

*U.S. NGO Petition for International Observers for the U.S. Presidential Elections 2008*

President Léo Mérorès  
the Economic and Social Council,  
United Nations,  
New York, New York 10017

Your Excellency President Léo Mérorès:

We, the undersigned non-governmental organizations in the United States, hereby petition the United Nations through the Economic and Social Council for protection of our human rights through provision of election observers and monitors for the upcoming U.S. Presidential election on November 4<sup>th</sup>, 2008. We request observers to assess the breadth of voting irregularities and document any voting rights violations that may occur during this 2008 presidential election.

In light of the critical importance of the right to representation in our government, guaranteed through U.S. law including documents such as the Bill of Rights and Constitution and legal precedent, as well as United Nations documents to which the U.S. is a party such as the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, we are requesting international assistance in providing non-partisan witness to the process and assuring to the extent possible universal voting rights for the entire U.S. citizenry this November, 2008.

We are requesting this assistance due to serious concerns regarding enfranchisement in the upcoming 2008 presidential election based both on historical discrimination and exclusion of the rights of certain populations to vote and have their votes counted. There is broad evidence from both the U.S. Presidential elections of 2000 and 2004 that there were patterns of election fraud, voter suppression and intimidation. The gold standard of predicting the outcome of elections, exit polls, which have continued to be more reliable over time, showed clear victory of the Democratic Candidate in both of these Presidential elections; a much delayed count of all the actual ballots in Florida from the 2000 elections, showed that the Democratic Candidate had in fact won the vote; unfortunately, a complete recount had been denied at the time of the election.

While the world is perhaps most aware of evidence in the state of Florida in 2000 and the state of Ohio in 2004, there are much broader patterns of tampering with the vote that lead numerous election experts and much of the U.S. public to believe that the U.S. may have experienced two illegitimate elections. This on top of and potentially informed by historical problems and voting rights violations in previous elections as well as significant evidence of violations leading up to this 2008 election and reasons to believe election fraud and voter suppression may be equally or more widespread this election. Sources of possible remedy from within the U.S., as well, to date, have been attempted and insufficient to protect our rights or the integrity of our elections.

We recognize that the most fundamental purpose of election observers is to verify the fairness of elections. We also recognize that the baseline of international standards for fair voting cannot be met in the U.S. electoral system which essentially consist of 52 different electoral states each of which is overseen by a politically partisan administration [1]. However, it is the very partisan

nature of our oversight that determines the critical need for non-partisan observers from outside our country. Given the world impact of U.S. elections and our government's stated mission of bringing democracy to the rest of the world, the importance of world scrutiny of the reasonable accuracy of U.S. elections is critical both to protection the human rights of the U.S. people and the interests of the rights of many across the world.

### **Importance of the Vote**

As is clear historically, the concept of one vote per person, which was enshrined in the founding documents of the United States and subsequently fundamental to the concept of international human rights, has been a critical rallying point and motivation in the concept of a government by and for the people. That motivation led to a historical expansion over time of the right to vote within the U.S. and elsewhere in the world. It is that impetus to fight for the right to vote and the impact of the vote that has fed much of the movements and inspiration of many otherwise oppressed groups within the United States. There is, of course, the countervailing force in the United States that was also enshrined in those documents initially which limited that right to vote to a minority of white men with property. We, in approaching the United Nations, continue the quest for real enfranchisement for all people in the United States, and to request international assistance in fulfilling the promise inspired by the U.S. Constitution.

### **Basis in international instruments**

We are seeking the assistance of the United Nations under sections of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. Within the Universal Declaration of Human Rights, Article 21 provides for the right "of free assembly and association"[2] The International Covenant on Civil and Political Rights in Article 25(a) speaks of the right "to take part in the conduct of political affairs directly or through freely chosen representatives"[3], which in this country requires a fair and genuine vote. Section B speaks to the right "to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage"[3]. In addition, the International Covenant on Civil and Political Rights speaks to the right to have an impartial tribunal to which one may bring any such issues or rights that are violated as specified in the International Covenant on Civil and Political Rights.

The Convention on the Elimination of All Forms of Racial Discrimination opens by speaking "to respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion"[4]. In addition, it underlines the need to take "all steps to speedily eliminate racial discrimination throughout the world and secure understanding of and respect for the dignity of the human person"[4]. Article 1 says that "This convention shall mean that any distinction, exclusion, restriction, or preference which has the purpose or effect of nullifying or impairing exercise on an equal footing of human rights and fundamental freedoms in political, social, or any other field of public life"[4]. In addition, signatories to this convention, which includes the United States, are required under Article 2 to "pursue all appropriate means without delay a policy of eliminating racial discrimination"[4]. That each State Party under Art. 2, 1(b) "undertakes not to sponsor, defend, or support racial discrimination"[4], and under Art.2, 1(c) to take "effective measures to review governmental, national, and local policies and to rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination"[4]. And, these State Parties are supposed

to “condemn all organizations which tend to justify discrimination”[4, Act.4]. Under Article 4(c) “public authorities or public institutions” are not permitted “to promote racial discrimination”[4]. In specific, under Article 5(c) political rights are protected, in particular: the right “to participate in elections, to vote, and to stand for election on the basis of universal and equal suffrage to take part in the government as well as in the conduct of public affairs at any level and to have equal access to public service”[4]. In addition to guaranteeing the right to participate through the vote in governmental and public life, under Article 6(f) is the requirement that state parties “shall assure everyone through competent national tribunals or other state institutions protection and remedies against any acts of racial discrimination as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered”[4].

Under all of these instruments of United Nations and international law, we are requesting assistance, specifically because we have found that “all available domestic remedies” were “invoked and exhausted” (as referred to in Art. 11, Sect. 3 of the ICERD) regarding voting rights violations and more especially voting rights violations of communities of color in the 2000 and 2004 U.S. Presidential Elections.

### **The History of the Vote in the United States**

While there is a history of successful struggle for the expansion of voting rights within the U.S. and a history as well of violations of voting rights, in the next section of the document, we will review some of that history and then discuss some of the violations that epitomize the problems in the 2004 U.S. presidential elections and then examine the attempt at remedying that situation and the ways in which each of those pathways became a dead end for the voters to seek redress.

Voting restrictions to those with property were primarily lifted through the 14<sup>th</sup> amendment to the U.S. Constitution [5]. Throughout the movements that worked to end slavery was the goal of changing U.S. Constitutional law to consider African Americans equal in the eyes of the law including the right to vote. After the legal end of slavery the U.S. Constitution was amended with the 15<sup>th</sup> amendment in 1870 and related legislation passed to prohibit the denial of voting rights “on account of race, color, or previous conditions of servitude”[5], although numerous barriers meant that practically disenfranchisement on the basis of race has continued. After two significant movements engaging thousands of women and their male allies, the women’s suffrage movements in the U.S. succeeded in getting the 19<sup>th</sup> Amendment to the Constitution ratified in 1920 [5]. In response to continued activism and expansion of social understanding of equal rights in the last 50 year in the U.S., continued litigation, judicial decision and congressional action has removed barriers to the political participation of the Native Americans, disabled, those who are illiterate, without english language skills, removal of voting fees that excluded voters on the basis of class (24<sup>th</sup> amendment), and age (26<sup>th</sup> amendment) [5].

Throughout the Civil Rights period and the struggle for rights for people of color within the United States in the middle of the last century, voting rights was a clear focus of activity. During that time, there was an attempt to in various ways to fight the disenfranchisement particularly of African Americans in the South. The disenfranchisement was governmental in terms of statutes that allowed both legal denials of the right to register to vote and also capricious or arbitrary denials based on ways in which laws had been written that allowed for wide interpretation by local voting and elections officials. Through citizen activism, congressional remedies (such as

the Voting Rights Act of 1965) were passed, judicial decisions solicited (in 1915, 1939, 1953, 1960, etc.) and the intervention of the federal government ended many of those practices [5]. However, informal practices and some legislation that translates in to racially-targeted disenfranchisement have continued since to intimidate voters.

### **Continuing History of U.S. Voter Disenfranchisement**

Referenced in the endnotes are some of the periodic examples that we documented and shared with other election activists but we are aware of on and off forms of different types of election fraud and voter suppression in some areas of the country. In the endnotes is an example from 1996. Did these patterns of voter violation determine these elections? But it lays the groundwork for the belief in some quarters that a number of the things that happened in the Florida election of 2000 and in numerous parts of the U.S. in the 2004 election are both unfortunately somewhat predictable, clearly violate voting rights, especially of voters of color and include intentional action of racial discrimination and also fit a historical pattern within the United States which we as the people of the U.S. have yet to be successful in remedying.

### **Institutionalized policies that violate voting rights**

This document will not directly address certain standing violations of international law around universal suffrage, which many non-governmental organizations in the United States are working to remedy. The most basic legal and perhaps underlying problem with commitment to voting rights is that while many other rights are enshrined in the U.S. Constitution, the right to vote is not; although, the Constitution does specify that voting cannot be denied on the basis of various forms of discrimination [6].

One targeted violation of universal suffrage is a significant number of jurisdictions within which people who have committed various crimes, primarily felonies, even though they have served their time and fulfilled whatever their sentence requirements are continue in some states they are denied the right to reregister and vote. In Florida alone, with denial of the vote to ex-felons and related measures almost one third of African American men are disenfranchised.

