens that no American should have to wait 4 hours to cast a vote. I agree with tens of millions of Americans who are very worried that when they cast a ballot on an electronic voting machine that there is no paper trail to record that vote in the event of a recount.

What today is about is to demand that the Federal Government begin to move forward, to guarantee that every voter in America feels secure and confident that all of the votes cast in this country are counted accurately and that all of our voters are treated with respect and dignity. That is what democracy is about and that is what we are fighting for.

Mr. BLUNT. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from Missouri is recognized for 5 minutes.

Mr. BLUNT. Mr. Speaker, as I listened to the gentleman from Vermont make his remarks, I assume that means that he will be voting with me to accept the results from Ohio since he agrees that the President won. That has just been verified for me. So the whole purpose of this discussion, at least from that perspective of understanding that there are still challenges in our election system in the country, should be handled at a different time.

Let us talk about what we are doing here today. First of all, every Member of this body was elected to this body. It distinguishes us from almost any other institution, certainly in the Federal Government and in many other institutions. We also were all elected under the same rules and regulations that we are discussing today. I do not know that we help the process by casting doubt on what all of those people that work in elections all over America do. I know in Missouri I was the chair official for 8 years and an election official for 20 years that no Republican did anything on Election Day by themselves. I think it is the same in Ohio. Every single thing that is done is done by a Republican. It is also done at the same time by a Democrat. I do not think the people that stepped forward to accept that significant public responsibility are saying there was a problem with the election on Election Day. In fact, I think they are all saying we did exactly what we were supposed to do on Election Day: We tested the equipment; we verified the ballots; we counted, as we should, with bipartisan teams.
there to do that; and we have certified these results.

If we were taking this important time today to talk about a difference of 118 votes, that might be justifiable in my mind. To take this time on this day to challenge those Democrats and Republicans who gave of themselves and their time to make this process work in Ohio and in Missouri and everywhere else where people voted the November Election Day with a difference in this State of 118,000 seems to me to be the wrong time, the wrong place, and maybe even the wrong job for the Federal Government. These are great discussions to have in Ohio. That is where they are ultimately going to solve the problem of how they conduct elections in Ohio, and this apparently is more about that than anything about the result.

The purpose of our work here today is to certify the result unquestioned by the country, unquestioned by the Democratic Party, unquestioned by anybody involved in this process who certified the election, our job today was to count the electoral votes, get on with our business of doing the work that can only be done here in this city by this Government to move the country in a new and positive and better direction. We need to continue to do that. We need to be committed to that. We also need to understand that every time we attack the process, we cast that doubt on that fabric of democracy that is so important.

People do have to have, as I believe the gentleman from Michigan (Mr. Conyers) said, confidence that the process works in a proper way. They do not need to believe that it is absolutely perfect because, after all, it is the greatest democracy in the history of the world and it is run by people who step forward and make a system work in ways that nobody would believe until they see it to produce the result of what people want to have happen on Election Day.

This was not a closely decided election. The President’s margin is significant. No President elected since 1988 has had a majority of the vote, let alone a 3 percentage point majority of the vote with a direction clearly to move the country forward.

We need to get on with our job. We need to honor the election process by the proper way at the proper place to make the vote with a direction clearly to do what it is: sour grapes.

There are saying we’ve used quite a bit in Florida over the past 4 years that the other side would be wise to learn: “Get over it.” Is it not ironic that the very people who refuse to move on are the people from MoveOn.org and their hero Michael Moore?

There has been a saying we’ve used quite a bit in Florida over the past 4 years that the other side would do well to learn—Get over it. It isn’t ironic that the only people who refuse to “move on”, are the people from “moveon.org”, and their hero Michael Moore?

My colleagues have two sides to choose from, the John Kerry side that acknowledges the election is over and President Bush has won. Or the Michael Moore side that defines “democracy” as Democrats going to the polls, and “conspiracy” as Republicans going to the polls.

The election is over and the results couldn’t be clearer. We know that President Bush won the electoral vote by 286 to 252. We know that President Bush won the popular vote by 3.3 million votes. We know that President Bush won Ohio by more than 118,000 votes, an overwhelming margin. We know that in every area of Ohio, bipartisan county boards have verified and vouched for the integrity of the Ohio election results.

Why are we wasting our time on silly Hollywood-inspired conspiracy theories? Well, since Hollywood likes conspiracies so much, here’s a real one. On June 23, 2004, the Michael Moore movie “Fahrenheit 911” premiered in Washington, DC. According to U.S. News and World Report, New York Times, and National Journal, one of the few Senators who attended this premier was Senator BARBARA BOXER. In this movie, Mr. Moore said it was shameful that not one U.S. Senator objected to the electoral vote count in Florida. Two days ago, on January 4, 2005, the same Michael Moore published a new letter to Senator BOXER and other Senators reminding them that they didn’t object to the electoral vote count 4 years ago, and requested that they rise and object to the vote count from Ohio today. Today, in fact, Senator BARBARA BOXER just objected to the Ohio vote count.

Do the people in the Michael Moore wing of the Democratic Party think that the American people and their congressional representatives, are so stupid that they could be tricked into objecting to these electoral results? Well, the answer is “yes.”

Michael Moore told a British newspaper “Americans are so stupid that they’d fall for the Michael Moore wing of the Democratic Party. It is worth wasting 2 hours of Congress’ time? The only bigger waste of 2 hours would be to go see Fahrenheit 911.”

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Two days ago we took an oath of office to uphold and defend the Constitution, that at least three amendments in the Constitution which guarantee equal access to the ballot, and yet we are saying that people who did not get an opportunity to vote, who did not have the right to vote, who did not have their vote counted, are saying that it was frivolous. These problems were not unique, however, or confined to Ohio. Nor were they limited just to Democratic voters. There is no such thing as a perfect election. There has not been. In three separate elections in the State of Ohio we had a recount. The question, then, is whether or not mistakes were made. Of course they were. The question is did those mistakes affect the outcome of this election? The answer is no. No serious person, including the overseer, could claim that they did today.

Now let us talk a little bit about the so-called evidence that has been presented about what happened in Ohio. Much has been made about the long waits for voters in some precincts. The distribution of voting machines in the State has been criticized, the claim being that minority precincts did not have enough machines while white or suburban precincts had too many. Ken Blackwell, the Secretary of State, has been a frequent target and basically blamed for everything. But, in fact, elections in Ohio are run by and large by the county election boards. If my colleagues are not familiar, these bipartisan boards consist of seven members, two Democrats, two Republicans. Decisions about how many machines to have in each precinct are made by those boards, not by the Secretary of State. It is possible they could have miscalculated or underestimated. In a recent article that appeared in the Columbus Dispatch, this is important, Franklin County Board of Elections Chairman William A. Anthony, Jr. said long lines were not caused by the allocation of machines, a process controlled by a Democrat supervisor, he added, but by the high voter turnout, the overall lack of voting machines, and a ballot that included more than 100 choices for voters.

For those thinking Mr. Anthony must be a part of this conspiracy, I would point out that in addition to his position on the elections board, Mr. Anthony serves as chairman of the Franklin County Democrat Party. He said that he is offended by accusations from a band of conspiracy theorists. He further added, “I am a black man. Why would I sit here and disenfranchise voters in my own community? I feel like they’re accusing me of suppressing the black vote. I’ve fought my whole life for people’s rights to vote.”

I could go on, Mr. Speaker, but basically what is the point? Those who believe this election was stolen will always believe it. No amount of facts or evidence will convince them otherwise. The bottom line is those bringing this challenge today simply cannot accept the fact that George Bush has been elected President of the United States. It is too painful for them.

We must always be seeking ways to improve the process. We announced weeks ago we are going to have bipartisan hearings to look at these issues, and they are not frivolous. They are important issues. But it would not have changed the outcome of the election.

Mr. Speaker, it does not elevate those who are bringing this challenge. It does not elevate our House. It does not elevate the debate. It debases all of us, and it merits a sad day in the history of this Nation.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. LaTOURETTE).

Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Most of our colleagues may not know that we not only had an election in Ohio but we had a recount that was funded by two third-party candidates that got less than 1 percent of the vote, and knowing this was going to happen today, I called my boards of election back home to see how that recount went.

In Ashtabula County after the recount, each candidate picked up one vote.

In Geauga County there was a net gain of two votes for President Bush, and the 72 provisional ballots that were not allowed were not allowed because the people did not live and were not registered in the State of Ohio. In Lake County, not one ballot changed from November 2, and all of the 201 provisional ballots tossed were tossed because the people were not registered in the State of Ohio.

In Summit County, there was a four-vote swing for Senator Kerry.

In Cuyahoga County, the county that I am lucky enough, home of the City of Cleveland, to share with the objector and the gentleman from Ohio (Mr. BROWN) and the gentleman from Ohio (Mr. KUCINICH), the net swing was 23 votes for John Kerry.

On this day, we should be praising the dedication and hard work of our election officials and not castigating them.

Ms. PELOSI. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentlewoman from California is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today we are witnessing democracy at work. This is not, as some of our Republican colleagues have referred to it, sadly, frivolous. This debate is fundamental to our democracy.

The representatives of the American people in this House are standing up for three fundamental American beliefs: that the right to vote is sacred; that a Representative has a duty to represent his or her constituents; and that the rule of law is the hallmark of our Nation.

Under the rule of law, today this House will accept the election of President Bush and Vice President CHENEY as President and Vice President of the United States. There is absolutely no
question about that. This is not in any way about rejecting that outcome. So, please, let us be respectful of each other and understand what it is about.

Today’s electoral challenge is not intended to overturn the results of the election, but instead to address the real problems with our electoral system and the failings of the process in Ohio and elsewhere. It is about election reform, not about the election result.

The Members of Congress who have brought this challenge are speaking up for their aggrieved constituents, many of whom may have been disenfranchised in this process. This is their only opportunity to have this debate while the country is listening, and it is appropriate to do so. If there were other venues of this caliber, we would have taken that opportunity. But this is the opportunity. We have a responsibility to take advantage of it.

The right to vote is the foundation of our democracy. A discussion of that foundation, again, should not be considered frivolous.

As the Supreme Court noted: “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”

I repeat: “Other rights, even the most basic, are illusory if the right to vote is undermined.”

The principle of one person-one vote is sacred in our country, and we must do everything to uphold it. Yet more than 225 years since our founding, there are still legitimate concerns over the integrity of our elections and of ensuring the principle of one person-one vote, that every person has access to voting and that every vote will be counted.

Twenty years ago, I was chair of the California Democratic Party. It was our function, it was our purpose to remove obstacles of participation to voting. The greater responsibility, of course, was with the Secretary of State in our State and in States across the country who controlled the elections in the State. But we all, in all of our capacities, had a responsibility to remove, not throw up, obstacles to participation.

I know that this issue is not just about counting votes, but what happens in all three phases, before, during and after the election; and in all three phases, there were problems in this election in Ohio and elsewhere.

Before the election, there were complaints about absentee ballots that were requested, but did not arrive. There were reports of registration problems and of improper purging of the voting rolls. The Ohio Secretary of State made decisions about provisional ballots, partisan poll watchers and the paper trail for the registration forms that some found questionable, leading to widespread confusion and possible disenfranchisement.

During the election we know that there were not enough voting machines in poorer and minority areas. This is a fact. Yet there were sufficient machines in wealthier areas. This led to appallingly long waiting times of up to 10 hours in some places. Deny it all you want, but it is a matter of public record that this is a fact, and this is wrong.

There were credible reports of voter suppression on election day through intimidation and the patchwork use of provisional ballots led to unequal treatment under the law; unequal treatment under the law, undermining the principles of one person-one vote and equal protection.

As for after the election, the American people must have every confidence that every vote legally cast will be legally counted and accurately counted. But constantly shifting vote tallies in Ohio, and other places, are undermining the integrity of our elections and of ensuring the principle of one person-one vote.

It is not the electorate votes are counted, it is about the Constitution of the United States. George Bush and DICK HOYER won the election. Mr. Speaker, it is not about conspiracy; it is not about the Constitution of the United States. Thirty years later, another contest whose outcome had been decided 29 years earlier. Thirty years later, another contest whose results have been firmly decided is being waged not on some remote island, but in the halls of the United States Congress. It is a sad day.

Mr. Speaker, President Bush won more votes than any candidate in America’s history. His opponent conceded that victory long ago. The Ohio results have been certified, and one of that State’s newspapers, the Dayton Daily News, reported last month that those advancing the wild-eyed conspiracy theories are “speaking nonsense.”

Mr. Speaker, it is amazing to me that my colleagues on the other side of the aisle cannot accept the words of their own candidate. They have said, “We cannot win this election.”

The American people have spoken. I urge my colleagues on the other side of the aisle to open their ears and hear their voices; to join us in facing the challenges of the future, rather than trying to change the past.

President Bush has been duly elected by the people of this great country, and...
it is time for those who refuse to accept the American people’s decision, if you will pardon the expression, to move on.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Ohio recount request, a matter of other party, has been completed and has been verified. In every area of Ohio, bipartisan county boards have verified the integrity of these election results. This is the true message to the world: our system works with integrity.

We keep hearing that Ohio’s vote was rigged in some way. But this is not plausible when you have a system of 88 separate bipartisan county election boards. In Ohio, our boards take great pride in their administration of the election laws.

I urge the Congress to accept the votes cast today by the State of Ohio for President Bush.

Mr. BROWN of Ohio. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I do not question the outcome of this election. However, I do know that I stood in line for hours with voters trying to cast ballots, and since election day I have heard from dozens of voters, Democrats and Republicans, who lost their right to vote on November 2 in my State of Ohio.

For 8 years in the 1980s I served as Ohio’s elected Secretary of State. During my term in office, we held and my office conducted two Presidential elections, two gubernatorial elections, and dozens of primary and special elections.