An additional issue that impedes the possibility of a genuine democratic vote in the United States is the continuing existence of the electoral college. Rather than having votes count directly towards the presidency in the United States we have what is sometimes referred to as a holdover of aristocratic tradition, which is that we vote in our states, the winner of the majority of the popular vote in a particular state then actually wins the entire state. Each state is assigned a certain number of electoral votes based on census data and population statistics. Those votes all go to the majority winner of the popular vote in that state. This denies voters the impact of their individual votes. For instance, in the 2000 U.S. Presidential elections, even in the official vote count, Gore won the popular vote and without the imposition of the Electoral College, would have won the Presidency. In fact in states that are relatively uncontested the electoral college process depresses the number of people that go vote, because it becomes a forgone conclusion based on polling data prior to a particular election that that state will go to a particular candidate, and therefore voter turnout is significantly depressed in those states [7, *overview & timeline*]

In addition, structural problems exist in U.S. law that make elections both impossible to be fair and so complicated as to increase barriers to voting for regular voters. Our governmental system

creates 52 different state election system – a number of which have significantly different systems some have described as over 13,000 different elections [8]. Each state imposes its own laws on its electoral system. In addition, each state system is overseen and administered by an elected Secretary of State who belongs to a particular party – therefore, ensuring that they cannot by definition be non-partisan. Unfortunately attempts to improve voting problems from the 2000 presidential election led to a further concentration of power in these now sometimes publicly proclaimed actively partisan overseers of our elections but to understand that, some history [9].

### **The Voting Rights Violations in the State of Florida, U.S. Presidential Election of 2000**

The situation with the Florida vote in the U.S. presidential election of 2000 included violations which are described in much greater detail in an appendix and endnotes. However, it is important in this document to point out some samples of the length and breadth of the problems that voters faced.

The 2000 voting rights violations in Florida were both more subtle and in some ways therefore far more egregious. People who technically, legally should have been able to cast their ballot were unable to do so, for a wide range of reasons. Any number of these reasons, the U.S. Commission on Civil Rights, which conducted an extensive public investigation of the allegations of voting irregularities, refers to in its June 2001 report as “either intentional discrimination against people of color or resulted in the denial of equal access while intent may be harder to determine” [10].

### **Violations through “Cleansing” of the Florida Voter Rolls Leading up to November 2000**

There has to be a process by which governmental organizations can determine people who have died or moved or in other ways may be legitimately disqualified from voting. The government of Florida engaged in very unusual strategies for purging the voting rolls prior to the 2000 election. The “cleansing” as they call it of the voter rolls in Florida came about partly because extensive voter fraud that led to the passage of a new state law in 1998; a mayor of Miami, Florida in the previous election had been removed after it was found out that dead people had cast ballots in the election [11, Ch.5].

First they put the job of cleansing the voter lists out to bid to private agencies as opposed to using governmental agencies. They went with the bid that was the most expensive, which ended up costing \$4 million [12, *Origin*]. The primary questionable issues revolved around the purging of people from the rolls based on this issue of being identified felons. While standard operating procedures that might have been used to both correctly identify and also cross check names to make sure people were not incorrectly removed from the rolls were proposed to the Florida Government, according to the Vice President of ChoicePoint, the Secretary of the State of Florida chose not to use them [11, *Ch.5*]. In fact the Secretary of State went the other direction and actually ordered the use of nonstandard means for both initially identifying who should be on the list and requested that the contractor, DBT not use standard procedures for cross matching [12]. Some requested procedures likely to significantly increase the number of “innocents” removed, DBT apparently objected to but were eventually ordered to use, [12, *origin*]. Therefore, the voter cleansing lists ended up including roughly 1% of the voting population in Florida, 3% of African American voters [12, *Names were ordered*]. The purge list eventually

added up to around 180,000 persons, almost 66,000 of whom were included on the basis of being identified felons (although 8,000 names were later removed) [12, *Controversy*].

The governmental structure in Florida allows for the county election officers to use this information in an advisory capacity; some of them realized that the list was questionable and did not implement the purge: such as blank conviction dates, future convictions dates, had restored voting rights [12, *The list*]. The election official of Leon County did take the time with in-house experts to check each name on the purge list one by one [12, *List accuracy*]. They found that of the 694 named felons in Tallahassee, they could verify that only 34 of them, or 5% actually should have been excluded. This sample means that there's more than a 99% chance that over 90% of those listed as felons on the 2000 Florida central voting file were in fact eligible voters [12, *List accuracy*].

A demographics expert David Bositis says that based on nationwide conviction rates, that the African Americans probably accounted for 46% of the ex-felon group wrongly disenfranchised [12, *List demographics*]. To look at just three counties, that would mean that in Hillsborough county where 11% of voters are black, 54% of the names on the list were black. Miami Dade county, 20% of voters are black, that means 66% of the names on the list were black. Leon county, 29% of voters are black, 55% of the name on the list were black [12, *List demographics*]. None of the names on the list were Hispanic because those had been explicitly dropped as per request of the Florida government. The focus on removing African Americans and purposefully not removing Hispanics is easily explicable because African Americans vote overwhelmingly Democratic and Hispanics in Florida overwhelmingly Republican [13].

Contrary to the International Convention for the Elimination of all forms of Racial Discrimination which requires a tribunal and the existence of such remedies, most of those purged have not had access to remedy the situation. Numerous purged voters were not even notified by the officials [11, Ch.2]. The poll workers were not properly trained to know how to use those fallbacks [11, Ch.4] and reportedly there was widespread inability of election poll workers to reach the supervisors of elections offices to find out how to handle such situations or double check people's registrations [11, ch.2]. Many of the people who did get notification and attempted to prove that they were innocent have been unable to do so even to this date [11, Ch.5].

### **Other Voting Rights Violations in the Florida 2000 Presidential Election**

Polling places were moved again primarily in African American districts it appears [11, Ch.2]; there was no notification on the previous polling place for the new site [11, Ch.2]. If they went to the wrong polling place after that, they were not necessarily able to verify where they should have been [11, Ch.2].

Although Floridians are legally allowed three chances to cast a ballot, there was only an opportunity for a remedy if Florida voters knew that their ballot had not been readable or processible by the machine. Research again done by the U.S. Commission on Civil Rights found that the election process itself led to African American voters being nearly 10 times more likely than white voters to have their ballots rejected [11, Ch.1]. This also impacted poorer counties which were much more likely to use voting systems with higher spoilage rates [11, Ch.1]. In

Florida, with the number of precincts with the highest number of disqualified ballots, 83 of them are majority black precincts [11, Ch.1]. In two counties with disproportionately high numbers of African Americans and Hispanics, voting machines' automatic capacity to check for spoiled ballots were actually turned off [11, Ch.8]. Even with the same voting technology was used, blacks were far more likely to have their votes rejected than whites [11, Ch.1].

Numerous more violations including registered voters not being allowed an affidavit nor the right to appeal those decisions, although such remedies do technically exist [11, Ch.2 & 7]. Polls being closed while voters were still waiting in line; being closed early [11, Ch.2]. There was a mysterious question of the Florida highway patrol conducting an unauthorized vehicle checkpoint close to the polling place in a predominantly African American neighborhood [11, Ch.2]. Although it's not clear why that was, it appeared to local voters that that was to prevent people from feeling safe enough or being able to come vote [11, Ch.2].

Not at all unique to Florida people with physical disabilities or needing translation were unable to vote because the polling places were structurally inaccessible and improperly equipped [11, Ch.6]. Across the U.S., those with disabilities voted 15 to 20% below the national average.

The U.S. Commission on Civil Rights identified the area of Palm Beach county, where specially designed ballots - called the butterfly ballot - clearly created a miscount in the votes [11, Ch.6].

Not documented in the U.S. Commission on Civil Rights study were other significant violations of voting rights. Florida law requires the presentation of a photo ID when you go vote, although that's often apparently not actually implemented in the voting procedure. However, there's extensive anecdotal evidence that Latino voters in the more predominantly Latino sections of Florida were often required to have two ID [12]. Most U.S. citizens don't carry two picture ID anyway. But it was illegal that they were required to produce 2 forms of id; local poll workers reported that they were trying to avoid immigrants illegally voting.

Apparently there had been a government funded campaign leading up to the 2000 vote in Florida enumerating the ways in which voter fraud could occur, but not enumerating ways that you have a right to vote [11, Ch.4]. Government money had been spent on public service announcements, etc. to enumerate these potentially fraudulent means for voting, but no comparable money was spent on public service announcements to educate voters as to their right to vote [11, Ch.4].

All of the documented evidence through the U.S. Commission on Civil Rights shows that literally tens of thousands of potential voters were denied the right to vote with a disproportionately high percentage of those being African American voters and certain segments of Hispanic voters. The other identified populations being those in poorer counties, people with disabilities, and these voters in Palm Beach who are overwhelmingly Jewish. All of these procedures violated voting rights, some of which were clearly direct consequences of actions by the Governor, the Secretary of State which is responsible for election procedures, and even some of the county level election officials. Some of these violations are clearly systematic across the board; some of them appear to potentially be incidental. However, they are significant enough to implicate that tens of thousands of voters clearly based on various different racial, nationality,

and other minority categories were excluded from their right to suffrage in Florida during the U.S. Presidential election in 2000.

The U.S. Commission on Civil Rights functioning as the kind of independent tribunal specified in the International Convention for the Elimination of all forms of Racial Discrimination [4] put forward extensive recommendations. Recommended litigations were overwhelmingly never undertaken.

As part of our petition to the United Nations for election observers and monitors, it's important to note that while there was extensive documentation of what happened in Florida, there was some similar evidence across the country showing that thousands of ballots don't get counted regularly and that a much higher proportional number of those are African American voters.

In the vote count that was certified by the Supreme Court, which is the highest body of the judicial branch in the United States, President Bush won by 537 votes. The examples given already of missed votes implies that that margin was certainly not enough to claim victory for Bush. The Florida Ballot Project, which was undertaken at the University of Chicago sponsored by a consortium of the major U.S. news organization conducted a comprehensive review of all the uncounted ballots. Its findings showed that Gore would clearly have won in a statewide recount in which all ballots were counted [14].

### **2000 U.S. Presidential Election Time Line of Events**

Before the polls had closed, the major news outlets had called Florida for Gore [7, *Election results*]. This is based on exit polling, which is considered very reliable through a consortium that the major television networks and Associated Press put together called the Voter News Service. By the end of the night, the election had been called for Bush but due to the narrow margin of the vote, Florida law requires a recount. The Florida Supreme Court eventually ordering the recount while the Secretary of State's office had tried to avoid a recount on a number of bases [7, *Election results*]. On December 4<sup>th</sup>, the Supreme Court eventually nullified the decision of the Florida Supreme Court to recount saying that the result had to be certified by a certain date based they said on the fact that the Florida Supreme Court had decided to bypass state election laws for what they considered "imprecise grounds" [15]. The final decision came late that night of December 12<sup>th</sup> when the U.S. Supreme Court handed down two decisions for Bush [7, *Overview & timeline*] based on, the Supreme Court Justices said, the differing vote counting standards in different counties and the lack of a single judicial officer to oversee the recount [15]. The next day, December 13<sup>th</sup>, Gore conceded the presidency [7, *Overview & timeline*]. On January 6<sup>th</sup>, 2001 Congress had to certify the electoral college vote [7, *Overview & timeline*]. While several members of the House of Representatives of the U.S. Congress filed objections to the electoral votes, their objections could not even be heard because they could not obtain the required signatory of a single senator [7, *Overview & timeline*].

Based on the experience of 2000 not only in the spotlighted state of Florida but in lesser stories from other battle-ground states in 2000, a consortium of organizations filed with the United Nations a request for international observers [16]. That request outlined actions taken by the U.S. Commission on Civil Rights and on the face of it the Help America Vote Act in Congress to address some of these voting rights violations. However, given the overwhelming lack of meaningful action by governmental bodies, the mostly regressive role of the media which is legally supposed to assist in our ability to protect our rights as a watchdog for government but played the opposition function, and limited abilities even with extensive efforts of the NGO's on the ground, the need for international oversight seemed clear.

In addition, the fears and concerns expressed in that brief of the potential abuse of a heightened fear level created by relatively amorphous terrorist alerts and increasingly subtle and broad-reaching voter violation and election fraud techniques were painfully accurate in the unfolding of the 2004 Presidential Election [Appendix B].

While attempts were made, the widespread violations appeared indeed more egregious and more extensive. And while it took years for actual evidence to be brought to light, that evidence was consciously and effectively disseminated broadly. European Observers did come to the U.S. in limited numbers but more importantly their impact was severely stunted by their exclusion from the various sites where they were perhaps needed most and once again the counterproductive, irresponsible lack of coverage by the major U.S. media of their report [17]. Their report provided a broad and factual condemnation of voting problems that was also documented by others as widespread evidence of election fraud and voter suppression; all of which major U.S. media also unethically ignored.

A small movement of ongoing election focused action did, however, come into being – getting an objection to the Ohio Vote filed in Congress (even though it was not voted for) [18], significant voting improvements and some significant public awareness.

None of which has been sufficient to raise sufficient legal changes nor citizen involvement to mitigate the clear need for election observers in 2008. If nothing else, they must document and expose to the rest of the world – that we cannot guarantee our voting rights, nor even enough integrity in our complicated and partisan system that the 2008 Presidential Election will have integrity, integrity which both the elections of 2000 and 2004 clearly lacked.

## **U.S. Presidential Election 2004, Violations become more widespread**

The relative focus on one state of violations after the 2000 election, expanded to numerous reports in 2004— over 11,000 to one hotline alone [19], with the numerous election fraud and voter suppression techniques repeated seemingly randomly in different parts of the U.S..

Again, like in 2000, exit polling called the election one direction and the vote tallies went the other way [20]. As we found out once the media consortium, that was worried about the 2000 Florida vote discrepancies, actually got the votes counted: exit polls were right in 2000 Florida. In fact, many experts believe that the one reliable and historically incredibly accurate election measure is exit polls; and their precision continues to improve according to all the exhaustive research and statistical and methodological analyses [21].

So, the vote count divergence from the 2004 exit polling results, which were more extreme and present in every battleground state than 2000, was even more disturbing [20]. Each of these statewide discrepancies between exit polls and vote tallies were essentially statistically impossible to ascribe to random factors since they all benefited Bush [8]. And once again, the media continued to move farther from its non-partisan role as a reporter of the facts implying that there must be something bizarrely wrong about the exit polls as opposed to the more factually based questioning of the vote count itself [22].

The overwhelming accuracy of the exit polls has been proven several ways by statistical experts. The last minute significant shift in the exit polling data towards Bush was statistically impossible given the number of additional votes reported in Ohio [22A]. Analysis of exit poll data posted prior to the significantly altered final posting, showed no bias in reporting that could have explained a pro-Republican vote count divergence from the exit polls [23]. The incidence of divergence being tied to particular types of voting machines in an in-depth study of Ohio again points to tampering of the vote count not exit polling problems [23A].

Critically important and most disturbing is that exit poll discrepancies were most evident and only really significant in 10 of 11 battleground states. The discrepancy between predicted spread between the two major presidential candidates in percentage of the vote based on exit polls versus the spread based on reported vote tallies in the battleground states was: Colorado (3.4% toward Bush), Florida (4.9% toward Bush), Iowa (2.2% toward Bush), Michigan (1.6% toward Bush), Minnesota (5.5% toward Bush), Nevada (3.9% toward Bush), New Hampshire (9.5% toward Bush), New Mexico (3.7% toward Bush), Ohio (6.7% toward Bush), Pennsylvania (6.5% toward Bush), Wisconsin (no discrepancy). The collective discrepancies in just the three key battleground states of Ohio, Florida and Pennsylvania together makes the likelihood one in 250 million [20].

While divisive and supposedly prejudiced-based voting patterns were used by opinion-makers to explain Bush's sudden victory [24], exit polls showed that Bush's win was a wide-spread statistically essentially impossible outcome. The only realistic explanation is undergirded by extensive evidence of election fraud and voter suppression. By January of 2005, when voters organized to get an objection to the Ohio vote count filed in Congress, we, core leaders of the Coalition Against Election Fraud [25], began to suspect that the techniques used to subvert the outcome had to have been almost distributed like a smorgasbord of fraudulent and suppressive

options through clandestine, right wing networks across the U.S.. Since then, the evidence has become clearer and starker of the fraud and suppression and possible avenues of organized dissemination.

Robert F. Kennedy, Jr. more recently came to the same conclusions: “After carefully examining the evidence, I’ve become convinced that the president’s party mounted a massive, coordinated campaign to subvert the will of the people in 2004. Across the country, Republican election officials and party stalwarts employed a wide range of illegal and unethical tactics to fix the election” [8].

The outline offered here is a small overview of information that can be found more extensively – Coalition Against Election Fraud report provided to Congress before the filing of the objection to the 2004 Ohio Vote [25], reports from the Ohio Recount [27], Robert F. Kennedy’s extensive piece, “Was the 2004 Stolen Election?” [8], Congressman Conyers Hearing investigating the 2004 Ohio Vote [28].

### **2004 U.S. Presidential Election Violations: Case Study of the Battleground State of Ohio**

The following is an abbreviated version of Robert F. Kennedy’s extensive argument, “Was the 2004 Stolen Election?” [8]:

“A review of the available data reveals that in Ohio alone, at least 357,000 voters, the overwhelming majority of them Democratic, were prevented from casting ballots or did not have their votes counted in 2004 [29] -- more than enough to shift the results of an election decided by 118,601 votes (See Ohio’s Missing Votes) [30]. In what may be the single most astounding fact from the election, one in every four Ohio citizens who registered to vote in 2004 showed up at the polls only to discover that they were not listed on the rolls, thanks to GOP efforts to stem the unprecedented flood of Democrats eager to cast ballots [31] And that doesn’t even take into account the troubling evidence of outright fraud, which indicates that upwards of 80,000 votes for Kerry were counted instead for Bush. That alone is a swing of more than 160,000 votes -- enough to have put John Kerry in the White House [32].

In Ohio, officials purged tens of thousands of eligible voters from the rolls, neglected to process registration cards generated by Democratic voter drives, shortchanged Democratic precincts when they allocated voting machines and illegally derailed a recount that could have given Kerry the presidency.