The role of the Ohio Secretary of State serves two main functions: to ensure everyone is confident that his or her vote will be counted and to encourage everyone to exercise that right to vote. Our Secretary of State this year failed on both counts. I speak from experience when I say the 2004 Presidential election in Ohio was riddled with unnecessary problems.

I visited four precincts in Oberlin, Ohio, outside of my district where I stood in line with voters, some of whom waited up to 6 hours to vote. I visited Hispanic and white working-class precincts, and I saw long lines everywhere I went. I received panicked calls throughout the day from voters whose polling places had broken machines and were being denied the right to vote. In the days leading up to the election, I witnessed reports throughout our House. Voters who had been told their voter registration could be invalid and that despite their efforts to register, they were not on the voting rolls. In far too many cases, their votes were not allowed.

Ohio voters should never again be forced to wait 3, 5, sometimes even 10 hours to cast a vote. Ohioans should not have to lose their right to vote. It is not about who won and who did not. It is about our system of democracy. Mr. Speaker, I am saddened that no Republicans in this body are joining us today in acknowledging problems in Ohio and in working with us to fix those problems because, Mr. Speaker, defending the right to vote should be a concern for Republicans and Democrats alike.

Mr. Speaker, I yield to the gentleman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, Ohio symbolizes that the Help America Vote Act fell short of the lofty goals set by this Congress. Ohio’s Secretary of State, Kenneth Blackwell, a Republican, in a State in which all statewide offices are controlled by Republicans and, in our State legislature, Republicans outnumber Democrats two to one in both chambers, our Secretary of State repeatedly took actions to make it more difficult for as many Ohioans as possible to have their votes fairly cast and accurately recorded.

No national standards were set for voting equipment because the Bush administration appointed members of the Election Assistance Commission so late that their confirmation was nearly a full year later than required by HAVA itself. They had no time to recommend standards until it was too late, and those standards are still not in place today.

The Ohio Secretary of State tried to force county boards of elections to buy equipment that his own reports showed to be flawed. Federal dollars that this Congress appropriated to help modernize elections in Ohio trickled through the Secretary of State’s office and local boards of elections who were often in deep disagreement as to which machine standards were trustworthy.

Just prior to election, Secretary Blackwell continued to frustrate the enfranchisement of Ohioans with actions ranging from specifying paper weight standards for voter registration forms that even his own office could not meet, and then fighting the availability of provisional ballots right up until 3 p.m. on Election Day. In fact, people who had requested absentee ballots and had not received them were denied provisional ballots until a Federal court ruling that was issued at 3 p.m. on Election Day, after who knows how many Ohioans were denied ballots that they were prepared to cast for the candidates of their choice.

No one can change the outcome of this election; but believe me, hundreds of thousands of Ohioans do have questions about the way that this election was handled in Ohio, in a State in which the winning margin was only 118,000 votes. Implementing the actual intent of HAVA and amending it where necessary deserve the full investigation of this 109th Congress, and it ought to be our first order of business.

I commend the gentleman from Ohio (Mrs. JONES) of Cleveland who experienced these abuses in her area for bringing this to national attention. We are very proud of her. We are very proud of the Members who have chosen to join her. I would ask my Republican colleagues, starting with the Committee on House Administration, to join us in this effort to make HAVA really work as we approach the elections of 2006.

Ms. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I seek to be recognized for 5 minutes.

The SPEAKER. The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, this may be the most appropriate time to remind each and every one of us engaged in this debate that it is the hallmark of our constitutional Republic and our government to operate by the consent of the governed. And there is a corollary to that which we should likewise remember: in a free system where the people choose, it is also necessary for contestants who are unsuccessful to accept the verdict of the people. In our Republic there are majority rules, but the rights of the minority are protected.

Now, also understand what has transpired this afternoon. In what should be a reaffirmation of our constitutional Republic and the Electoral College, a Member has chosen to dispute the outcome of voting in the State of Ohio. Despite that fact, speaker after speaker on the minority side, including the leader from California, has said they accept the verdict of the election. Do not misunderstand, I say to my colleagues. This is a vitally important point.

The problem we confront with this debate is that it serves to plant the insidious seeds of doubt in the electoral process. All the talk of election reform, all the talk of hearings that the leader championed, all the process complaints, some that are inaccurate that have come from the other side, are points to be debated in the regular business of this House. Yes, they are important. But to disrupt the Electoral College, to say in effect, hey, we just want to shine light on this problem, is not the proper use of the people’s time. And with all due respect, I question not the intent; but the net effect is this: again, it is to place doubt and to institutionalize forever the notion of grumbling and a lack of acceptance of the verdict of the people. In less elevated terms, Mr. Speaker, it is called sour grapes; and it is sad to see in this House.

Mr. Speaker, I would be remiss if I did not point out that this view is not
Mr. SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise today to join with my colleagues in objecting to the certification of the State of Ohio's electoral vote.

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United States last November, I was shocked to see American voters facing greater obstacles than I have seen in third world countries. There were voters who waited in line over 10 hours to cast a ballot. For those standing in line, not only was this frustrating, it was also a particular hardship for older voters and for parents trying to get their children to school.

In addition to the unreasonably long lines at certain voting precincts, other problems included a large percentage of provisional ballot rejections, voting machine errors, and voter registration obstacles.

Mr. Speaker, as in the past, the most impacted voters are African Americans, Hispanics and other minorities. In Florida in 2000, minorities on their way to the polls were stopped at road blocks in their neighborhoods on the pretense that law enforcement officers needed to check vehicle inspection stickers. The wait was so long that many minority voters had to turn around and go home or to work. This is not democracy. This is how people lived under apartheid in South Africa.

Now we learn more than half of the complaints about long lines came from Columbus and Cleveland where a huge proportion of the State's Democratic voters live. The House Judiciary Committee report details numerous problems and obstacles that Ohio voters faced. For example, a New York Times investigation revealed that 14 out of 88 counties in Ohio did not have enough suf- ficiently functioning electronic voting machines assigned to downtown precincts and added them to the suburbs. One entire polling place had to shut down at 9:25 in the morning on election day because there were no working machines. Does this sound like democracy?

Mr. Speaker, we have a responsibility to ensure that the constitutional right of every voter in this country is protected. We are raising this objection to try to ensure that our Nation takes action to ensure that what happened in Florida and Ohio will never happen again.

Mr. KUCINICH. Mr. Speaker, let us not denigrate factual concerns about the Ohio election by dismissing them as simply partisan. This is not about Democrat or Republican votes. It is not about red or blue States or black or white. It is about wrong or right. It is about winners or losers. It is about protecting voting rights in our democracy against corruption.

Let us review just one of the very serious concerns with the Ohio election: voting machines were misallocated, causing voters to stand in line, in some cases for 10 hours. That denies voters equal protection of the law. In the State's witness that is Ohio, more than half of the complaints about long lines came from Columbus and Cleveland where a huge proportion of the state's Democratic voters live.

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The House Judiciary Committee report details numerous problems and obstacles that Ohio voters faced. For example, a New York Times investigation revealed that 14 out of 88 counties in Ohio did not have enough sufficiently functioning electronic voting machines assigned to downtown precincts and added them to the suburbs. One entire polling place had to shut down at 9:25 in the morning on election day because there were no working machines. Does this sound like democracy?

Mr. Speaker, we have a responsibility to ensure that the constitutional right of every voter in this country is protected. We are raising this objection to try to ensure that our Nation takes action to ensure that what happened in Florida and Ohio will never happen again.

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of the suppression of any American's constitutional right to vote. We must pass Federal standards to require a paper trail, insist on nonpartisan officials ensuring the process be moved forward for real, in a real way, and pass real election reform.

Mr. KUCINICH. Mr. Speaker, I yield to the gentleman from New York (Mr. NADLER), a great leader.

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, the right to vote has been stolen from qualified voters. Stolen through corruption, through political cynicism, through incompetence, through technical malfunction.

Despite the fact that the widespread and documented irregularities in the Ohio election have not been proved to change the outcome of the presidential election, the loss of the right to vote by so many is unacceptable.

Elections must not only be fair and honest, they must be seen to be fair and honest in order to maintain the legitimacy of our democratic institutions.

This year we have dodged a bullet. If the apparent margin of victory in Ohio were closer, the Florida 2000 fiasco would look like a picnic.

Mr. Speaker, normally the process of counting electoral votes is a purely ceremonial event. Normally it is a celebration of our democratic institutions. Normally it is a celebration of the rule of law and equal protection of all Americans under the law.

But we do not live in normal times, the right to vote has been stolen from qualified voters—stolen through corruption, through political cynicism, and through incompetence, through technical malfunction.

Regardless of the reason, the denial of the fundamental right to vote is a crime against our democracy, against our way of life, and against the most fundamental rights of every American.

Despite the fact that the widespread and documented irregularities in the Ohio election have not been proved to have changed the outcome of the presidential election, the loss of the right to vote by so many is unacceptable.

Elections must not only be fair and honest, they must be seen to be fair and honest in order to maintain the legitimacy of our democratic process.

This year, we have dodged a bullet. The disgraceful events in Ohio may not have changed the outcome of the election, but a closer vote could well have made this belief changed the outcome of the election, but a disgraceful events in Ohio may not have achieved.

of the right to vote by so many is unacceptable. Election forms were being submitted and that grade was given to me the highest grade in the Nation of Secretaries. In fact, Michigan is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, the American people must be watching this debate and literally shaking their heads. With all of the challenges facing our Nation we are spending our time debating the challenge to the validity of the Presidential election simply because the Democratic Party cannot accept the fact that their candidate lost this election. They cannot accept the fact that their agenda, that their vision for America has been rejected by the majority of Americans. They cannot accept the fact that President George W. Bush simply received more votes than Senator JOHN KERRY.

This election was very hard fought on both sides. The American people have accepted the fact that it is over and they want this Congress to get to work and to work in a bipartisan way.

If this is a minority party's idea of bipartisanship, then let the people of our Nation see it for what it is. Because in the spirit of bipartisanship, the Democrats are asking us to overturn the Presidential election which President Bush won by over 3 million votes nationwide and by over 118,000 votes in Ohio.

In the spirit of bipartisanship they say that somehow Karl Rove was manipulating votes from a secret computer in the White House and that somehow these secret computers were changing the votes on punch cards and optical scan sheets that record actual votes. This language is in their challenge.

How interesting, however, that their challenge as it talks about conspiracies in the State of Ohio, making allegations that have no basis of fact, their challenge is silent about an incident in Ohio where fraudulent voter registration forms were being submitted and the worker who collected them was paid in crack cocaine.

How interesting that their challenge does not mention the Democratic group ACORN which submitted vote registrations for dead people that used 20 different addresses for the same individual.

Mr. Speaker, before I came to Congress I served very proudly for 8 years as the Michigan Secretary of State. In my principal was serving as the chief election officer for the State. Today weaken the processes of objecting to those votes in Ohio are turkeys. I think those turkeys should be given to someone else.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. TAYLOR).

Mr. TURNER. Mr. Speaker, when the processes that are meant to guarantee our freedoms are abused, they are weakened in meaning and the rights and privileges that they are meant to protect are placed in peril. Like the people who cried wolf for attention, who risked the safety of the herd by deceiving and diminishing the meaning of the alarm, the objecting Members today weaken the processes of objecting to a State's electoral votes and put in peril future real attacks on our voting rights.

If their goal today was to protect the right to vote, why object only to Ohio?
Why not pick a State that voted for JOHN KERRY? Because the objection today is not about protecting our right to vote. It is about undermining our election process and our President.

Mr. Speaker, we are asking people in Afghanistan and Iraq to risk their lives to vote, and today we hear complaints about the time it took to vote in free elections in the greatest democracy in the world.

My hometown newspaper in Dayton, Ohio said, ‘What’s not in order is the suggestion of some great fraud where there is none. Some people will take advantage of the inevitable flaws of elections to confuse other people... Those people do harm, not good.”

Mr. CUMMINGS. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

[Mr. ENGEL asked and was given permission to revise and extend his remarks.]

Mr. CUMMINGS. Mr. Speaker, we must ensure that everyone has the right to vote and the vote is counted.

Mr. Speaker, I rise today to highlight the fact that too many Americans are being denied the right to vote in a fair, free and open election process. Every American citizen who wants to vote should be allowed to vote, and every vote must count.

Sadly, many voters in this nation believe their right to cast ballots for President, Member of Congress, Governor or countless other leadership positions has been undercut because of this nation’s broken electoral system.

Today, the House of Representatives will certify the Electoral College’s ballot electing the next President. While my first choice for this important job was Senator JOHN KERRY, I know that President Bush won this election.

This does not change the fact that around the country, particularly in the state of Ohio, many voters felt as if their vote was not properly counted. This feeling was particularly acute in more poor, urban and minority areas. Money, privilege, or geographic location should not make someone’s vote count more than anyone else’s.

In October 2002, Congress enacted the Help America Vote Act, which addressed many of those weaknesses. It created a new federal agency, the Election Assistance Commission, with election administration responsibilities; set requirements for voting and voter-registration systems and certain other aspects of election administration, and it provided federal funding; but it did not supplant state and local control over election administration.

Yet, more needs to be done. We cannot have another election where tens of thousands of Americans feel as though their votes did not count or were counted improperly. We must continue to work toward a more perfect system. The Republicans control Congress, and their unwillingness to invest what it takes to correct our national electoral system is a disgrace.

Fixing the voting problems around the country will not be easy and will not be cheap. But a fair and open election is the bedrock of our democracy and what ensures a peaceful transfer of power. How can we ask Americans to respect the laws made in Washington if we cannot ensure them the lawmakers were elected fairly?

Today, American soldiers are being wounded and dying so the United States can spread democracy around the world. It is absolutely shameful that when these soldiers return home, they cannot even be sure their own electoral process is fair and accurate.

I realize that in the case of Ohio, the irregularities would not overturn the results of the election. Even Senator KERRY has conceded that and does not support this congressional motion. I, therefore, will vote against the motion, but feel that it is important today to highlight the very real problems we have with our electoral process—which must be addressed by this Congress.

Mr. CUMMINGS. Mr. Speaker, today this is not about overturning election results but reforming a broken election system.

Mr. Speaker, as I listen to my friends from the other side I become quite upset when I hear them say things like, we are trying to break down the election system, taking away from the credibility of our election system. Nothing could be further from the truth.

What we are trying to do is make sure that every single voter has the right to vote and that their vote is counted.

This is not a black and white issue. This is not a Republican/Democrat issue. This is a red, white and blue issue.

This Constitution that we base our country and our laws on, the fundamental things of that Constitution, that building block, is the vote; and when we take away that vote, then what we do is we basically are destroying our democracy. That is what this is all about.

I wonder. I really do. If it were your wife who was denied the right to vote or your child, would you be making the same arguments?

All we are saying is we want to make sure that if we have a broken system, if there is one person whose vote is not counted, if there is one person who does not have the right to vote, then that is one person too many. It is as simple as that.

So it upsets me that you keep saying these things about us denying Bush his opportunity to be President and all this kind of thing. That is not true.

What we are addressing is the fundamental right to vote. It is simple as that.

Mr. Speaker, I rise today to express concern for our nation’s democracy. At its core, our form of government is based on the premise of “one person, one vote.”

When you take away that right to vote or when you deny a cast vote from being counted, then you denigrate the building blocks of our great democracy and our Constitution.

We are not here to contest the election results, but urge election reform of a broken system.

In fact, today, we are reliving the painful experiences of the 2000 election.

Those problems included: outdated and unreliable technology, confusing ballots, lack of poll worker training, and inaccurate voting lists.

As a result, 6 million voters were disenfranchised. We all remember that this disenfranchise-ment was most prevalent in Florida.

And here we stand again, four years later, to discuss flaws that led to a significant disenfranchisement of voters in the recent 2004 Presidential Election.

This is not an effort to overturn the results of the election. Rather, this is an effort to address the irregularities of the election and to fix our broken election system.

Although there were general reports of irregularities across the country, we must examine the problems that occurred in the state of Ohio, in particular.

There were numerous accounts of eligible voters—waiting on line for up to ten hours in the cold and rain—facing insufficient resources at polling places, voting machine shortages, the denial of provisional ballots, voting machine errors or tampering, and the intentional distribution of inaccurate information.

I think many of my colleagues find these irregularities appalling.

My friends of the House and Senate this is a red, white and blue issue; not black or white; not urban or rural; or even Republican or Democratic.

We must stand up to these injustices. That is why, as a result of these irregularities, I believe these critical steps must be taken:

1. Congress needs to enact meaningful non-partisan election reform—HAVA can and needs to be improved, particularly by providing for a verified paper trail for electronic voting machines.

2. Congress should engage in further hearings into the widespread election irregularities reported in Ohio and around the country to fix our piecemeal election system.

Our duty to uphold democracy in America is clear.

If even one American is denied the right to vote, or one vote is not counted, that is simply one too many.

I applaud the brave gentlelady of Ohio, STEPHANIE TUBBS JONES, and the equally brave Senator BARBARA BOXER of the State of California for raising this contest to the electoral votes from Ohio.

I leave this great Chamber with a fitting quote from Thomas Jefferson, “[it] is by their votes the people exercise their sovereignty.”

Mr. Speaker, I yield to the gentlelady from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, never have the issues been so clear as they are for all of us today. Our country is at war ostensibly to bring democracy to a far off country on the other side of our planet. At the same time, a significant chunk of the American people protest in their own humble ways for democracy at home. They see unequal protection of the precious right to vote blatant in Ohio but not only in Ohio; voting machines that cannot be trusted; casting votes not intended by the voter. That happened in my own race in my own State of Georgi
Provisional ballots made absurd by seemingly purposefully drafted arcane rules that in some case rendered the right to vote moot; our democracy entrusted to privately owned software run on computers that can be hacked, that overheat, break down, or have their batteries die in the middle of the voting process; and, moreover, voting on machines that do not even tell us after we have voted who it is exactly that our vote was counted for.

When the Congress passed the Help America Vote Act, it hoped to correct the blatant irregularities and purposeful disenfranchisement that occurred in Florida in the 2000 election. It is clear from the work of the Committee on the Judiciary, the gentlewoman from Ohio (Mrs. JONES) and the tireless efforts of people across Ohio that this Congress has a lot of work to do.

Our Vice President has told us to expect war for the next generation. It is not too early for our right to demand full democracy at home, and we do that by our actions today. This is not merely about bitterness or a recount, this is about a blackout.

It is time to end the blackout and shine the lights on our precious right to vote.

Mr. CUMMINGS. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2 of last year point to an unresolved national crisis: the blatant irregularities and purposeful conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's presidential nominee.

Honorables colleagues, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2 of last year point to an unresolved national crisis: the lack of a unified standard for all voters and all ballots casts in a federal election.

Congress must establish this standard with a verifiable paper or audit trail. It is the only way to ensure integrity of the federal election process. Reports of voter intimidation, inadequate and malfunctioning voter machines, incompetent election judges and lines at the polling places in urban areas for many hours were widespread. These irregularities were compounded by the irresponsible conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's presidential nominee.

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Mr. DREIER. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have just listened to the remarks of my returning colleague from Georgia. I certainly welcome her back to this great deliberative body. Mr. Speaker, by saying that we are a nation at war, and it is very clear that we are. We are in the midst of a global war on terrorism and the people who are leading that war on terrorism clearly have not compromised in the process of self-determination. And that is why I think that this exercise which we are going through today clearly emboldens those who would, in fact, want to undermine the prospect of democracy because there is no evidence whatsoever, no evidence whatsoever that the claims that are being made are valid.

The vote in Ohio has already been recounted. There is no doubt President Bush won the election with historic margins, and millions of first-time voters in Ohio were participating. JOHN KERRY has accepted this fact. Even those foreign officials who many of our colleagues invited to the United States as election observers have come to the conclusion that George Bush won the election.

We as a Nation are regularly encouraging elections all over the world. We just observed this amazing exercise that has taken place with the election of Viktor Yushchenko in Ukraine.

Now, it is true that no election is perfect. We have seen this since the beginning of our democracy. But small imperfections here and there do not make a mass conspiracy make. In fact, we have had a number of people quoting newspapers. I am not an expert on the newspapers in the State of Ohio, but I have been told by more than a few people that the Dayton Daily News, which is sometimes named something else, actually endorsed Mr. Bush and illegally affecting the outcome of the vote.

Mr. Speaker, I find an interesting irony in today's challenge to the legitimacy of President George W. Bush's election. The very partisans who fought against him the first time, arguing against his intelligence, political savvy and leadership abilities, are at this very moment accusing him of pulling off a major feat in tampering with and illegally affecting the outcome of the vote in Ohio. All of this he allegedly did without leaving a shred of evidence.

Mr. Speaker, I find an interesting irony in today's challenge to the legitimacy of President George W. Bush's election as President of the United States:

The very partisans who fought against him the first time, arguing against his intelligence, political savvy and leadership abilities, are at this very moment accusing him of pulling off a major feat in tampering with and illegally affecting the outcome of the vote count in Ohio. All of this he allegedly did without leaving a shred of evidence.

So I ask my colleagues who prefer to dwell on the past rather than fight for the future; who would rather level accusations than legislate; who would rather waste Congress's time and taxpayer dollars than work on providing healthcare, education, and a strong economy for America—I ask these colleagues, if reform is needed in Ohio, to work with their State legislature to create the best system possible and to join Senator KERRY in accepting the will of the American people.

Mr. JACKSON of Illinois. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, I want to be clear. Today's objection is not about an individual, but our institutions. It is not about Republicans, but our Republic. It is not about
Democrats, but our democracy. It is not about an election result. It is about an election system that is broken and needs to be fixed.

Today, we are hearing the facts about voting irregularities in Ohio. In 2000, we saw a similar mess in Florida and other States. If we try to bring democracy to Iraq and Afghanistan elsewhere, it is prudent and appropriate and timely to examine our own democracy.

What is wrong with our democracy? What is wrong with our voting system? State after State, year after year, why do we keep having these problems?

The fundamental reason is this: Americans do not have the explicit right to vote in their Constitution. In 2000, the U.S. Supreme Court in Bush v. Gore ruled: “The individual citizen has no Federal constitutional right to vote for electors for the President of the United States.” So at present, voting in the United States is a State right, not a citizens right.

Hence, our voting system is built on the constitutional foundation of States rights: 50 different States, 3,067 different counties, 13,000 different election jurisdictions, all separate, all unequal.

Consider this, if a person is an ex-felon in Illinois, they can register and vote. If they are an ex-felon in 11 States, mostly in the South, they are barred from voting for life. There are nearly 5 million ex-felons who paid their debt to society but are prohibited from ever voting again, including 1.5 million African American males; but in Maine and Vermont, a person can vote if they are a felon while they are in jail. Illinois, Florida, Vermont. Different States, different rules, different systems.

In contrast, the first amendment to the Constitution guarantees us an individual citizenship right, freedom of speech, freedom of religion, freedom of association; and we can travel between the States with such a fundamental right. However, when it comes to voting, a person does not have such a fundamental right. They have a State right. A State right is not a citizenship right, but a right defined and protected by each State and limited to each State.

108 of the 119 nations in the world that elect their public officials in some democratic manner have the right to vote in their Constitution. In contrast, we build on the Afghan Constitution and the interim document in Iraq. The United States is one of eleven nations that does not have an affirmative right to vote in the Constitution. Should we not be the 108th nation that does just that?

The Bible says if we build a house on sand, when it rains, the winds blow and the storms come and it will not stand. Our voting system is built on the sand of States rights. Florida one year, Ohio the next year, and no telling what is happening in 2008 and 2012.

As a result, the American people are gradually losing confidence in the credibility, the fairness, the effectiveness and the efficiency of our voting system. So we need to build our democracy, not on HAVA Democrats, but on HAVA Republicans, but build our democracy on the fundamental individual guarantee in the Constitution that every vote can rely upon in their Constitution.

We need to provide the American people with the citizenship right to vote and provide Congress with the authority to craft a unitary system from Maine to California that do not have so many separate and unequal systems. Mr. Speaker, it is the foundation upon which we build a more perfect Union amongst the States.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Georgia, whose credentials on the question of voting are unparalleled and unmarked and unmatched in this Congress.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my colleague and friend for yielding.

The right to vote and to have every vote counted is precious and sacred. It is the heart and soul of our democratic procedure. We must be true as a democratic society unless we get it right.

I think, Mr. Speaker, it is fitting and appropriate that we pause, that we have this discussion, that we have this debate, and that Congress hold further hearings on questions about the Presidential election in Ohio and elsewhere.

Our electoral system is broken, and it must be fixed once and for all. What happened in Florida in 2000 and in Ohio in 2004 tends to dramatize the fact that there is something wrong with our democracy. More and more of our citizens have grown uneasy.

I hear people on the other side saying we should forget it, we should get over it. How can we get over it when people died for the right to vote, where people suffered for the right to vote? The right of every vote to be counted must be upheld by this body.

Mr. JINDAL. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Louisiana (Mr. JINDAL) is recognized for 5 minutes.

Mr. JINDAL. Mr. Speaker, it is a great honor to address this House for the day. I am in my second day of a five-day travel across the country. It is also with a heavy heart that I address this House.

I think that this debate diminishes this House. This was one of the proudest weeks of my life, when my father was able to see his son being sworn into this House. I think I was able to bring my daughter to watch her father dress this House.

I think this debate diminishes this House. This was one of the proudest weeks of my life, when my father was able to see his son being sworn into this House. I think it diminishes this House by the discussion that we are having. Let us be clear. We are not here at a con-gressional hearing. We are not hear to talk about improving our election procedures. We are here to certify the results of this recent election. We are here to certify the fact that President Bush did, indeed, win the votes granted to him in the State of Ohio; did, indeed, win the election across this great country.

In many ways, I am glad that my daughter and father are no longer here to watch this debate taking place in this House. Even CBS news has recognized that this election is over.

What kind of message are we sending out? What kind of message are we sending to the rest of the world where we bring democracy to every corner? Where we are trying to bring democracy, the right to vote to Afghanistan, to Iraq, to the Palestinian people, what message do we send when we stand up and say if you lose an election, if you do not like the results, you can always go to court, you can always hire an attorney?

This is the wrong message to be sending. This does not bring honor to this House. This does not bring honor to our democratic tradition. This does not bring honor to the history of a peaceful transition of power. This does not bring honor to those who have gracefully conceded before.

Indeed, in my own home State we had a congressional election decided by less than half of a percentage point, less than one vote per precinct. I want to stand up here and congratulate both the Democratic winner of that election, as well as his Republican opponent.

Mr. Speaker, I have got several remarks from several different editorial pages from the State of Ohio that say that we should not be hearing this discussion, that say that the votes were counted in Ohio. There is another place, there is another time to be having this discussion. Today is about certifying the election.

Two things that have been good that have happened today: one, I have heard many of my colleagues from the other side recognize our President as the rightful winner. I thank them for doing that. Secondly, before I yield the balance of my time to the gentleman from Ohio (Mr. TIBERI), I would like to say in Louisiana we make several jokes about the fact that in the past, distant past, people used to vote multiple times. We never, however, in the history of our State have ever had multiple counts of the same vote. I would offer that this is not a good day for our country, not a good day for democracy; and we have stopped the acceptance of the certification of the votes.