What’s more, Freeman found, the greatest disparities between exit polls and the official vote count came in Republican strongholds. In precincts where Bush received at least eighty percent of the vote, the exit polls were off by an average of ten percent. By contrast, in precincts where Kerry dominated by eighty percent or more, the exit polls were accurate to within three tenths of one percent -- a pattern that suggests Republican election officials stuffed the ballot box in Bush country [33].

A precinct in an evangelical church in Miami County recorded an impossibly high turnout of ninety-eight percent, while a polling place in inner-city Cleveland recorded an equally impossible turnout of only seven percent.

In Warren County, GOP election officials even invented a nonexistent terrorist threat to bar the media from monitoring the official vote count [34].

Congressman Conyers and the committee's minority staff held public hearings in Ohio, where they looked into more than 50,000 complaints from voters [28]. Instead of welcoming the avalanche of citizen involvement sparked by the campaign, Blackwell permitted election officials in Cleveland, Cincinnati and Toledo to conduct a massive purge of their voter rolls, summarily expunging the names of more than 300,000 voters who had failed to cast ballots in the previous two national elections [35]. In Cleveland, which went five-to-one for Kerry, nearly one in four voters was wiped from the rolls between 2000 and 2004 [36].

Thousands of duly registered voters were deprived of their constitutional right to vote -- often without any notification -- simply because they had decided not to go to the polls in prior elections [37]. In Cleveland's precinct 6C, where more than half the voters on the rolls were deleted [38] turnout was only 7.1 percent [39] -- the lowest in the state.

According to the Conyers report, improper purging "likely disenfranchised tens of thousands of voters statewide" [40].

Ohio was in the midst of the biggest registration drive in its history. Tens of thousands of volunteers and paid political operatives from both parties canvassed the state, racing to register new voters in advance of the October 4th deadline. To those on the ground, it was clear that Democrats were outpacing their Republican counterparts: A New York Times analysis before the election found that new registrations in traditional Democratic strongholds were up 250 percent, compared to only twenty-five percent in Republican-leaning counties [41].

The Republican National Committee and the Ohio Republican Party attempted to knock tens of thousands of predominantly minority and urban voters off the rolls through illegal mailings known in electioneering jargon as "caging." During the Eighties, after the GOP used such mailings to disenfranchise nearly 76,000 black voters in New Jersey and Louisiana, it was forced to sign two separate court orders agreeing to abstain from caging [42]. But during the summer of 2004, the GOP targeted minority voters in Ohio by zip code, sending registered letters to more than 200,000 newly registered voters [43] in sixty-five counties [44]. On October 22nd, a mere eleven days before the election, Ohio Republican Party Chairman Bob Bennett -- who also chairs the board of elections in Cuyahoga County -- sought to invalidate the registrations of 35,427 voters who had refused to sign for the letters or whose mail came back as undeliverable [45]. Almost half of the challenged voters were from Democratic strongholds in and around Cleveland [46].

By law, each voter was supposed to receive a hearing before being stricken from the rolls [47]. Instead, in the week before the election, kangaroo courts were rapidly set up across the state at Blackwell's direction that would inevitably disenfranchise thousands of voters at a time [48] -- a process that one Democratic election official in Toledo likened to an "inquisition" [49]. Not that anyone was given a chance to actually show up and defend their right to vote: Notices to challenged voters were not only sent out impossibly late in the process, they were mailed to the very addresses that the Republicans contended were faulty [50]. Adding to the atmosphere of intimidation, sheriff's detectives in Sandusky County were dispatched to the homes of challenged voters to investigate the GOP's claims of fraud [51]."

What Robert F Kennedy, Jr.'s listing of many of the most important impacts of 2004 Ohio election fraud does not highlight some of the stark voter suppression and illegal activity.

There are numerous reports of voters who ran into serious problems when they went to vote. Some found that their names were already crossed off so that poll workers told them they had already voted – and yet, they had not [52]. More terrifying was the experience of voters who were ‘challenged’ when they sought to vote. Not only was the seeking of lists of voters to challenge by the Republican Party in more people of color districts already ruled illegal by the courts in the 80’s but allowed by then Ohio Secretary of State but the ‘challenging’ process itself done in a physically intimidating and illegal manner [53]. Legally a challenge is supposed to be of a specific voter – the challenger awaits that voter presenting themselves and is supposed to approach the poll-worker when that name is called and request a ruling by the head of polling staff for that precinct. However, at best, teams of challengers would await the name of a voter being called and then reports describe voters being encircled by usually three large men and yelled at and told they cannot vote. In addition, in some polling places these teams of challengers would wait by the entrance and confront voters based on appearance before they ever got to present themselves and have their name called by poll-workers [54].

Important violations only came to light because third party candidates, lead by Green Party Presidential Candidate David Cobb used their legal standing in Ohio state law to call for a recount [55] (since, like in 2000, the Democratic Presidential Candidate conceded the election before fighting the violations of so many people’s human rights to vote). This recount was first illegally thwarted in a number of ways and then illegally terminated by the highly partisan Ohio Secretary of State [56].

While a quick review of their findings overall cannot be replaced, some egregious examples of voting rights violations must be specifically included here. A key factor in the final vote count going to Bush was unusually high percentages of ‘undervoting’ and ‘overvoting’ in some counties (leaving the Presidential preference blank or voting for both candidates). While recount volunteers were illegally denied the right to photograph or in anyway physically document the occurrence or hold back an example, they did swear out affidavits [57]. In more than one local recount, ballots were found to have been apparently pre-marked for President Bush, that is ballots had apparently had the Bush ‘oval’ blackened before voters used them – creating overvotes that had been invalidated if a the voter had colored in the Kerry oval as well [57]. In one bizarre locale, tiny white stickers had been placed over Kerry ovals on numerous ballots – one recount volunteer lifted some of these ovals to find a blackened in Kerry oval underneath – rendering these ballots ‘undervotes’ or in cases where the Bush oval had also been colored in, actually switching these votes to Bush [57]. Election officials explained that some ingenious poll worker must have had the perfect white oval stickers printed on their own and used them unbeknownst to election officials [57]. It is curious to imagine how they would have known exactly what sticker to produce or how no one would have seen them using them!

Finally, unfortunately, as we feared it is possible that the use of a ‘terrorist threat’ may have been the final step in a successful and actually coordinated plan to throw the Ohio vote and therefore enough Electoral Votes to Bush to win the national election. Ohio is a state with literally dozens of counties and the pattern of election fraud and voter suppression varies extensively – with the

most obvious voter suppression in the most Democratic leaning, often lower income and people of color areas of the state and the less obvious and therefore less expected election fraud that vastly increased the Republican vote in typically Republican strongholds [58].

But for the win in Ohio to be effective, it was important that the Ohio vote not come under significant scrutiny and so it needed to be decisive enough so that Ohio law that mandates an automatic recount in close enough elections not be triggered. Scrutiny – as it did later – would surely have brought to light the complex and often extreme measures taken.

We believe that the numerous techniques used in such varying circumstances were not trusted to be predictable enough, nor secure what was probably the required goal – a win too decisive to trigger an automatic recount. They needed one tabulation center that was available to ensure the needed margin of victory. Ideally, a Republican stronghold where such action would not have been suspected in advance (tampering in Democratic stronghold would have been) and where they could exempt themselves from any of the normal media scrutiny. Warren County under a “terrorist” alert declared by election official fit the bill. Claiming that the FBI had called in a warning, they threw out not only the media but the police and barricaded themselves in with the tabulations behind New Jersey barriers, etc. for the whole night [59]. We suspect that they were awaiting notification of vote totals from across the state and then supplied their own overwhelming – and statistically highly improbably – landslide of Bush votes for their County that provided the sufficient margin necessary to avoid a recount. The only problem would be that the FBI would and did report no terrorist threat was ever made nor such an alert ever called in to the County’s election officials [59].

The Conyers’ report includes the conclusion, “It is impossible to rule out the possibility that some sort of manipulation of the tallies occurred on election night in the locked-down facility” [60].

But in the media’s rush to anoint Bush, the Republican’s burying of their actions and the Democrats’ swift capitulation, they had successfully delayed any scrutiny until the national government’s attention had moved on.

#### **2004 Examples of Election Fraud and Voter Suppression spread across the U.S.**

While we have more details for the election fraud and voter suppression in Ohio because it was the focus battleground state for the 2008 presidential election, techniques used there both for election fraud and voter intimidation were witnessed in many other places across the country.

In “Was the 2004 Stolen Election?”, Robert F. Kennedy, Jr., summarizes some of the nationwide realities from the 2004 Presidential Election [8]:

“Nearly half of the 6 million American voters living abroad [61] never received their ballots -- or received them too late to vote [62] -- after the Pentagon unaccountably shut down a state-of-the-art Web site used to file overseas registrations [63]. A consulting firm called Sproul & Associates, which was hired by the Republican National Committee to register voters in six battleground states [64], was discovered shredding Democratic registrations [65]. In New Mexico, which was decided by 5,988 votes [66] malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots [67].

Nationwide, according to the federal commission charged with implementing election reforms, as many as 1 million ballots were spoiled by faulty voting equipment -- roughly one for every 100 cast [68]

In a piece “Steal Back Your vote” [69] Gregory Palast points to 1.1 million provisional ballots that went uncounted in the 2004 elections as proof that provisional ballots often go uncounted.

"Once you sign that provisional ballot, the chances are officially one in three that your ballot will be thrown in the garbage can," said Palast.