Mr. TIBERI. Mr. Speaker, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Ohio.
Mr. TIBERI asked and was given permission to revise and extend his remarks.

Mr. TIBERI. Mr. Speaker, I am often asked in Columbus, Ohio, why it is so partisan here in Washington, D.C., and one wonders why 2 days after we get sworn in.

Mr. Speaker, I spoke with a board of elections official this morning in my district, a Democrat, who said that what we are doing today is, in her opinion, a consultant to not only Democrat but Republican board members throughout the State. The bipartisan system that is in place in Ohio, not one board member has objected to the process in Ohio, not one.

Mr. Speaker, were there problems? Certainly, there were problems in Ohio. Were there long lines? Certainly. I stood in a long line in my area. The Columbus Dispatch reported there were long lines everywhere. In fact, in central Ohio, in Columbus, Ohio, the busiest part of the city, to vote were not in urban areas. They were in suburban areas.

All electoral votes in Ohio have said what we are doing today is wrong. In fact, the chairman of the Democrat Party in Franklin County, my county, has gone so far as to label the charges as a band of conspiracy theorists. I did not say that; he said that. By the way, Mr. Anthony, the head of the Franklin County Democrat Party, the head of the board of elections in Franklin County is also a union official, an African American and a good man.

Mr. Speaker, what we are doing here today, as the Cleveland Plain Dealer has said, is the election horse is dead. We are beating a dead horse. The election is over. Let us get on with it.

Ms. WOOLSEY. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Mrs. WOOLSEY. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE) for a unanimous consent request.

Mr. PALLONE asked and was given permission to revise and extend his remarks.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for yielding, and I rise in support of the challenge to Ohio’s electors.

After the 2000 Presidential Election we knew we had to make changes in our election system so American voters were confident that their vote had been registered and counted. The 2000 election taught us that many of our election machines were outdated, and unfortunately, some of our election officials served their political party over the voter who should have the right to vote on Election Day.

Three years ago, Congress approved landmark election reform legislation, the Help America Vote Act, that was supposed to fix many of the election problems we encountered in Florida and other States in 2000.

We’ve spent more than $3 billion over the last 3 years to correct the voting problems of the past, but despite all this funding we still heard horror stories of Americans in lower income and minority areas having to wait more than 4 hours to cast their votes because of the lack of enough ballot machines. We have to do more to ensure that every American has an equal chance to vote—meaning we need to make sure working election machines are available at all polling places.

The nationwide use of provisional ballots is a direct result of that legislation. The problem is that while Congress can require that States allow voters to use provisional ballots, it has little control over how election officials count those provisional ballots.

Ms. WOOLSEY. Mr. Speaker, this is the second Presidential election in a row in which serious, well-documented concerns have been raised about disenfranchisement and voting rights violations without any congressional investigation. This is the second time, and this time, it must be different.

The United States is supposed to be a beacon of freedom, the greatest democracy in the world. Yet we cannot seem to guarantee that the votes of our citizens are counted.

This past election there was everything from votes outnumbering voters in some precincts to blatant voter intimidation in other precincts. It is time that we investigate these serious violations because they are violations to our democracy.

There is an irony here, a very tragic irony. Yes, indeed, we are sacrificing American lives and billions of dollars to try to establish democracy in Iraq. Yet we can’t get our own democracy in order right here at home. This is not about which candidate won, which candidate lost on November 2. It is not about politics at all. It is about citizens and their most fundamental rights.

The recommendations put together by the minority of this House must be followed, and I look forward to working with them to ensure that our efforts to ensure every vote counts come together before the next election. And if we do not, why would any American bother to vote?

Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, we have preached democracy in Afghanistan. We have preached democracy in Iraq. Now the time has come for us to accelerate the process of more fully practicing what we preach. Our great nation is the premier democratic government of the world and we are all proud of that fact. A unifying position of both Democrats and Republicans is that we support democracy everywhere. We believe that where there is democracy the people are inevitably better off. I wholeheartedly endorse the democracy mission of America. But I am here today to beg the chosen decision makers here in Congress to take a giant step forward to bolster America’s world crusade for democracy. As we strive for a more perfect union let us unite to end hypocrisy and to construct a more perfect one, one vote electoral process.

Today it is appropriate that we address our remarks not only to the citizens of America but also to the people of Afghanistan and to the people of Iraq. We should begin by apologizing for this present electoral system, which we know was flawed. We need to propose today that the nation be divided into 30 or 50 units with each unit granted the power to determine its own election procedures, to select its own administrators without any uniform national standards. Our historic compromise granting certain powers to the State that was necessary for the birth of this Nation must no longer be used as an excuse for the abuse of the free and democratic election process here in America. The abuse in certain sections of the country, which once openly used violence and intimidation, has been outlawed. All other abuses involving voter suppression and dirty tricks should immediately be made Federal crimes. Out of those who have fought in the past and those still on the battlefield for the cause of democracy, it is our duty to take the steps to escalate our momentum toward the attainment of a more perfect Nation.

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In honor of those who have fought in the past and those still on the battlefield for the cause of true democracy it is our duty to first investigate and then to legislate to overcome all of the poisonous obstacles which obstruct the consolidation of a more perfect national election process. This is a vitally necessary action which will escalate our momentum toward the attainment of a more perfect nation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Texas. Ms. Woolsey, for yielding, and I thank the gentlewoman from Ohio (Ms. JONES).

Mr. Speaker, this is a sacred debate. This is not a frivolous time in our history. This is about avoiding the suppression of votes. Might I say when the people of Ukraine rose up against their flawed election, they understood what democracy is all about.

Mr. Speaker, I rise to object to the vote for the re-election of Mr. GORE under the Constitution of the United States in Article 4, 14 and 15. I argue the point that we have an inconsistent election, and I argue the point that we believe in democracy. The equal protection and due clauses of the 14th amendment of the Constitution operate to protect the rights of citizens to vote for the candidate of their choice.

Furthermore, the well-settled case on this issue, Reynolds v. Sims, states that “California (Ms. Simms) for vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.

How would Members like to be in Ohio and be told that the election was on November 3, 2004, instead of November 2, 2004? The Constitution’s due process clause requires fundamental fairness and that a State election official can and will affect the obtainment of a more perfect nation.

Mr. Speaker, I support the objection made as to counting the votes of the Electoral College from the State of Ohio in the name of the American people, the United States Constitution, in the name of procedural due process, and in the name of democracy. The Equal Protection Process Clause of the 14th Amendment of the Constitution operate to protect the rights of citizens to vote for the candidate of their choice. Furthermore, the well-settled case on this issue, Reynolds v. Sims states that “the right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.”

This is a sacred debate that is in no way frivolous use of the time of the Congress or of the tax dollars of the American people. Nor is this debate to overturn the 2004 presidential election. On the contrary, this debate is being made at the request and at the behest of the American people.

I will cast a protest vote today not only in the name of the integrity of the Ohio voting process but for the democratic process that is seriously flawed and that must be fixed.

The Court in that case also enunciated that “undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. . . . It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, . . . and to have their votes counted.”

Moreover, under the Equal Protection Clause, all methods prescribed by a legislature to preserve the right to vote must be efficaciously not thwarted as stated in Bush v. Gore in 2000. Reynolds and its progeny of cases added that votes that are cast must actually be counted under the Equal Protection Clause of the Fourteenth Amendment—applicable to the individual States.

In addition, Mr. Speaker, the Constitution’s Due Process Clause requires “fundamental fairness,” or that a state official not conduct an election or apply vote-counting procedures that are so flawed as to amount to a denial of voters’ rights to have their voices heard and their votes count. The First Circuit federal Court in 2001 held that where “organic failures in a state or local election process threaten to work patent and fundamental unfairness, a claim lies for a violation of substantive due process.”

As we look to reauthorize relevant sections of the 1965 Voting Rights Act (VRA), it would be an indictment of the election process itself if we fail to ask pivotal questions about the integrity of the electoral process in 2004. This challenge is an absolute must relative to America’s standing and reputation as a real democracy and as a center that promotes the sanctity of the right to vote.

Today’s challenge in Joint Session forum aims to ensure the maintenance of the integrity of the voting process. I support my colleagues in challenging the mechanics of the Electoral College vote certification for its procedural value. This challenge represent our collective exhaustion of legal remedies on behalf of the American people—our constituents, for without this act, their voice remains muted. What my colleagues and I stand to achieve today is to raise the awareness of the American people as to the legitimacy of the democratic process and the absolute value of the notion of “One person, One vote”. Our collective efforts may not net a different result in terms of the recent presidential election; but can and will affect future elections. On a global scale as the standard bearers of democracy this challenge can serve to provide a shining example of the emerging democracies in Afghanistan and Iraq.

The exhaustion of all remedies available when there is any doubt as to the legitimacy of the overall process is one of the basic tenets upon which this country was founded. The duty to doggedly pursue a task to its ultimate conclusion is as applicable to the recent gubernatorial race in the State of Washington and as it is in the democratic elections taking place for the first time in the Ukraine. In Washington State, candidate Dino Rossi declared victory after only a partial recount. However, after a fairly processed recount, it was determined that the Democratic candidate Christine Gregoire was the victor. A rush to judgment is never prudent. The transparency of process and convincing evidence of the true and correct outcome will preserve this institution which we call democracy.

In the Ukraine, a new election was held on Wednesday, November 3, 2004, as opposed to Tuesday, November 2; Denial of provisional ballots to voters; Voter intimidation; Voting machine errors or tampering; Improper purging of eligible voters; Fraudulent phone calls, fliers, and bulletins on behalf of the candidate; Questionable vote recount in Ohio, about which the case Yost v. David Cobb, et al. is currently under litigation.

The American people deserve to have their voice heard and to have their fundamental rights advocated. During this past pre-election period, I had the privilege of working closely with my constituents and with very efficient legal minds.
that really care about making every vote count. A former staff member of mine, Attorney J. Goodwille Pierre, led an organization called Election Protection 2004 in efforts to educate voters on the best way to increase voter turnout.

I attended, such as the Houston Black Lawyer’s Association, the African-American section of the State Bar of Texas, Region 5 of the National Bar Association, and Election Protection 2004 combined to hold a lawyer training session on Texas election law on October 9, 2004, that 200 lawyers attended and participated in this training session, and I feel that it was very effective in empowering the voters in the 18th Congressional District of Houston.

In addition, I worked with these groups to hold a public meeting of over 500 volunteers from all walks of life, which included over 100 lawyers, to discuss strategies on decreasing voter intimidation and implementing complaint mechanisms. I would like to thank Attorney John Strausberger from the firm of Weil, Gotshal, & Maneg for having given us the legal procedure backbone to our effort on a pro bono basis. I also had the opportunity to meet with the key election official for Harris County to bring her within arms-reach of these groups so that voter intimidation could be detected early and properly addressed.

I also had the opportunity to thank Ms. Barbara Arnwine of Lawyer’s Committee on Civil Rights, Mr. Ralph Nease of People For The American Way, and Carmen Watkins and Unity ‘04-Texas for their leadership and extensive efforts.

Election Protection 2004 produced a report entitled “Texas Election Protection EIR’s Report.” It revealed over 2,200 incident reports with over 1,500 having occurred on Election Day as compiled from poll monitors, on-line systems, and the 1-866-VOTE hotline.

A partial breakdown of the results showed my District, Harris County, as leading other counties with over 720 complaints. Among the key issues identified in the complaints obtained were:

- Confusion about how to implement provisional ballot requirements;
- A significant number of Harris County voters having not received absentee ballots;
- Apparent vote switching in Harris and Travis Counties on e-Slate voting machines associated with straight party voting;
- Stringent and obtrusive identification requirements;
- Voter intimidation; and
- Confusion among voters about straight party voting.

Mr. Speaker, the fact-finding made by the Committee on the Judiciary, my colleague from Ohio, my constituents and the constituents in many other districts makes it more than clear that additional and more focused hearings are required as to the irregularities in the Ohio presidential election and around the country. Furthermore, the election law requires reform in order to make voting more fair, consistent, and representative. We must lead by example. We must act in the true spirit of democracy.

Mr. KINGSTON. Mr. Speaker, I rise to request permission to address the House.

The SPEAKER. The gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Georgia (Mr. PRICE).

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I thank the gentleman for yielding. I rise in opposition to the objection. Mr. Speaker, as a freshman member I stood here with the rest of you two days ago taking an oath to preserve, protect and defend the Constitution of the United States. I couldn’t be more proud and humbled to be a Member of the finest deliberative body in the Nation.

Having served four terms in my state Senate in Georgia in both the majority and minority—I have great respect for appropriate procedural objections.

However, political grandstanding during this vital electoral college ballot count is shameful and reprehensible.

What my new colleagues on the other side of the aisle are doing today is destructive of our system. To raise an objection for which many people on the other side have said they will oppose—only fees unfounded discontent in the veracity of our great democracy.

I shall forever cherish my faith and pride in our great Nation and will fight vigorously and pray for our future at a time when some in the minority put politics over people.

God Bless America.

Mr. KINGSTON. Mr. Speaker, we have been asked by our Democratic colleagues to take this objection to the vote today seriously. We have been told this is not frivolous.

Well, we have to ask, why Ohio? Why Ohio, the State that happened to put President Bush over the top? Why not Minnesota where KERRY won, where there were discrepancies and Democrat groups working inside polling places at polling booths? Why not New Hampshire where KERRY won where Democrat operatives allegedly slashed wheels of vehicles intended to take Republicans to the polls? Why not Wisconsin where KERRY won where Democrat operatives physically intimidated Republicans to the polls? Well, we have to ask, why Ohio?