Palast told Truthout: "All you need is the most minor error, like you didn't use your middle initial in your registration; not enough postage cost a third of a million votes in the U.S. the last time around because most ballots are two stamps, not one."

Because of the number of different techniques employed, it was easy for those who wished to undermine the credibility of the accusation that the election was stolen. One could ask how could such a broad range of techniques have been used in differing combinations with differing impacts in widely divergent locales?

Extensive violations in Florida while not under the spotlight like in 2000 were repeated. Voters purged in 2000 – overwhelmingly people of color - had been almost completely unable to get reinstated by 2004 [70]. Questionable voting machine tallies were reported in various parts of the state – hard to prove without a paper trail on many of the most questionable voting machines – was made credible by an almost unbelievable story of the purposeful trashing of machine tapes in a clandestine effort in one County that was uncovered by dogged activist insistence [71]. Numerous stories of physical intimidation especially of voters of color: “your kind is not welcome to vote here” spit into the face of voters by teams of large, white men [72]. Polling places moved last minute with no forwarding addresses [11]. Voter registrations not processed from many sources including especially from the Registry of Motor Vehicles [11]. Voters especially with Latino surnames illegally required to show two forms of identification in some counties [73]. And the list goes on.

Reports from New Mexico are equally chilling – including purposive trailing of Native American voters [73A], illegal requests for more than one form of identification from Latino voters [13], and intimidating ‘challenges’ from organized teams at the polls again focused primarily on Latino voters. These are just some of many other examples also including registrations unprocessed, etc., in addition to the mysterious disappearance of votes in primarily Democratic-leaning counties which were three times to margin of Bush’s victory vote count in the state [74].

Equally important were sometimes violent intimidation of election protection, citizen volunteers. A number of bomb threats reported in the lead up to the elections, included an office in rural Pennsylvania [75]. In the same area three young election volunteers were told they were going to be killed, and were jumped by a group of men who beat on of them to the point of his injuries being life threatening when they finally got away and got to a hospital [75]. In addition, numerous election protection volunteers were threatened with arrest or actually arrested for such clearly legal activities as helping votes figure out which line to stand in at polling places that had

more than one precinct of voting taking place in the same location [76]. Clearly all of these represent a chilling effect long beyond the 2004 election itself.

While we reference here reports that readers can research, there was one technique which was clearly repeated in very scattered locations but which could not simply have been product of happenstance.

Fliers were distributed in neighborhoods which were likely to be overwhelmingly new voters whose information about voting and their rights were likely to be very minimal – and therefore made them easy prey for this technique. Fliers of which we obtained copies were distributed that told people several reasons why – although they were registered- they were not going to be able to vote on election day. These fliers stated that you could be arrested and in some examples even have your children taken if: you have already voted in the last year; had been convicted of a crime; had outstanding parking tickets; a member of your family had committed a crime. The wording of these fliers were verbatim for most of their content; and the fonts and lay-out of some of our sample fliers were exactly the same. The samples we obtained evidence of were from Milwaukee, Pennsylvania, Ohio and a Haitian enclave in Florida although simpler fliers were reportedly used in other parts of the country as well [77].

Not outlined here at all are the numerous targeted violations of rights of younger voters who turned out in 2004 in record numbers, and yet, many of whom were denied to right to vote or whose voters were never counted [77A].

We believe that these techniques were compiled for use across the U.S. from historical use in local elections over previous decades and then disseminated as a sort of smorgasbord of options offered to volunteer, right wing activists and possibly more organized entities across the country. And we are convinced that different recipients chose different techniques off the list as they deemed most feasible in their local work. This created a patchwork that had the potential appearance of local instigation, but as we review evidence since 2005 and especially in the lead up to 2008, the clear role of at least elements of the Republican Party can no longer be denied.

The new factor in 2000 and 2004, of course, were the expansion of electronic voting machines – often without paper trails. These machines have been provided by private industry which claimed proprietary ownership of their programming codes and created a completely opaque and overwhelmingly unaccountable system of vote counting. Added to this, vote tallies have become increasing transmitted to central tabulating systems electronically. This left powerful controlling interests in decidedly undemocratic institutions. In fact, many of the owners of these companies in this industry were unabashedly partisan [78]. Not only have a number of studies shown the hackability of these machines themselves and transmission systems of the vote but without paper trails there is simply not basis for audit [28]. In 2004 examples of voting problems led to numerous examples not only of vote flipping but in one extreme example, all the voting machines in one state were locked down for more than six months because of evidence of vote tampering that was considered valid enough by legal authorities so that all of the machines in the state were considered potentially evidence in a broad based vote tampering scheme.

It has since come to light that one of White House Carl Rove's deputies was the point person for coordinating a number of these activities in 2004 - confirming for at least certain techniques that there was broad-reaching coordination of election fraud and voter suppression [79].

### **How Domestic Remedies for the U.S. Voters in the 2004 U.S. Presidential Election Failed**

Given clear proof that the 2000 Florida vote had it been decided by an actual vote count would have gone to Senator Gore, one would expect the national leadership of the United States founded on principles of democracy to have gone to lengths to both document what went wrong in the lead up and follow-through of the presidential election. Similarly, state and local election divisions would express concern and help to implement better protections.

The problems with the U.S. Presidential vote on November 2000, particularly as documented in the state of Florida, were problems that had been to some extent set up prior to the day of the election itself. Decisions made by the Governor and Secretary of State of Florida led to a situation where a "genuine" election as designated in the ICERD was impossible. The fact that the trail in Florida was established prior to the actual date of the vote raises the question of whether there is the potential for real remedies within our present governmental constellation. It is raised because the state with the most contested election results in 2000 was governed by the brother of the U.S. presidential candidate that was ultimately declared victor. The role of the Florida governor in impacting the purging of voter registrations is clear. The Secretary of State at the time, whom the report from the U.S. Commission on Civil Rights points to several times as an appropriate target of litigation was the co-chair of the Elect Bush campaign[11]. In addition, the fact that so many of the voting violations occurred in low income and people of color communities also points to a pattern of racial discriminatory behavior.

Since that time, the non-governmental organizations—including The National Association for the Advancement of Colored People, The Advancement Project, American Civil Liberties Union Foundation, Lawyers' Committee for Civil Rights Under Law, NAACP Legal Defense and Educational Fund and People for the American Way Foundation —took Florida to court and also worked extensively with the U.S. Commission on Civil Rights [11]. It should have led to some remedies in terms of action by the executive either in Florida or at a national level. However, the voting people of the U.S. had no significant success in getting redress from the executive branch either in Florida or at a national level. {Appendix B}

The recourses that should have been available to disenfranchised voters both in terms of a genuine recount and significant changes toward ensuring that this kind of voter disenfranchisement, especially its discriminatory nature were found to be insufficient – whether through executive, legislative, judicial branches of government, through the primary opposition party, through the media or even the significant attempts of non-governmental organizations.

### **Failures for redress since 2004**

Because the attention paid to election problems in the 2004 election was both more extensive and more pre-emptive, it has helped fuel important election law changes and awareness, the more flagrant bias in the role of the federal government in election law enforcement priorities and what appears to be continued refinement and condoning of election fraudulent and voter

suppressive action in certain right wing segments of the U.S. population has probably worsened the situation.

It is an almost unchallenged finding that individual voting fraud – that is the actual casting of ballots illegally is extremely unusual according to all research. Yet, the Federal government shifted its resources from supporting continued expansion of the number of people registered to vote and ensuring their real ability to vote and have their vote counted to what appears to be a singular focus on trying to prosecute individual voter fraud [9]. This strategy included by what has come to light as likely illegal firing of federal prosecutors unwilling to follow this shift. One prosecutor who did try to prosecute all the cases brought to his attention found that only one case even had enough legal basis to attempt prosecution in his entire state of New Mexico [9]. This federal use of most justice department voting rights resources in fact turned up almost no successful prosecutions in the entire country.

On the other hand, the legal, important and very revealing attempt to get a vote recount of the Ohio 2004 election was illegally thwarted by tampering and violation of random sample vote counting procedures condoned by the highly partisan Ohio Secretary of State who eventually prematurely shut down the recount [56]. Small citizen activist groups in a number of states used their resources to follow-up on election protection reports of violations and gave some public exposure to the rampant voting violations in many parts of the U.S... This led to a unique campaign of getting state electoral colleges which had always played a purely pro forma role in confirming the winner of the vote tallies in their state to request that Congress object to the vote count in the states with the greatest evidence of vote-tampering [80]. All this activity in 2004, led to pressuring and identifying some Senators willing to join House members in filing an objection to at least the Ohio vote count – so that for one day, both houses of congress held a televised debate of the validity of the Ohio vote tallies – even though not nearly enough congressional support had been garnered to approach being able to block the Congressional acceptance of the Ohio vote results and therefore the National election results [18].

Out of frustration, the head of the Congressional Black Caucus, Congressman Conyers, called for a Congressional hearing in Ohio which is described above. The results of this hearing – while admittedly not nearly in-depth enough and without real resources to act on its findings in Congress – are a must read and devastating [28]. It exposed the broad range of election fraud and voter suppression, including conclusive testimony from a whistleblower in the computer programming industry that irrefutably exposed the vulnerability of the DRE voting machines and the overwhelming inability of the best democratic institutions to impose any accountability on this technology both in the vote counting and transmission of the tallies themselves – underscoring the critical need for a return to universal paper ballot based voting and questioning any role for DRE machines as presently designed and programmed [28]. One New Mexico study showed that Latino voters were 5 times more likely to have their vote discounted on a machine than those counted on paper ballots [9].

Unfortunately, national intervention on behalf of increase voters' rights and protections has been negligible. The help America Vote Act of 2002 that was supposed to address some of the problems from the 2000 Presidential Election has come to play a negative role possibly through intentional guidance by national governmental players [28]. The Ohio congressional hearing

while it and other actions lead to some good Congressional legislation being filed and a grassroots struggle for a real voters' bill of rights, none of this brought real fruition in national action.

Congressional elections in 2006 and other lingering evidence of major voting violations because of DRE-style voting machines have led to a number of successful campaigns that have led to a reinstatement of paper ballots and paper trails in a number of states [81]. In some significant jurisdictions, DRE machines have been replaced and in more states a voter-verified paper trail has been instituted – often thanks to citizen action on a state-by-state basis. With more states approaching a solid standard of voter verified voting. However, 22 states including swing states are still voting on paperless, questionable DRE-style voting machines [82].

Some courageous Secretaries of State have worked to reverse bad policies on use of machines as well as voter purges and other anti-suffrage campaigns but with mixed success not always backed by the role of federal courts unfortunately and still partisan. In Ohio, where Republican outreach efforts used slightly misprinted absentee-ballot forms with an extra box, possibly thousands of voters did not additionally sign off that box. The Ohio Supreme Court intervened and ordered the Democratic Secretary of State to count the votes. A similar case of an extra box on Colorado registration forms has so far led to the Republican Secretary of State denying 6,400 new voter registrations and no Colorado Supreme Court intervention so far [82A].

In the opposite direction, some key states have seen right wing citizen campaigns and often passage of new anti-suffrage initiatives such as the passage of requirements for voters to show identification such as state identification cards to be able to vote in two dozen states [9]. 1 in 8 U.S. citizens lack such identification – which in many cases creates the equivalent of a poll tax since such identification can be a significant investment for low-income voters and may require a number of hours travel to acquire. And unfortunately most legal challenges to such laws have failed. 1 in about 10 white voters lack such identification, about 2 in 10 among African Americans – a clear violation of international law and still the subject of future litigation in the U.S. no doubt – but not in time for the 2008 Presidential election [9].

Since 2004, there has been increased voter and election protection attention and activism – some in response to continued dangerous interventions on the part of government officials.

Even so, 2008 election fairness has already been harmed by extensive voter purges (totally some 10 million nationwide including 1 in 6 Colorado voters) [83]; obstruction of registering voters signed up through extensive voter registration drives [83]; in at least one early voting state, voting machines switching votes and overriding voter preferences – overwhelmingly to the advantage of the Republican presidential candidate [9].

Primary elections this spring saw major machine problems in a number of states including key battleground states of Ohio, Florida, Colorado, Pennsylvania [84]. 1 on 9 Democrats found themselves unexpectedly not on the voting rolls [85]. And in an ominous reminiscence of possible tampering of voting machines, the Democratic Primary election in New Hampshire – showed vote counts matching exit polling predictions in areas of the state with paper ballots and

hand-counting and an exact reversal of expectations in the areas of the state with touch-screen voting machines (and no paper trail) [86].

Issues with overuse and a large percentage of uncounted provisional ballots are likely to continue, possibly expand. Spoiled ballots (which the 2000 U.S. Commission in Florida found ten times more prevalent for African American than White voters) continue to represent a significant and in some cases likely decisive impact on vote totals [83].

Challenges which there is no sign will be less intimidating or more regulated to follow legal procedures, based on possible caging techniques have come to light in more than one swing state and are being fought through the courts in Ohio and Michigan – in both cases the courts at this point have ruled such caging as was the bases of these suits as illegal [87]. Inaccurate, intimidating and possibly fraudulent – certainly unethical and divisive – messages of automated voter calling systems in a number of states have been exposed. But actual intervention to stop such intimidation and misinforming of voters has not been legally stopped. Inaccurate fliers and letters sent to voters with misinformation of potential negative legal and financial damage from registering and voting have been identified in a few locales but there is no way of identifying similar activities that may be going on in areas with less scrutiny [88].

Nor given the continued use by tactics of fear by our national government and the direct use by governmental operatives in at least one state during the 2004, can the role of such tactics be ruled out for 2008.

While the role of some state officials has been encouraging, the overall role of the federal government continues to hurt voting rights in the U.S. not offer voters and potential voters protection let alone redress. And while citizen activism has lead to some press coverage and increased legal challenges have stopped some of highly destructive processes, it has neither created an informed and empowered electorate nor lead to a real reversal of anti-suffrage activities.

One hopeful sign is that third parties and even some major party candidates continue to use their more peripheral presence in the electoral process to fight for voting rights [89]. And thus far, the Democratic Nominee has both played an active role through his campaign in support of election protection activities and even initiated some legal challenges [90]. The leaves open the possibility not available in the aftermath of 2000 and 2004 presidential elections, that should the election be sufficiently tampered with such that it is decisive in his losing the election, that he may use his resources to work with the U.S. citizenry to fight the rampant violations of their human rights as voters.

### **We Need UN-Sponsored International Election Observers**

*RICHARD HASEN, Loyola Law School in Los Angeles and an expert on election law. “If the election just isn't close, because if we look really closely at things, there are still problems. In fact, by some measures, I think we're in worse shape than we were in 2000” [91].*

While visibility created by the election protection efforts in the Presidential Election of 2004 and the beginning of an ongoing network of activists, has lead to more awareness and attempts at

intervention leading up to this presidential election of 2008 – given the negative role of the federal government and the ongoing expansion of election fraud and voter suppression techniques, the 2008 Presidential Election is likely in greater jeopardy.

In 2004, European observers were denied access in some critical election situations as we had predicted in our request for UN-sponsored observers in 2004 and as a basis for why we petitioned the UN as well [16].

Given the 2000 and 2004 violations in the U.S. presidential elections, we are underscoring the importance of our request of the international intervention and UN scrutiny that would raise awareness of the challenges to the U.S. Electoral system. It brings to bear the force of international law and alert the U.S. public and put on notice certain forces in the U.S. political system to international standards and what real fairness standards in elections are.

We believe that the UN sponsorship will be critical because of the failure of our own institutions, governmental, executive, judicial and legislative branches and of the pressure able to be brought to bear by people's organizations, non-governmental organizations inside the U.S. as well as attempts by portions of the media to play an interventionary role. We need that presence to expose any such violations should they occur again in November and to give us recourse to international bodies beyond those within our own national and state governments.

As the U.S. Commission on Civil Rights in its report on "Voting Irregularities in Florida During the 2000 Presidential Election" said of the 2000 election: "It is impossible to determine the extent of the disenfranchisement or to provide an adequate remedy to the persons whose voices were silenced in this historic election by a pattern and practice of injustice, ineptitude, and inefficiency" [11]. It is clear that with possibly wider spread violations in 2004, our rights are being increasingly violated possibly with the assistance of forces in our national government – they are certainly not acting to protect us.

In 2004, the voting rights violations were initially harder to get credible consideration of because of the seemingly random and atomistic nature of their distribution; luckily the pattern and mechanism of dissemination of election fraud and voter suppression techniques has been exposed more since 2004 and the more blatant role of the U.S. government and the Republican Party itself this election will help. But the court of international opinion is critical in this area – with our inherently partisan electoral supervision, major U.S. media not playing its necessary role a democracy of fact-finding and exposure of the truth and human rights violations, nor some significant cultural misperceptions about the sanctity of U.S. elections in large swaths of the U.S. population. International bodies awareness and willingness to address the underlying realities of our voting rights situation in the U.S. is critical

We hereby request of the United Nations international observers for the U.S. Presidential Election of 2004 for all of these reasons even given the inherent unfairness of U.S. elections by international standards. We recognize that there are various levels of monitoring activities that the United Nations can provide; we feel what is most crucial is United Nation's sponsored observers who can provide an international perspective based on accessing the elections through

domestic Non-Governmental Organization activities, in Non-Governmental Organization identified hot-spots and provide some international accountability.

As a people, especially those so often disenfranchised on the basis of race and ethnicity, we are asking for your action in the hopes that the election fraud and voter suppression during the 2008 election is not in fact worse than the records of 2000 and 2004.