Well, since Hollywood likes conspiracy theories, why not New Mexico where a 13-year old was registered to vote from Ohio today. Today, in fact, Senator BOXER objected to the vote count from Ohio today. Today, in fact, Senator BOXER objected to the vote count. Does Michael Moore and the people in the Michael Moore wing of the Democrat Party really think the American people and their elected representatives are so stupid that we could be tricked into objecting to these electoral results? Well, the answer, I think, is yes.

Michael Moore told a British newspaper, “Americans are possibly the dumbest people on the planet. Our stupidity is embarrassing.”

In Germany, Mr. Moore told the German people, “You can see us Americans coming down the street. We have that big grin on our face all the time because our brains are not loaded down.”

Regarding those who are now killing Americans in Iraq, Michael Moore said, “The Iraqis who have risen up against the occupation are not insurgents or terrorists or the enemy, they are the...
revolution, the minutemen, and their numbers will grow and they will win.”

Mr. Speaker, how many normal people in this country really believe that a terrorist like al-Zarqawi is the same as Paul Revere? I ask my colleagues to vote for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise to request permission to address the House.

The SPEAKER. The gentleman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I dedicate my objection to Ohio’s electoral votes to Mr. Mike Moore, the producer of the documentary Fahrenheit 9/11, and I thank him for educating the world on the threats to our democracy and the proceedings of this House on the acceptance of the Electoral College votes for the 2000 Presidential election.

The Democratic Judiciary Committee Staff Report clearly establishes that the State of Ohio has not met its obligation to conduct a fair election. Ohio’s partisan Secretary of State, Mr. Kenneth Blackwell, I am ashamed to say an African American man has failed to follow even Ohio’s election procedures, let alone procedures that comply with Federal law and constitutional requirements. Our ancestors who died for the right to vote certainly must be turning over in their graves.

Mr. Speaker, I traveled to Ohio where the Antleman from Michigan (Mr. CONYERS) and I listened to citizens describe the Ohio election debacle. When there is a shortage of voting machines that leads to lines of up to 10 hours to cast a vote in precincts that are predominately minority and Democratic voters, forcing countless prospective voters to leave without voting, and where a number of Democratic precincts had fewer machines than were used in the primary election, despite the certainty of a 3% higher turnout in the hotly contested general election for President, it is clear that Ohio has failed to run a fair election.

When Mr. Blackwell arbitrarily and unreasonably refused to provide provisional ballots to voters who were in the right county but the wrong precinct, or to voters who requested but did not receive a absentee ballot in a timely manner, it is clear that Ohio has failed to run a fair election. When a county in Ohio should cast votes cast that were not counted, or when another Ohio county shows an underfunded Democratic State Supreme Court candidate getting substantially more votes than the well-funded campaign of Senator Kerry, it is clear that Ohio has failed to run a fair election.

When Secretary of State Blackwell refused to recognize thousands of new voter applications because they are not on postcard-weight paper, it is clear that Ohio has failed to run a fair election.

Mr. Speaker, we are now over 4 years beyond the nightmare of Florida in the 2000 election. I chaired the Democratic Caucus Election Reform Committee. We traveled all over this country. We held hearings. I worked with Members of this House to pass HAVA, Help America Vote Act. Yet, is there anyone who can say we have a fair election system or that we can do it?

The 2004 election in Ohio and elsewhere revealed that enormous problems remain in our election systems and HAVA simply does not address those problems. It is stunning to me that in the 21st century we continue to use horse-and-buggy procedures to conduct our elections. It is amazing but true that in many jurisdictions we use more sophisticated technology to run the daily lottery than we do to vote in our elections. Incredibly even in those few jurisdictions that have moved to electronic voting to avoid the problem of chads and punch cards, we do not require a verifiable paper trail to protect against vote tampering. If an ATM machine can give each user a receipt that that user can reply upon, then a voting machine should also be able to give a receipt.

Mr. Speaker, the issue before us is whether the problems in the Ohio election were outcome determinative, although they probably were. It is whether the State has met its obligations to provide every voter with an equal opportunity to vote and have his vote counted. We must not allow these egregious violations to be trivialized. There is no constitutionally acceptable level of inequality in access to voting in Federal elections.

Mr. Speaker, there is no conceivable justification for disqualifying a vote for President or Senator on the count of a machine that was not working to cast his vote in the right State but the wrong precinct. Why could we not count that voter’s ballot? The voter’s intent is clear. There is no question as to the voter’s right to vote for the President of the United States or Senator. We can ensure that the voter does not cast a provisional ballot in more than one location.

Mr. BOEHNER. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, elections should be fair. They should be fair for communities, in our States, and in our country. After an election, and after the divisiveness, there needs to be a period of healing to bring our communities, our States, and our Nation back together. I think JOHN KERRY was very appropriate when he said to George Bush to begin the healing process in our country so that when we the Congress come back to work, we have an opportunity to come back together to do the people’s work.

That healing period over the last several months has been interrupted by an activity without merit. I think the proceeding today will cause great harm to the American people. The Ohio county shows an underfunded Democratic State Supreme Court candidate getting substantially more votes than the well-funded campaign of Senator Kerry. It is clear that Ohio has failed to run a fair election.

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This exercise, unfortunately, has distracted our country from that worthy goal. For that, I am truly sorry.

Ms. KILPATRICK. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentlewoman from Michigan for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, whether we like it or not, on November 2 across America, tens of thousands of people were unable to cast their vote. Many voted and their votes were not counted. I rise to support the gentlewoman’s effort from Ohio. I thank her very much. Our United States Constitution gives us the opportunity and the right to represent the millions of people that we represent daily to be on this House floor today. This is their right to speak through us on what happened to them on November 2. The rules of the House of Representatives allow us as elected representatives, representing 700,000 plus people apiece, the right to be here on this floor at this time. This is the only way as we represent those people that we might express their dismay that they felt on November 2. As our leader said, this has nothing to do with overturning the election. This has nothing to do with our voters in that State are able to cast their vote. This is what it is about. This is the only way as we represent, and that is what we are doing.

Regardless of what we have heard the last hour and a half, we the Members on this side of the aisle object to the process that failed many Americans on November 2. Long lines, cold, in the rain. It was in Ohio that we talk today; but Michigan, a neighboring State, had many problems. I was in my voting area called down to count the votes after the polls closed. All day long we had reports of intimidation, of men in suits intimidating my voters, asking for identification every time they went to vote all day long. But they stayed in line, they pressed forward, and they voted.

Something was very wrong on November 2. When the polls closed at 11 o’clock that night, November 2, and we were there looking over the vote, men in suits were touching my voters’ touches, touching our ballots. I went on TV, live TV, the 11 o’clock news and said, That is a felony. You cannot touch our ballots, touching our ballots. In fact, the votes were counted and in fact, the votes were counted.

Something is very wrong with our voting process. Every vote must count. Every vote must be counted. We have got to fix this, and I thank the gentleman from Ohio (Mr. NEY) for his efforts, but we have got to make sure that our votes in every State, including the pivotal State of Ohio, who were denied that right; and each time it happened, the foundation is weakened. That is why I join my colleagues today in objecting to the counting of Ohio’s electoral votes. I commend my colleagues in this House of the people and the Senate who are raising this issue for their courage, and I am proud to join them. There is little disagreement that irregularities did occur. The question is what are we going to do about it. It is simply not sufficient to tell the losers in the process, or to try to accuse them of sour grapes, or to say we are doing the best we can. It is our patriotic duty to stand up for every voter no matter his or her race or party affiliation and demand that Congress act to expand voter protection and guarantee voter rights.

Once all the facts are determined, a national demand for electoral reform must force Congress to finally finish the job begun under the Help America Vote Act (HAVA). No votes can be provisional while a verified paper trail. We cannot simply sit back and accept the results as if nothing happened or possibly illegal activities had taken place in precincts throughout Ohio. Those Ohio election officials who violated the law and failed to maintain the right to vote must force Congress to finally finish this Congress. This exercise, unfortunately, has distracted our country from that worthy goal. For that, I am truly sorry.

I rise today to address an issue that is at the core of our democracy: our ability to ensure that each vote cast by an American is counted.

Voting irregularities have been a major concern in our country for decades. In October 2002, this body passed the Help America Vote Act (HAVA) to address these irregularities and restore integrity and reliability to our electoral system. However, these new systems have not been without flaws. Software errors used in Florida’s 2002 election lost over 100,000 votes, and at least 15 states, including Texas, reporting irregularities in their equipment throughout our most recent elections.

Under HAVA, this body provided billions of dollars to the states to replace old lever voting booths and punch card voting machines that produced the infamous “hanging chad” in Florida and too many high-tech machines. However, this new technology conceals the most important part of the election process: the recording and counting of votes.

While there are no federal elections being contested in Texas, there are three State House elections that are being reviewed including one in my hometown of Houston. All of these election contests were brought by Republican candidates even though there are Republican county clerks and the Secretary of State of Texas. The process of testing election results in our country is a peaceful process, I question how much faith the American people have in our ability to accurately report election results. Surveys leading up to the 2004 Presidential election indicated as many as 42 percent of Americans anticipated problems with our voting system and they were right.

I strongly believe voting standards should call for a paper trail in case a vote needs to be audited. Without such requirements, even having uniform standards would not enable us to accurately rely on a final vote count without a paper trail. Several states including my home state of Texas do not have the ability to print a ballot for verification purposes. The inability to conduct a complete audit of elections results raises serious questions about our policy and it’s detrimental for our democracy.

Americans deserve the ability to confirm their vote and our democracy depends on the accuracy of our election process. It is time for this body to require that each voter receives a receipt that their vote was accepted and counted. No election is perfect, but we all deserve an election system that enables us to correct errors when they occur.

This country served as a guide to Afghani stan in their historic elections on October 4 of 2004. It was 30 years ago, we have had Iraq to make their first open election in history a success on January 30. If we are to serve as the world’s model of democracy, we must ensure that every vote is counted, and if need be, is able to be recounted accurately and fairly. We cannot serve as the model of democracy if our own democratic process is flawed.

Mr. PORTMAN. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, Americans turned out in record numbers and their votes have been counted. President Bush won with more votes than any other Presidential candidate in the history of our great country. In Ohio, in fact, the votes were counted and then recounted, and President Bush won by over 118,000 votes in my State. No election in our nation’s history has been so claimed. There are some who want to be sure that every vote is indeed counted.

But that is not what this objection is about. This objection from the other
side of the aisle, and I am going to quote one of my colleagues who said, it is about “massive and widespread voter irregularities in the State of Ohio.” Not so.

I also read in the challenge lots of irresponsibility that the Republicans are charging about what happened in Ohio. I was there. It did not happen. I also heard today from the other side of the aisle that no one has answered any of these questions. That is wrong.

One of the concerns that has been raised time and time again, most commonly raised, is that in Warren County, a district that I represent and a city that I represent, that somehow there was not a fair election because people were locked out. Yes, the media was locked out in the Warren County board of elections. It happened. But here is Jeff Ruppert, a lawyer for the Kerry-Edwards campaign who was inside and saw nothing unusual: “It was as clear and open as it could possibly be.” Of course, the Democratic members of the election board and several Democrats who were hired to help count the votes.

This has been said time and time again in Ohio, we have got a pretty good system. It is totally bipartisan, two Democrats, two Republicans, every single board in every county of our 88 counties in our great State. This is not the time, ladies and gentlemen, to will of the American people. It is time to get our work done. It is time to govern, not to object. Let us be clear. This is not Americans forcing their will on the American people. This is the views of Ohioans that have been clearly expressed. Every objective observer agrees. In fact, every newspaper in the State of Ohio agrees. Every editorial page agrees.

We have heard some quotes today. Here is one I love from the Cleveland Plain Dealer. It says: “The 176 Democrats who sit on Ohio’s 88 county election boards pondered their jurisdictions’ results, accepted their subordinates’ good work, and are now turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by a handful of unreeling zealots still ranting in the January rain 8 weeks after the election.”

Many would look at some other States. Again in Ohio, President Bush won by over 118,000 votes. John Kerry won New Hampshire, but by 9,200 votes. John Kerry won Minnesota, but by only 96,000 votes. John Kerry won Wisconsin, but by only 11,500 votes.

I want to thank my Republican colleagues today for not raising objections to those results in those States. We need to move on. I hope what we will do today, Mr. Speaker, is that we will vote over the objection. Republicans and Democrats alike, just as the other body has just voted. I am told the vote was 74–1 to turn down the objection in the United States Senate. I hope we will come together as Democrats and Republicans today to vote down this objection, not to continue this cynical political ploy to try to somehow delegitimize the Presidency of the United States and his election, but rather to move forward and get on to the very important work that we have before us today.

Mr. Speaker, I yield to my colleague, the gentleman from Cincinnati, Ohio (Mr. CHABOT). I thank the gentleman for yielding.

Mr. Speaker, let us face it. This is nothing more or less than an attempt to sow doubt on the legitimacy of this President. It is an attempt to weaken President Bush, and it is unfortunate because we have much work to do in this House and in the Senate putting this country on the right track.

On November 2, 2004, George W. Bush received a majority of the votes cast in this country, including the State of Ohio, the State that I happen to be a Member of this House. As a Congressman from Cincinnati, Ohio, I had an opportunity to go to dozens of polling places, both in my city of Cincinnati and also in suburban areas. I have talked to many, many people; and most people agree that this election was conducted professionally and fairly and freely.

News sources reporting on the elections have said that few mainstream politicians doubt President Bush’s victory. However, rather than certifying the 2004 election in accordance with the Constitution and Federal law and starting the work that we were elected to do, we are forced today to engage in essentially partisan debate by our colleagues across the aisle. That is most unfortunate.