*Signatories:*

**No More Stolen Elections!, P.O. Box 260217, Madison, WI 53726-0217 USA**

**Global Exchange, 2017 Mission Street, 2nd Floor - San Francisco, CA 94110 USA**

**Liberty Tree, 122 State Street, Suite 405, Madison, WI 53704 USA**

**TrueVote.US, 2842 N. Calvert St. , Baltimore, MD 21218 USA**

**Economic Human Rights Project, 10 Oxford St., #2R, Worcester, MA 01609 USA**

*Drafted by Grace Ross, Economic Human Rights Project, Wednesday, October 29, 2008*

## **Appendix A**

### ***Example of periodic election fraud and voter suppression: 1990 North Carolina Helms/Gantt race***

A primary example of this that's fairly recent was the heavily contested senatorial race in North Carolina between the sitting U.S. Senator Jesse Helms, a staunch and long term member of the Republican Party and quite right wing, against an African American man, Gantt, who ran to unseat him in 1990. Numerous violations of voting rights, particularly voting rights of African Americans occurred during that election. During the final election that November, some examples of voting intimidation and direct disenfranchisement included the following:

In the couple of weeks previous to the election, Black voters received letters from the Republican Party on Republican Party stationery which stated that if they voted that there would be serious consequences [5]. In addition, on the day itself, the three largest Democratic wards in the state experienced a significant number of voting machines going out of service, which led to long lines and many people not being able to cast their votes[6]. The Gantt headquarters in the three Democratic counties found themselves without phone service for various periods during the day mysteriously, inexplicably unable to be reached by voters [6]. They had times when their phones were jammed by people who were calling requesting rides with nonexistent addresses when the campaign members went to pick them up to take them to vote [6]. Violations at the polling places included people who were disabled and unable to get ballots [6]. The turnout was incredibly high in some of these primarily African American districts and there were lines outside. There was a story about a woman who was pregnant who was actually going into labor and requested to be taken out of line to get her vote before she went to the hospital and was refused[6]. There were people still waiting at a number of the polling places at 8:00. In some of these instances, the voting machines had been down, they'd been unable to vote. Gantt Campaign staff had to go to court in a number of these wards and precincts to get a court order to keep the polls open so that people could complete the voting process[6]. The upshot of it was that an unspecified number of particularly African Americans were either discouraged from voting directly or ran into such hurdles in trying to actually cast their vote that they did not get an opportunity to vote at all.

The race was very close. Was it determined by the impact of the disenfranchisement of these voters? It's hard to know.

## **The Experience of the U.S. Presidential Election of 2000**

The situation with the Florida vote in the U.S. presidential election of 2000 included violations which attaching documents will enumerate in much greater detail. However, it is important in this document to point out some samples of the length and breadth of the problems that voters faced.

This document will not directly address certain standing violations of international law around universal suffrage, which many non-governmental organizations in the United States are working to remedy. One such violation is a significant number of jurisdictions within which people who have committed various crimes, primarily felonies, even though they have served their time and fulfilled whatever their sentence requirements are continue in some states they are denied the right to reregister and vote. In Florida alone, with denial of the vote to ex-felons and related measures almost one third of African American men are disenfranchised.

An additional issue that impedes the possibility of a genuine democratic vote in the United States is the continuing existence of the electoral college. Rather than having votes count directly towards the presidency in the United States we have what is sometimes referred to as a holdover of aristocratic tradition, which is that we vote in our states, the winner of the majority of the popular vote in a particular state then actually wins the entire state. Each state is assigned a certain number of electoral votes based on census data and population statistics. Those votes all go to the majority winner of the popular vote in that state. This denies voters the impact of their individual votes. For instance, in the 2000 U.S. Presidential elections, even in the official vote count, Gore won the popular vote and without the imposition of the Electoral College, would have won the Presidency. In fact in states that are relatively uncontested the electoral college process depresses the number of people that go vote, because it becomes a forgone conclusion based on polling data prior to a particular election that that state will go to a particular candidate, and therefore voter turnout is significantly depressed in those states [7, *overview & timeline*]

## **The Voting Rights Violations in the State of Florida, U.S. Presidential Election of 2000**

Rather than deal with the above two, which are legally enshrined violations of universal suffrage, the situation in Florida is both more subtle and in some ways therefore far more egregious. People who technically, legally should have been able to cast their ballot were unable to do so, for a wide range of reasons. Any number of these reasons on the face of them might or might not be considered incompetence or as the U.S. Commission on Civil Rights in its June 2001 report, which conducted an extensive public investigation of the allegations of voting irregularities refers to it, it was “either intentional discrimination against people of color or resulted in the denial of equal access while intent may be harder to determine.”

## **The Cleansing of the Florida Voter Rolls Leading up to November 2000**

The list of types of violations includes initial problems with the people who were purged from the voting rolls. There has to be a process by which governmental organizations can determine people who have died or moved or in other ways may be legitimately disqualified from voting. However, the government of Florida engaged in very unusual strategies for purging the voting rolls prior to the 2000 election. The “cleansing” as they call it of the voter rolls in Florida came about partly because extensive voter fraud that led to the passage of a new state law in 1998; a mayor of Miami, Florida in the previous election had been removed after it was found out that

dead people had cast ballots in the election [11, Ch.5]. Therefore, the Florida government made an attempt to remove people, the purpose of which was both to remove those who had died, those who had moved, and those who because of conviction of felonies had not recovered the right to vote.

Various bizarre actions were undertaken. First they put the job of cleansing the voter lists out to bid to private agencies. The initial bid for the job varied from \$5,700 to \$2.3 million, and they went with the bid that was the most expensive, which ended up costing \$4 million [12, *Origin*]. The organization which took on the task of cleansing the files was DBT, which later merged into ChoicePoint. DBT under ChoicePoint actually undertook the cleansing of the rolls. The primary questionable issues revolved around the purging of people from the rolls based on this issue of being identified felons.

While standard operating procedures that might have been used to both correctly identify and also cross check names to make sure people were not incorrectly removed from the rolls were proposed to Florida, according to the Vice President of ChoicePoint, the Secretary of the State of Florida chose not to use them [11, *Ch.5*]. In fact the Secretary of State went the other direction and actually ordered the use of nonstandard means for both initially identifying who should be on the list and requested that DBT not use standard procedures for cross matching [12].

For instance, DBT was given various lists by the state agencies, the felony lists, and were told that they should add to the purge list anybody whose name identified 90% correctly with a last name [12, *origin*]. Now, DBT apparently objected, knowing that this would increase hugely the number of “innocents” who would be added to the purge lists. In the end, the state ordered DBT to shift to an 80% match and include the reversal of names, so that a last name might be a first name or a first name a last name [12, *origin*]. Middle initials and suffixes such as Jr. and Sr. were dropped [12, *origin*]. Nicknames and aliases were allowed to be added [12, *origin*].

Therefore, the voter cleansing lists ended up including roughly 1% of the voting population in Florida, 3% of African American voters [12, *Names were ordered*]. The purge list eventually added up to around 180,000 persons, almost 66,000 of whom were included on the basis of being identified felons. The list was corrected after that when 8,000 names that were originally erroneously added to the list were removed, but even so, there were clear problems with the list [12, *Controversy*].

The governmental structure in Florida allows for the different election officers in the different counties to use this information in an advisory capacity. In fact some of them realized that the list was questionable and did not implement the purge.

At the time when the election came around, there were specifically identified problems. For instance, over 4,000 of the supposed felons had blank conviction dates [12, *The list*]. Over 325 of the conviction dates were actually in the future; they had not occurred yet [12, *The list*]. Nearly 3,000 of the people who were felons from out of state had moved to Florida, had actually had their voting rights restored in the state from which they moved [12, *The list*]. The state government of Florida itself has since agreed it was illegal to exclude these ex-felons from the voter roles [11, Ch.5].

The only reliable measure we have for how extensive the inaccuracy might have been comes from Leon County in Florida. The election official of Leon County did take the time with in-house experts to check each name on the purge list one by one [12, *List accuracy*]. They found that of the 694 named felons in Tallahassee, they could verify that only 34 of them, or 5% actually should have been excluded. This sample means that there's more than a 99% chance that over 90% of those listed as felons on the 2000 Florida central voting file was in fact eligible voters [12, *List accuracy*].

The voting rights violations caused by the inaccurate purge list are particularly egregious in terms of the issue of racial discrimination because of the traditional history of the struggle to get African Americans to vote. Non-governmental organizations in Florida that were focused on the vote had worked very hard to create turnout in the African American community, and based on their own figures, had succeeded in turning out 90% of the eligible African American voters [10]. The fact that voters ran into problems that essentially disenfranchised them means that not only was the election itself skewed, but there was the long term impact in terms of policies which encourage discrimination and disenfranchisement. This is a huge blow to the work of those who have worked against that historical discrimination and disenfranchisement, and certainly exemplifies government participation in "inciting discrimination" [3].

Another issue, for instance, with the purging of the voter rolls is that documented by Greg Palast. In speaking with database experts including DBT's Vice President, Palast was informed that if you want 85% accuracy or better, you need to use social security numbers, address history, and a check against other databases [92]. Given the requirements requested by the Florida government, DBT had used virtually no social security numbers, they did not check a single address history, and they did not do any cross checking, although they had numerous databases to do that. The senior programmer at another company through ChoicePoint of which DBT was then a part said that they should have been able using those techniques to come down to a false positive of less than 1% [12, *No accuracy*]. A demographics expert David Bositis says that based on nationwide conviction rates, that the African Americans probably accounted for 46% of the ex-felon group wrongly disenfranchised [12, *List demographics*]. To look at just three counties, that would mean that in Hillsborough county where 11% of voters are black, 54% of the names on the list were black. Miami Dade county, 20% of voters are black, that means 66% of the names on the list were black. Leon county, 29% of voters are black, 55% of the name on the list were black [12, *List demographics*].

An additional issue in the purging of the voter rolls is that Florida law also excludes people who have been adjudicated mentally incompetent to vote, but for some reason this was not included on the list of people who should be removed from the rolls [11, Ch.5]. None of the names on the list were Hispanic because those had been explicitly dropped as per request of the Florida government. The focus on removing African Americans and purposefully not removing Hispanics is easily explicable because African Americans vote overwhelmingly Democratic and Hispanics in Florida overwhelmingly Republican [13].