A nonpartisan group such as electionline.org that pushed for election reform placed Ohio at the top of the list. Let us get back to our business.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to address the House. The SPEAKER. The gentleman from Illinois is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the most basic and fundamental principles of any democracy are equal opportunity, equal protection under the law and guarantee of the right to participate, to have that right protected and to have that participation count.

Unfortunately in the last two Presidential elections, an astonishing number of elections across the country are being marred with allegations of manipulation, chicanery, trickery, intimidation and outright illegal acts of fraud, bribery, and violence.

Mr. Speaker, Thomas Paine once said, “The right of voting for representative is the primary right by which all rights are protected. To take away this right is to reduce a man to slavery.” Therefore, Mr. Speaker, based upon an inordinate number of allegations suggesting gross voter rights allegations and misconduct, I join with my Democratic colleagues in challenging the State of Ohio’s electoral votes and urge that we pass a strong Voting Rights Protection Act to guard against any further attempts to manipulate and erode our democracy.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me.

If we are the democracy we say we are, we must show it today by taking on the astonishing problems in our national system of elections that can no longer be blinked away. Ohio’s often brazen irregularities bring forward this debate, but the Buckeye State is only the tip of the iceberg. Our nationwide system of voting that has been discredited in the eyes of millions of voters. I watched the long lines nationwide and here in the District with both exhilaration and pain, exhilaration that finally we were getting what we for so long time were waiting for, with so much enthusiasm for voting that people were standing in line the way they do for million dollar lottery tickets; pain that long lines would surely discourage many voters, particularly first-time voters, people of color, young people, and many others who wanted to believe that voting could matter in their lives. The long lines in the District were especially poignant because citizens were waiting for hours to vote for a Member of Congress who herself could not cast a vote for them in this House.

Ohio’s close and contentious vote speaks for the country about virtually all the problems of the last election, including machine voting, intimidation and the absence of national standards for the basics. It will take time and bipartisan determination to make us proud of our elections. Until then, one reform could begin the process of restoring confidence in our elections. If all else fails, voting machines, polling place controversy, confused or partisan election officials, a provisional ballot that, if valid, will count, can help heal voting flaws until we enact a real cure. We have got to do the right thing. For all of us, else, from bullet proof vests to backups for computers. Let us fix our system this year, including with failsafes for voting to save our democracy.

Mr. SCOTT of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, functional democracy requires that the citizens have confidence in an election process and of and confidence that all legitimate votes will be counted. Clearly the State of Ohio is not able to provide such confidence.
First, there is a significant unexplained, uninvestigated difference in exit polling results and the reported election results. There are specific unresolved allegations of other election problems, particularly the long lines in some precincts that were caused not because the machines were incapacitated but because of insufficient voting machines in the precinct. Other allegations were widespread and none of these allegations was investigated.

I know, Mr. Speaker, that this objection is somewhat awkward because it does not have the apparent support for the candidate involved, but I believe it is our responsibility to ensure that election results meet the spirit and letter of our Constitution and that we have confidence in the process by demonstrating that voting schemes and irregularities are not ignored.

Mr. Speaker, I would hope that we would take this in consideration as we review this election return so that this does not happen in the future.

Mr. BUTTERFIELD. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from North Carolina is recognized for 5 minutes.

(Mr. BUTTERFIELD asked and was given permission to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, I rise in support of the challenge.

Mr. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BUTTERFIELD. I yield to the gentleman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleagues for this opportunity to debate this very important issue. In Ohio there is a bipartisan system at the county level. However, every board of election member serves at the behest or discretion of the Secretary of State, Kenneth Blackwell, who, in fact, was the co-chair of the Bush campaign.

I want to go on to say that, for example, Secretary Blackwell issued a directive to local boards of election mandating rejection of voter registration forms on 80-weight paper. He issued a directive which ultimately was reversed which resulted in confusion and chaos among counties with regard to provisional ballots.

But be that as it may, the objection today is raised because there are irregularities across this country with regard to voting and we as a Congress have an obligation to step up to the plate and correct them. All voters ought to be allowed to vote early. There should be established a national holiday for elections to bring attention to the importance of voting. We should require those working at the voting booth to be fairly compensated, adequately educated, and sufficiently supported such that the job importance will be elevated. We need to provide them with equipment, whether it was punch card, electronic, whatever it is, that it be fully tested, fully calibrated, and that there be a paper trail.

What happened in Ohio may well have been repeated across this country; yet that is no excuse for us to push the irregularities behind us and go on with the business of the day. This is an important enough issue that all the people across America want us to address it, they want to deal with it, and they want us to correct it.

I thank all of my colleagues for giving me an opportunity to be heard, for giving us an opportunity to address the issue.

Mr. CONyers. Mr. Speaker, will the gentleman yield?

Mr. BUTTERFIELD. I yield to the gentleman from Michigan.

Mr. CONyers has the floor. I want to thank all the Members of the House who have stayed here with us, who have participated in the debate, who have shared their views, as different as many of them are, because this is the way we win this debate. This debate, I think we all know, will not change the outcome of the November election. But we do know that out of today’s debate, the Congress will respond to what has been that challenge raised here in connection with a better system of voting, not just for Ohio but for everywhere. A challenge has been raised here this afternoon to hold true bipartisan hearings to get to the bottom of not just what went wrong in Ohio but around the Nation on Election Day. This day, the first time in our history, that since 1877 this law has been used in which the Senate and the House have come together to say that an objection has enough merit to keep us here in this discussion.

Join us. Enact real election reform and give the citizens the right to an operative provisional ballot and give all voters a verifiable paper trail. We live in an era where we need to not just debate, but to act our roles in some scripted, statecraft with stagecraft, substantive ideas coming from the left.

Mr. DELAY. Mr. Speaker, I rise to claim the remainder of the time.

The SPEAKER. The gentleman from Texas is recognized for the remainder of the time.

Mrs. JONES of Ohio. Mr. Speaker, can I ask how much time that is?

The SPEAKER. In the tradition of the House, the gentleman from Texas will be heard for such time as he may consume.

Mr. DELAY. Mr. Speaker, what is happening here today is amazing but not surprising. Mr. Speaker, what we are witnessing here today is a shame. A shame. The issues at stake in this petition are gravely, gravely serious. This is not just a debate, but the specific charges, as any objective observer must acknowledge, are not. That is because the purpose of this petition is not justice but noise.

It is a warning to Democrats across the country who occurred in the midst of soul searching after their historic losses in November, not to moderate their party’s message.

It is just the second day of the 109th Congress and the first chance of the Democrat congressional leadership to show the American people what they have learned since President Bush’s historic reelection, and they can show them right there. They might be called the “X-Files Wing” of the Democrat Party to make their first impression.

Rather than substantive debate, Democrat leaders are still adhering to a failed strategy of spite, obstruction, and conspiracy theories. They accuse the President, who we are told is apparently a closet computer nerd, of personally overseeing the development of vote-stealing software.

We are told, without any evidence, that unknown Republican agents stole the Ohio election and that its electoral votes should be awarded to the winner of an exit poll instead.

Many observers will discard today’s petition as a partisan waste of time, but it is much worse than that. It is an assault against the institutions of our representative democracy. It is a threat to the very ideals it ostensibly defends. No one is served by this petition, not in the long run. And in the short term, its only beneficiaries are its proponents themselves.

Democrats around the country have asked since Election Day, and will no doubt ask again today, how it came to this. The Democrat Party, the party that was once an idealistic, forward-looking, policy colossus. The New Deal, the Marshall Plan, the Great Society, the space program, civil rights. And yet today one is hard pressed to find a single positive substantive idea coming from the left.

Instead, the Democrats have replaced statecraft with stagecraft, substance with style, and not a very fashionable style at that. The petitioners claim that they act on behalf of disenfranchised voters, but no such disenfranchisement occurred in this election of 2004 and for that matter the election of 2000.

Everybody knows it. The voters know it, the candidates know it, the courts know it, and the evidence proves it.

We are not here to debate evidence, but to act our roles in some scripted, insincere morality play.

Now, just remember: pre-election memos revealed that Democrat campaign operatives around the country were encouraged by their high command in Washington to charge voter fraud and intimidation regardless of whether any of it occurred. Remember, neither of the Democrat candidates supposedly robbed in Ohio endorse this petition. It is a crime against the dignity of American democracy, and that cannot not exist.

The Democrat leadership came down to the floor and said this is a good debate; we ought to be having a debate on this issue.
This is not a normal debate. This is a direct attack to undermine our democracy by using a procedure to undermine the constitutional election that was just held.

If, as now appears likely, Democrats cry foul and seek election recounts regardless of the evidence, what will happen when one day voters are routinely intimidated, rights are denied, or, God forbid, an election is robbed? What will happen? What will happen when, God forbid, this quadrennial crying of foul is used by our democratic processes that a similarly frivolous petition in a close election in the future is actually successful, and the American people are denied their constitutional right to choose their own President?

Mr. Speaker, Democrats must find a way to rise above this self-destructive and, yes, plain destructive theory of politics for its own sake. A dangerous precedent is being set here today, and it needs to be ended, because Democrat leaders are not just hurting themselves. By their irresponsible tactics, they hurt the House, they hurt the Nation, and they hurt rank-and-file Democrats at kitchen tables all around this country.

The American people, and their ancestors who invented our miraculous system of government, deserve better than this. This petition is beneath us, Mr. Speaker; but, more importantly, it is beneath the men and women that we serve.

Mr. Speaker, I urge my colleagues, both Democrat and Republican, to do the right thing. Vote "no," and let us get back to the real work that the American people hired us to do.

Mr. PASCREL. Mr. Speaker, I strongly believe that every vote should be counted. There were obviously irregularities in the Ohio vote and I urge that they be thoroughly investigated by this Congress and the Department of Justice. We have an obligation to resolve the problems that have been documented. However, I would have voted against the motion because I do not believe this to be the proper occasion to address this important issue.

Ms. ESHOO. Mr. Speaker, the debate today is not about contesting the results of the last November election. Today's debate cuts to the essence of our democracy—the founding principle of our country—the right to vote. Clearly, the right to vote is dependent on the assurance that all voters have access to the polls and all votes will be counted. But since the presidential election in 2000 the American public has grown increasingly wary of the accuracy and integrity of our elections, and I applaud my colleagues for their efforts to bring focus to this issue. It's essential that we bring attention to the serious problems facing our electoral system.

It's up to Congress to restore confidence in our elections, and I call on all Members to make this a priority in the 109th Congress. The 2000 Presidential Election spurred a series of reforms, and Congress took important first steps to improve our system of voting. I was proud to cosponsor the Help America Vote Act, which did much to upgrade our electoral process and create national standards for conducting elections. However, I'm disappointed that subsequent efforts to increase the security and reliability of our Increased Accountability Act in the 108th Congress, I supported requiring verifiable paper trails for all voting machines, a step that would provide a significant margin of protection and allow for expedited recounts. Unfortunately, this legislation was not considered prior to the 2004 election, and the House majority leadership refused to even bring it up in committee. This issue must be revisited and legislation should be promptly passed by Congress.

Democratic elections are the foundation of all democracies, and thousands of Americans have died—and continue to die every day—for the right to vote. The United States of America should set the standard for fair and accurate elections, and the resolve integrity tell us that we continue to fall short. One need not believe in conspiracy theories or maintain that the outcome in Ohio was invalid to recognize that we still suffer from serious shortcomings in our electoral process.

I urge my colleagues not to let this opportunity slip by. We must promptly pass electoral reforms that will ensure that the results of our elections are beyond reproach and accepted by all voters.

Mr. STUPAK. Mr. Speaker, I regret that I was not able to attend today's vote regarding the objection to the November 2004 electoral college results in Ohio. This recorded vote was not expected and came up at the last minute. I was unable to return for the vote in time due to bad weather in the Midwest that resulted in more than 1,000 flights being delayed or cancelled. Due to the problem with flights and a prior family commitment, I was unable to travel back to Washington, DC from Michigan. Had I been in attendance I would have voted "no" on agreeing to the objection.

However, I have very serious concerns about the voting irregularities that occurred in Ohio. I believe those problems have not been properly addressed by Ohio's Secretary of State, who also served as the State's Republican Party leader.

It is my hope that these specific problems will be further investigated and that by the 2008 presidential election our Nation's electoral process will be more fair, more open and more accessible to all citizens. And I urge my colleagues to join me in voting "no" on agreeing to the objection.

Mr. MEEK of Florida. Mr. Speaker, Ohio was granted an opportunity today not afforded to my home state of Florida in 2000, and for that I am thankful. I express my gratitude to Speakerwoman STEPHANIE TUBBS JONES of Ohio and Senator BARBARA BOXER of California for raising this objection, but I feel that we must now move past the documented voting irregularities that plagued the State of Ohio.

The purpose of this objection is not to change the outcome of the 2004 Presidential election, but to raise awareness to the difficulty faced by thousands attempting to cast their ballots for President in Ohio. Following the 2000 election, the people of America were promised electoral reforms aimed at preventing problems like those that happened in 2000, but those promises were only partially kept. This body let the voters of this country down, and we simply need more reform. There is still too much room for error in our election law and we must be earnest in addressing these lapses.

We know that elections are not perfect, but no American should be castigated for raising questions or concerns when valid voting problems arise. Only open debate on this issue will solve these problems; only accurate information will quell rumors and conspiracy theories that question our country's sacred democratic tradition.

As we are all aware, the former Soviet Republic of Ukraine of recent presidential elections were called into question. After the first vote, Members of Congress from both sides of the aisle condemned this election in a foreign country as fraught with irregularities and intimidation. Yet some of these same Members rise in apparent indignation when irregularities are discussed in our own elections. In our own country. They do not want to talk about the voting problems in Ohio. Yet these problems are real, and they deserve the attention of the American people. They provide compelling reasons why the Congress must address election reform in the first session of the 109th Congress.

The Help America Vote Act of 2002 was a good start, a necessary first step, but it was inadequately funded and unevenly implemented. More attention is needed. We must ensure that all voting machines have a paper trail that will ensure a proper recount can be conducted as much as 10 hours due to the interest among those who administer our State's elections. No Secretary of State should serve as a Presidential campaign State co-chair as was the case in Ohio this year and in Florida in 2004. We simply must have independence, uniformity and accountability in all elections across our great republic.

These lapses, inconsistencies, lack of resources and conflicts of interest are, Mr. Speaker, worth discussing. Again, I thank those who brought this objection. These two Members of great courage and integrity have given this country a platform for reform. Only a proper review of our voting processes will stop these kinds of electoral abuses, and I urge the House leadership to make this effort an immediate priority of the 109th Congress.

Mr. SCOTT of Virginia. Mr. Speaker, a functioning democracy requires that the citizens have confidence in its election process, and of course, confidence that votes will be properly counted. We saw the importance of this principle in the recent Ukrainian national election and in the Washington State Governor's election.

Clearly, the State of Ohio is not able to provide such confidence. First there is a significant, unexplained and un-investigated discrepancy in exit polls results and the reported election results. Then, there are many specific, serious, unresolved allegations of voting irregularities in Ohio. For example, strong evidence exists to indicate that in some predominately Black precincts, voters had to stand in line to vote for as much as 10 hours due to an unanticipated voter turn out, but to a clearly insufficient number of voting machines at the precinct.

Other allegations include evidence that numerous requests for provisional ballots were improperly denied, that the counting of provisional ballots violated the Help America Vote Act because there were 90,000 ballots cast which were set aside as spoiled ballots without justification. Not one of these allegations was officially investigated.
Now I know that this objection is somewhat awkward because it does not have the apparent support of the candidate involved, but I believe it is our duty and responsibility to assure that election results meet the spirit and the letter of our Constitution and that we instill confidence in the process by demonstrating that voting schemes and irregularities are not ignored.

Mr. MEEKS of New York. Mr. Speaker, although I will not file an objection to the counting of Ohio’s electoral votes, I rise today to acknowledge the voting discrepancies and irregularities that occurred in the State of Ohio in this past presidential election.

As is evident in my colleague JOHN CONYERS’s voting rights status report, Ohio has failed to provide the opportunity for its citizens to have equal access and opportunity to cast their vote and have that vote accurately counted.

Many voters were denied provisional ballots and some eligible voters were improperly purged. Others were given erroneous information as to where and when they could vote. The State provided insufficient resources to minority precincts, resulting in long lines that caused delays up to 10 hours, forcing some voters to have to leave those lines to tend to personal obligations.

There are rampant incidents of voter intimidation, deceptive phone calls and fraudulent fliers on official looking letterhead.

The lack of a verifiable paper trail by some of the electronic voting machines contributed to a questionable vote count. Clearly, Ohio’s election officials, including Secretary of State Blackwell, have questions to answer regarding these disturbing irregularities.

How can we encourage free and fair elections in a country that may soon become a fledgling democracy, when we can’t ensure free and fair elections in America after 200 years of democracy?

As a Member of Congress it is my duty to uphold the right of the people to have free and fair elections. Clearly, Ohio’s election officials, including Secretary of State Blackwell, have questions to answer regarding these disturbing irregularities.

How can we encourage free and fair elections in a country that may soon become a fledgling democracy, when we can’t ensure free and fair elections in America after 200 years of democracy?

Clearly, Ohio’s election officials, including Secretary of State Blackwell, have questions to answer regarding these disturbing irregularities.

As my colleague Senator JOHN KERRY. The debate today is not about the election of George W. Bush, rather it is about the integrity and the future of our voting system. Today we are challenging ourselves to do better.

We are challenging ourselves to examine our voting system, to get to the bottom of what went wrong in Ohio and around the Nation on Election Day. We need to hold hearings. We need to conduct an investigation and we need to pass legislation that puts in place specific federal protections, especially in the areas of auditing electronic voting machines and casting and counting provisional ballots. We must be willing to hold the same light on our election system that we hold on nations such as Afghanistan, Ukraine, and Iraq. How can we serve as a model for democracy, when our own citizens lack faith in our democracy?

That is what today is about, restoring faith in our system. This can not be accomplished by simply accepting the status quo and allowing opportunities such as today to pass without objection. The only way to change an injustice is to stand against it. Mr. Speaker, this is why I rise today. We must accept the status quo, rather we must challenge ourselves to do better. This is what we do as Americans and this is what I am challenging us to do today.

Ms. CORRINE BROWN of Florida. Mr. Speaker, in the aftermath of the 2000 election, in which my congressional district witnessed the discarding of 27,000 votes, I am disappointed to see that we are again today, 4 years later, continuing to confront many of the same problems we faced in the previous election. Many Members of Congress here to voice their own concerns, as well as echo those of citizens across the country, are engaging in floor debate to publicly enunciate their doubts and worries with respect to the veracity and/or fairness of the 2004 election.

The goal of my colleagues is not so much to systematically overturn the 2004 election results, but rather, to bring about a new and open debate today to the House floor. Clearly, a floor debate to the election’s outcome could not change the results, but what it can do is to at least force both Chambers to engage in open debate and...
speak clearly about the serious flaws we have experienced in our last two presidential elections. I believe this debate is beneficial for our democracy, particularly in light of recent events that went on in my State in Florida, as well as apparent discrepancies in Ohio.

With respect to the Ohio vote count, I find the objections stated by my close friend and colleague, Congresswoman STEPHANIE TUBBS JONES, to be most disturbing. According to her press statement, among the numerous discrepancies in her state, perhaps the most egregious included: “large percentages of rejections among provisional ballots, numerous problems with voting machines, and significant flaws in registration processes and procedures.” These very serious concerns, I believe, deserves to be discussed and debated by the Congress, in an open public forum in full view of the American public.

In addition, I would like to enumerate numerous other discrepancies that were contained in a report put out by the Judiciary Committee entitled, Preserving Democracy, What Went Wrong in Ohio, about the 2004 elections:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters.

Mr. Blackwell’s decision to restrict provisional ballots resulted in the disenfranchise of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters.

Mr. Blackwell’s widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party’s decision to engage in prelection “caging” tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout.

The Republican Party’s decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands who were not only intimidated, but became discouraged by the long lines. Shockingly, these disruptions were not acknowledged by the Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges “can’t help but create chaos, longer lines and frustration.”

Mr. Blackwell’s decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell’s order to be illegal of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that I want to recount for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, and the Ohio right to vote. Mr. Blackwell’s apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors at election offices that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 voters lost their right to vote as a result of official registration errors.

There were thousands of ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two predominantly Democratic counties in which an undervote rate of over 20 percent each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties:

(i) in many counties, according to a count at least 23 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI stated that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less than voters in other precincts, and voters casting more than one ballot; (iv) the Mahoning county and Butler county under- funded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates. For purposes of reliance reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-electoral period we learned of irregularities in tallying provisional ballots and conducting and completing the recount that disenfranchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still incomplete):

Mr. Blackwell’s failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority voters.

Mr. Blackwell’s failure to issue specific standards for the recount contributed to a lack of uniformity in both the Due Process Clause and Equal Protection Clauses.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide “cheat sheets” to those counting the ballots (Preserving Democracy, What Went Wrong in Ohio, A Report Put out by Democratic Judiciary Committee Staff).

Moreover, in my State of Florida, the problems that surfaced regarding the 2004 election were related to similar irregularities. Examples are plentiful, examples include: Duval County, where I had to personally fight to get additional early voting locations in the county so citizens could vote early if they so desired; in Orlando, along with many of my Florida colleagues, I demanded a Department of Justice investigation into police misconduct and voter intimidation, in which the Florida Department of Law Enforcement officials intimidated elderly members of Orlando’s black community, wherein armed plain clothes police in Orlando went house to house to question, or rather intimidate, dozens of likely African American voters in their own homes. It is not surprising to me that many of the people that were questioned were volunteers in get out the vote campaigns. Lastly, we saw once again that the Florida elections supervisors were on the verge of incorrectly purging thousands of Florida citizens from the voting rolls, an action which fortunately was never completely carried out because of a CNN lawsuit requesting to see the names on their list. Unfortunately during the 2000 elections, in my district alone (Duval County) there were approximately 27,000 ballots that were spit out by faulty machines. A disproportionately large percentage of these votes came from City Council Districts 7, 8, 9 and 10, predominantly African American areas.

Even more disturbing to me was that the Supervisor of Elections’ office didn’t release these figures to local officials until after the 72 hour deadline had passed. As a result, there were no legal avenues to demand a recount.

Moreover, it often goes unpublished that Florida Governor Jeb Bush spent $4 million of taxpayer money to purge a list of suspected felons from the rolls across the State: but whether or not this list was accurate was of little importance to Governor Bush. Apparently, the goal was to prevent accused citizens from voting to correct his or her status. Only later did we learn that the reason many of the people were incorrectly purged (estimates go as high as 50–75,000) was merely because their name was the same as, or similar to, one of the more than 200,000 people this Governor’s office had identified as potential felons.

Moreover, as part of a grassroots effort to encourage voters, particularly minorities, to get out to the polls, I organize motor voter drives. Yet during the last election, many voters, especially African Americans, were wrongly purged from registration lists, and many who had signed up at state motor voter vehicle offices never had their voter registration fully processed. As a result, these voters were disenfranchised as well. It is for this reason that provisional balloting is so important. If a voter moves within the same county, he or she may cast a provisional ballot at the polling place of their current residence). Unfortunately, to this day, the state of Florida STILL does not completely follow through with provisional balloting because, in Florida, if one casts a provisional ballot in a voter precinct which is not their own, their vote will be discarded.

To close, I reiterate that I strongly support today’s Floor discussion, and pledge to continue to do everything within my capacity as a Member of Congress, and as the Democratic Party’s Voting Task Force, to improve our voting system to ensure that everyone’s vote is counted in future elections, and that our democracy remains just that, a democracy, not a plutocracy ruled by the elites.

Ms. MCKINNEY. Mr. Speaker, many have suggested that those of us committed to seeing a complete and accurate count of the Ohio vote in this past November’s Presidential race should simply “just get over it.”

Well this Member of Congress has sworn an oath “uphold and defend our Constitution.” I do not believe that our commitment to Democracy is anything we should “get over.” In fact, our commitment to democracy is something I believe we must deepen and
expand until this dream is transformed into a reality for every citizen of this nation.

But democracy is not to be achieved by an investment in the latest computer technology (even if computers can help us administer our elections). It is not achieved by rhetoric and flags, pomp and feel good myths of what a great new Congress means. Democracy will only be achieved by listening closely to the intention of the voters and hearing clearly from them what a great nation they wish this to be.

I’m afraid that has not happened in Ohio nor likely in other states this year.

Predominantly African-American precincts and campus precincts saw localized shortages of voting machines leading to long lines frustrating would-be voters who left for work without casting a ballot. Precincts in affluent, white and Republican suburbs did not suffer such problems.

Phone calls and fliers targeted African American voters sending them to vote on the wrong day at the wrong locations.

Long-time voters “disappeared” from voting rolls.

Voting machines “defaulted” to Bush votes regardless of which candidate the person voted for.

People were forced to vote provisionally if they were in the right county but the wrong precinct. Sometimes the right precinct was literally only one table away.

And as we did in Georgia—I’m sorry to say, too many voters in Ohio cast ballots on machines running trade secret protected, proprietary software, which produced no contemporaneously voter paper audit trail of their votes, leaving voters intentions subject to untraceable electronic manipulations.

The Green and Libertarian Presidential candidates demanded a recount because the stories of vote suppression and manipulation were so blatant. Three thousand volunteers and six thousand contributors came together to make that recount possible.

But Secretary Blackwell, charged with providing for free and fair elections for the people of Ohio fell short. While the law requires that precincts be selected randomly for spot checks, many counties hand-picked precincts in violation of the law.

Ohio law requires that a discrepancy between the machine count and the hand count in a spot checked precinct lead to a full recount by hand of the entire county. But these hand recounts were not conducted as required.

The integrity of the recount itself was put at risk by lax security for the ballots and the voting machines, which failed to maintain a chain of custody for materials.

Credentialed observers were denied an opportunity to meaningfully observe the recount process, were threatened with eviction for asking questions and completed their work still unable to assure the voters that the certified results accurately reflected the collective intention of the voters in their counties.

The Ohio Secretary of State failed to provide adequate and uniform standards for the conduct of the recount.

Perhaps as disturbing as anything else, was that the Secretary of State J. Ken Blackwell mixed his non-partisan duties to the voters of Ohio with his partisan duties as the co-chair of the his state’s Bush Re-election campaign.

We need:  
A Constitutional right to vote;  
Uniform standards for the conduct of elections and recounts;  
A contemporaneously produced voter verified paper trails for electronic voting machines;  
An end to the use of trade-secret protected, proprietary software for voting machines;  
Independent election commissions (or administrators) to oversee elections. (No campaign officials should ever again be placed in charge of counting or overseeing the vote); and  
The abolition of the Electoral College, replacing it with popular vote using Instant Runoff Voting.

As can be learned at vote4cubd.ord, the recount documented wide spread evidence of fraud, the obstruction of legitimate votes (especially those cast by African Americans and young people), and computer voting machine manipulation. The Ohio recount was tainted by a lack of cooperation, the failure to follow consistent standards, conflicts of interest by Republican election officials.

A constituent of mine from Chambiee Georgia wrote that “If Senate Democrats remain silent on Thursday, and we see a repeat of their 2000 endorsement of a manipulated election, the Democratic Party will have abandoned all claims to be the voice of the people who care about democracy and fair elections should understand such silence as an endorsement of the kind of Republican election engineering we witnessed in Ohio and of the Bush agenda.”

The founders ratified our Constitution, but under popular protest very quickly adopted a set of amendments demanded by the people. Among those first changes to our governing Constitution were two Amendments designed to ensure that our nation would continue to serve the people of this nation. The First Amendment guarantees our right to petition, speak, write and assemble: in short to organize politically to change our form of government. The Second Amendment was adopted to ensure the “security of a free State.” If we cannot protect the sanctity of the vote and those First Freedoms, we risk leaving our citizens no choice but to reach for the Second Amendment in our own defense.

There have been 1,341 U.S. soldiers, including twenty-nine Georgians and two from my district that have so far lost their lives in our occupation of Iraq, I grieve with the families for their loss. But what are we to do when we attempt to export democracy abroad when we can’t seem to even produce it at home.

Ms. MILLENDER-MCDONALD: Mr. Speaker, today it is with a real sense of pride that I rise to list my name with my fellow colleagues, who have come to address the disenfranchisement of many voters who were unable to cast their votes in the most fundamental exercise of democracy—voting for the President of the United States.

As the sole member of the Congressional Black Caucus and the only woman to serve on the Committee on House Administration, I have received numerous letters from constituents and citizens whose outcry is of faulty equipment and irregularities in this last Presidential election.

Mr. Speaker, the breadth and depth of what occurred in Ohio surrounding this past Presidential election is astounding and naturally calls into question the validity of our electoral process.

However, the larger picture requires that we must engage a debate of our voting process as it represents the bedrock of our democratic society.

The Judiciary Committee, under the request of our chairman, Mr. Conyers, has found that voter registration applications were incorrectly rejected; registered voters were wrongfully purged from the rolls; inadequate numbers of voting machines were used resulting in voters waiting hours to vote; and voter intimidation and misinformation was insidious at voting sites. This caused significant disenfranchisement of thousands of voters across the country.

Mr. Speaker, I represent the voices of my constituents in the 37th district of California who are calling on this Congress to fully fund the Help American Vote Act. I have also called on the President to fully fund HAVA to remedy the ill-fated processes and procedures that currently exist.

Our country cannot be seen as the example of democracy in the world when there are lines of voters wrapped around the corner unable to vote and exercise this fundamental right.

We must do everything in our power as a representational body to make sure that every voter votes and that every vote is counted. We must reform our election process so that the outcome of future elections will not bring us again to this same place.

I will continue to call for further hearings that will help alleviate the irregularities in voting, and put into action the implementation of voting best practices.

Ms. DeGETTE. Mr. Speaker, the American electoral system is the paragon of democracy for the world. Therefore, we must hold ourselves to the highest standards when we conduct elections. There can be no doubt about the outcomes, no questions about fairness or fraud. Where there is even a whiff of impropriety, we have an obligation to act, and in a bipartisan manner.

The fundamental underpinning of our democracy is our guarantee that every citizen has the right to vote. Over the last 225 years we have worked slowly, but steadily, to expand this right. We have corrected grievous injustices that once prevented too many of our fellow citizens from having a voice in our democracy. Despite these efforts, sadly, we have had serious evidence of improprieties in both of the last Presidential elections. In 2000, the disenfranchisement of Florida voters took that election all the way to the U.S. Supreme Court. The 2004 Washington State gubernatorial election took over 6 weeks to resolve, and the Ohio voting process gives rise to grave concerns.

In Ohio, and other states, voters in far too many precincts faced significant obstacles when they tried to vote. Ten-hour lines to vote, a lack of sufficient ballots, wrongly purged or inaccurate voter registration roles and miscalibrated voting machines are unacceptable. These actions not only call into question the integrity of our election results, they deny individuals of the right to vote that too many people have risked and died to protect.

We should have learned our lesson after the 2000 election. I supported and co-sponsored strong voting reform legislation, including the Help America Vote Act. This was the most
Mr. DeFAZIO. Mr. Speaker, as even the sponsors of today's challenge to the Ohio vote acknowledge, the protest is not intended to try to overturn the results of the 2004 election. President Bush won the state of Ohio and the popular vote.

However, like in 2000, the most recent election was marred by multiple irregularities, allegations of fraud, and technical challenges. Today's proceedings provide an important opportunity to discuss on the House floor our continuing concerns about the integrity of our electoral process, which has been called into question by the last two Presidential elections.

Others have mentioned many of the specific concerns about the process in Ohio. Many of these problems were seen in other states as well. In response to the widespread problems, I wrote to the Government Accountability Office in November requesting an investigation of the election. I wanted to know if there was a review of these tougher federal voting standards that are necessary to resolve them. While Congress did approve election reform legislation in response to the problems in 2000, more needs to be done to restore the integrity of the electoral process.

One of the most blatant shortcomings is the lack of a paper trail for many electronic voting machines. In 2003, I cosponsored legislation to rectify this problem. Regrettably, the Republican Congress refused to act on it. So we have an election today, and a review of whether tougher federal voting standards are necessary to resolve them. While Congress did approve election reform legislation in response to the problems in 2000, more needs to be done to restore the integrity of the electoral process.

In addition, I asked GAO to review the need for open-source computer code for these machines. The new technology must be accessible to all and auditable. The voting public must be certain that the system cannot be manipulated, and that their vote is recorded properly and accurately regardless of what system they use.

And I asked that the investigation review the need for uniform and simple standards for counting provisional ballots, registering voters, and identification requirements at polling places. I believe strong federal standards in these and possibly other areas are necessary for federal elections. The varied standards from state to state, and even within states, seriously endanger the integrity of our elections.

We need to ensure the integrity of our electoral process is absolutely beyond question. Until we fix the problems mentioned today, we will never be able to say with confidence that every vote has been counted, and counted correctly and fairly. Election reform must be a top priority of the 109th Congress.

Mrs. DAVIS, of California. Mr. Speaker, the 2004 election is over, and the results are in. I am not here today to dispute which candidate won the election. I join my colleagues today in expressing concern, however, about the irregularities that have been documented from the election in Ohio.

Mr. Speaker, I would argue all day about what did or did not happen with the election in Ohio, the procedures that were or were not used there, or about the voting machines. The issue we are addressing today, however, is the fundamental right of every American to vote. I am not challenging the outcome of the past election today. What I am challenging is the fact there are people in America who have been denied the right to vote. And that, Mr. Speaker, is wrong.

People around the world watched the State of Ohio with great interest on Election Day. Widespread reports of irregularities and waiting times in excess of 4 hours were extremely troubling to all of us.

I just returned this week from Ukraine, where some of my colleagues and I had the privilege to observe the second election there. As we are all aware, incidence of irregularities, voter intimidation and fraud during the first Ukrainian election were widespread and well documented. People from all over the world watched both of the Ukraine elections. And we have all been deeply moved by the success of democracy there. The triumph of the Ukrainian people’s will has been profound.

Mr. Speaker, a success for the democratic process like that right here in the United States. But above all, it stands as an example for countries that have not been experiencing democracy.

Mr. Speaker, a success for the democratic process like that right here in the United States. But above all, it stands as an example for countries that have not been experiencing democracy. It is not simply that the democratically elected government continues to be recognized by the international community. It is the way the elections were conducted. Ukraine has contributed money, training and resources to help build democratic institutions, and the international community recognized that.

We need to support our election workers through training and resources to help build democracy in the United States. They must insist it be prevented from ever happening again.

Until we can fix the problems that still exist, I want us to put that inconvenience into a proper perspective. It goes without saying we should eliminate any barrier to voting that we can eliminate. We can eliminate the one day last year the Afghan people got up early one morning, put on their best clothes and set out to vote for the first time. They left the safety of their homes to vote at the express threat to their safety and very lives. They were threatened with being shot and killed by bombs. In addition, many stood in line all day to vote.

I believe we should look to the Afghan people for an example of how to fulfill our responsibility to vote.

Mr. SHUSTER. Mr. Speaker, I've been rather mystified over the reaction to the recent election by many Democrats. Since the November election, when a political opportunity
arises, some on the other side of the aisle shout out words like "fraud" and "shame." If they aren't doing that, they demean what the people in the red states did on Election Day and call them insulting names.

If this all seems to be the reaction of a shell-shocked party who has lost any vision and has moved to a poisonous attack cycle—it is. The hard truth is that 58 million people voted for President Bush. And the even harder truth is that the majority of this country voted for President Bush, no matter how you try to conflate it. No proven allegations of fraud. No reports of widespread wrongdoing. It was, at the end of the day, an honest election.

My concern with this protest, is its overtly partisan nature. I notice that my colleagues are quick to criticize the vote in Ohio, a state that the President carried. Yet we have heard little about potential problems with voting in states that Senator Kerry won. Rumors of voter problems have been reported in states other than Ohio, including my own state of Pennsylvania. But the focus today seems to only be on a state carried by President Bush; and that leads me to believe that today's protest is about the outcome not about the process.

I believe a good deal of the reason for the last election is the failure of the left to produce a vision. And with an opportunity to regroup, last election is the failure of the left to produce a vision. And with an opportunity to regroup, that you will take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

The question is, Shall the objection to the Ohio electoral votes.

***SWEARING IN OF MEMBER-ELECT***

The Speaker (during the vote). Will the gentleman from Georgia (Mr. NORWOOD) please come to the well of the House and take the oath of office at this time.

Mr. NORWOOD appeared at the bar of the House and took the oath as follows:

Under clause 5(d) of rule XX, the Chair recognizes Mr. NORWOOD

Mr. NORWOOD has been present, I would have voted in my State of Ohio attending a longstanding official event

SWEARING IN OF MEMBER-ELECT

The Speaker (during the vote).

Mr. NORWOOD appeared at the bar of the House and took the oath of office at this time.

Under clause 5(d) of rule XX, the Chair announces to the House that in light of swerving in the gentleman from Georgia (Mr. NORWOOD) the whole number of the House is adjusted to 430 Members.

The Speaker (Mr. NORWOOD) did not make his motion to reconsider; the vote was announced as above recorded.

A motion to reconsider was laid on the table.
when I learned of the vote relating to Mrs. JONES of Ohio’s objection to the certified results of the Electoral College balloting in the State of Ohio and was unable to return to Washington, DC in time for today’s vote. I would like the RECORD to reflect that had I been present I would have voted “nay.”

Mr. BERMAN. Mr. Speaker, I was unavoidably detained and therefore unable to cast a vote on rollcall No. 7. Had I been present, I would have voted “no.”

Mr. SYV. Mr. Speaker, on January 6, I was conducting oversight in Southeast Asia of tsunami disaster relief efforts and, therefore, missed one recorded vote.

I take this opportunity very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted “no” on recorded vote No. 7.

Mrs. McCARTHY. Mr. Speaker, because of illness, I was not present on the vote on agreeing to the objection on the Ohio electoral vote on January 6. Had I been present, I would have voted “nay.”

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 7. Had I been present, I would have voted “no” on this measure.

Mr. STEARN. Mr. Speaker, I was unavoidably detained and missed rollcall No. 7. Had I been present, I would have voted “no.”

Mr. BASS. Mr. Speaker, on Thursday, January 6, 2005, I regrettably missed recorded vote 7. Had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. KIND. Mr. Speaker, unfortunately, I had to fly back to Wisconsin for a military funeral and missed rollcall vote No. 7.

The SPEAKER. The Clerk will now notify the Senate of the action of the House, informing that body that the House is now ready to proceed in joint session with the further counting of the electoral vote for the President and Vice President.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral vote cast in the State of Ohio for George W. Bush for President and Richard Cheney for Vice President.

The Secretary of the Senate read the order of the Senate, as follows:

Ordered, That the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and Richard Cheney for Vice President.

The VICE PRESIDENT. The Clerk of the House will report the action of the House.

The Clerk of the House read the order of the House, as follows:

Ordered, That the House of Representatives rejects the objection to the electoral vote of the State of Oregon.

The VICE PRESIDENT. Pursuant to the law, chapter 1 of title 3, United States Code, because the two Houses have not sustained the objection, the original certificate submitted by the State of Ohio will be counted as provided therein.

The tellers will now record and announce the vote of the State of Oklahoma for President and Vice President in accordance with the action of the two Houses.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Oregon seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 7 votes for President, and Dick Cheney of the State of Wyoming received 7 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the Commonwealth of Massachusetts seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Vermont seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 13 votes for President and Dick Cheney of the State of Wyoming received 13 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the Commonwealth of Virginia seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 11 votes for President and John Edwards of the State of North Carolina received 11 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of West Virginia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 10 votes for President and John Edwards of the State of North Carolina received 10 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Wisconsin seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 11 votes for President, and Dick Cheney of the State of Wyoming received 11 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Texas seems to be quite proud in reflecting the regular form and authentic, and it appears therefrom that George W. Bush of that great State of Texas received 34 votes for President, and Dick Cheney of the State of Wyoming received 34 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Utah seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Vermont seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 11 votes for President and John Edwards of the State of North Carolina received 11 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Virginia seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 11 votes for President and John Edwards of the State of North Carolina received 11 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Tennessee seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 10 votes for President, and Dick Cheney of the State of Wyoming received 10 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Maine seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Wyoming seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and Dick Cheney of the State of Wyoming received 3 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of South Dakota seems to be regular in form and authentic, and it appears therefrom that John F. Kerry of the Commonwealth of Massachusetts received 1 vote for President and John Edwards of the State of North Carolina received 1 vote for Vice President.

Mr. LARSON of Connecticut. Mr. President, you should be justifiably