A further problem that exists was the possibility of voters who had been incorrectly removed from the list having any opportunity to repair the situation. Contrary to the International

Convention for the Elimination of all forms of Racial Discrimination which requires a tribunal and the existence of such remedies, most of those purged have not had access to remedy the situation. Numerous voters, according to the report put together by the U.S. Commission on Civil Rights were not even notified by the officials that they were removed and didn't find out until they got to their voting place [11, Ch.2]. While there are technically remedies for them to vote and have their vote counted later if it turned out they were correct, those remedies were overwhelmingly not used. The poll workers were not properly trained to know how to use those fallbacks [11, Ch.4] and reportedly there was widespread inability of election poll workers to reach the supervisors of elections offices to find out how to handle such situations or even to double check people's registrations [11, ch.2]. In addition to being unable to verify information at the time, it turns out that Florida law is written so that even if your name is removed from the list, if you cannot prove that it was done willfully, you still have no recourse to get your name reinstated [12, *Election law*] Thus many of the people who did get notification and attempted to prove that they were innocent have been unable to do so even to this date [11, Ch.5].

Most of the voters on the scrub list were chosen because their name, gender, birth date, and race matched or nearly matched one of tens of millions of ex-felons in the U.S... For instance, David Butler, a name which appears 77 times in the Florida phone books...backing up DBT's statement that they were told by the state not to do cross checks [94]. In Secretary of State Harris' office files next to DBT's sophisticated verification plan, there was a handwritten note saying "Don't need" [93].

The full extent of the impact of the purging of voters' names is almost impossible to quantify.

## **Appendix B**

### **The Experience of the U.S. Presidential Election of 2000**

The situation with the Florida vote in the U.S. presidential election of 2000 included violations which attaching documents will numerate in much greater detail. However, it is important in this document to point out some samples of the length and breadth of the problems that voters faced.

This document will not directly address certain standing violations of international law around universal suffrage, which many non-governmental organizations in the United States are working to remedy. One such violation is a significant number of jurisdictions within which people who have committed various crimes, primarily felonies, even though they have served their time and fulfilled whatever their sentence requirements are continue in some states they are denied the right to reregister and vote. In Florida alone, with denial of the vote to ex-felons and related measures almost one third of African American men are disenfranchised.

An additional issue that impedes the possibility of a genuine democratic vote in the United States is the continuing existence of the electoral college. Rather than having votes count directly towards the presidency in the United States we have what is sometimes referred to as a holdover of aristocratic tradition, which is that we vote in our states, the winner of the majority of the popular vote in a particular state then actually wins the entire state. Each state is assigned a certain number of electoral votes based on census data and population statistics. Those votes all go to the majority winner of the popular vote in that state. This denies voters the impact of their individual votes. For instance, in the 2000 U.S. Presidential elections, even in the official vote count, Gore won the popular vote and without the imposition of the Electoral College, would have won the Presidency. In fact in states that are relatively uncontested the electoral college process depresses the number of people that go vote, because it becomes a forgone conclusion based on polling data prior to a particular election that that state will go to a particular candidate, and therefore voter turnout is significantly depressed in those states [7, *overview & timeline*]

### **The Voting Rights Violations in the State of Florida, U.S. Presidential Election of 2000**

As opposed to the above two examples of voting rights violations, which cut against basic principles of universal suffrage, the situation in Florida is both more subtle and in some ways therefore far more egregious. People who technically, legally should have been able to cast their ballot were unable to do so, for a wide range of reasons. Any number of these reasons on the face of them might or might not be considered incompetence or as the U.S. Commission on Civil Rights in its June 2001 report, which conducted an extensive public investigation of the allegations of voting irregularities refers to it, it was “either intentional discrimination against people of color or resulted in the denial of equal access while intent may be harder to determine.”

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### **Other Voting Rights Violations in the Florida 2000 Presidential Election**

On the election day itself, further information came to light in various ways. There were examples of polling places having been moved, where voters showed up to vote, again primarily in African American districts it appears [11, Ch.2]; the polling place had been moved, but there was no notification on the previous polling place [11, Ch.2]. A number of voters report that they had not been notified that their polling place had been moved. In addition, if they went to the wrong polling place after that, they were not necessarily able to verify where they should have been, again partially because poll workers were unable to reach the supervisors of elections offices [11, Ch.2].

Legally, voters have the right to have their votes counted and also have paper documentation. Although Floridians are legally allowed three chances to cast a ballot, there was only an opportunity for a remedy if Florida voters knew that their ballot had not been readable by the machine. Given the actual age and functionality of some voting machines in Florida, many incorrectly completed ballots were not properly identified. The research again done by the U.S. Commission on Civil Rights found that the election process itself led to African American voters being nearly 10 times more likely than white voters to have their ballots rejected [11, Ch.1]. This also impacted poorer counties which were much more likely to use voting systems with higher spoilage rates [11, Ch.1]. For example in the county of Gadsden, which is the only Florida county with a majority of African American voters, 1 in 8 voters were disenfranchised

due to spoilage of ballots. And in a comparable county, Leon county, which is the home to the capital and two state universities, much more financially prosperous, fewer than two votes in 1000 were not counted [11, Ch.1]. In Florida, with the number of precincts with the highest number of disqualified ballots, 83 of them are majority black precincts [11, Ch.1]. In two counties with disproportionately high numbers of African Americans and Hispanics, voting machines' automatic capacity to check for spoiled ballots were actually turned off because the election officials had decided that keeping the error checking capacity of the machines on was too expensive [11, Ch.8].

Even in places where it's not the machines' fault directly -- where the same voting technology was used, blacks were far more likely to have their votes rejected than whites [11, Ch.1]. The spoilage rates in counties that had much newer machines of course was much lower and the newer technologies much more likely to lower the racial disparity, but alone that doesn't explain for all of the racial disparity [11, Ch.1]. Some of that is the impact of such problems as the workers at the polls, voter education.

In addition, many voters reportedly who had "attempted to register to vote were not notified of alleged application errors until election day or after" [11, Ch.2]. A number of people who had submitted their voter registration application before the deadline were informed that they were not registered, there was no evidence when they showed up at the polls that they had attempted to register [11, Ch.2]. There were people whose names simply didn't appear on the list. As in the examples above, they were given neither an affidavit nor the right to appeal those decisions, although such remedies do technically exist [11, Ch.2 & 7].

In addition, similar to the history of the Gantt election, there were several times when voters were waiting in line and the poll workers stopped allowing them to vote even though they had been there before the time when the polls closed [11, Ch.2]. There were places where the actual physical entry to the polling place was closed 45 minutes before the time the polls themselves actually did close [11, Ch.2]. Thanks to an important law that Non-Governmental Organizations fought for to increase voter registration, people who had been able to register to vote at the Department of Motor Vehicles, but the applications that people claimed they had made were never received by the voting officials [11, Ch.2]. There was a mysterious question of the Florida highway patrol conducting an unauthorized vehicle checkpoint close to the polling place in a predominantly African American neighborhood [11, Ch.2]. Although it's not clear why that was, it appeared to local voters that that was to prevent people from feeling safe enough or being able to come vote [11, Ch.2].

There are problems not at all unique to Florida unfortunately where people who have physical disabilities were unable to vote because the polling places were structurally inaccessible and improperly equipped [11, Ch.6]. Across the U.S., those with disabilities voted 15 to 20% below the national average. In addition, however, there were problems for both those who might have visual impairments or those who have language issues [11, Ch.6]. While they're legally supposed to be able to vote, the U.S. Commission on Civil Rights found that in addition to physical barriers, there were instances where those who needed assistance as limited English speakers were denied help from other members of the public [11, Ch.6] and where even poll workers themselves who were bilingual were not allowed to provide language assistance [11,

Ch.6]. In addition, there is one county where it's required by law that there be bilingual ballots; some precincts failed to have them [11, Ch.6]. Florida law also requires people to vote within five minutes, which can be impossible for either non-English speaking voters or voters with visual impairments [11, Ch.6].

The U.S. Commission on Civil Rights identified the area of Palm Beach county, which received a great deal of media attention at the time. The specially designed ballots in Palm Beach - called the butterfly ballot - clearly created a miscount in the votes [11, Ch.6]. This was most obvious because voting for candidate, ex Vice President Gore was easily confused with voting for the candidate Pat Buchanan. Glaringly, Buchanan received some 3,400 votes while membership in his party is only 337 [11, Ch.6]. There was widespread anecdotal evidence of this particular miscounting of votes, because particularly people from the elderly Jewish community swore in the exit polls they voted for Gore; the exit polls showed exactly this great disparity with the actual voting results.

Not documented in the U.S. Commission on Civil Rights study were other significant violations of voting rights. Florida law requires the presentation of a photo ID when you go vote, although that's often apparently not actually implemented in the voting procedure. However, there's extensive anecdotal evidence that Latino voters in the more predominantly Latino sections of Florida were often required to have two ID [12]. Most U.S. citizens don't carry two picture ID anyway. But it was illegal that they were required to produce 2 forms of id; yet reports on election day implied that hundreds of Latino voters may have been turned away because of this practice in addition to the language barriers mentioned previously. The explanation that was given to two organizers in the field when they brought these complaints to local poll workers was that they were trying to avoid immigrants illegally voting.

Apparently there had been a government funded campaign leading up to the 2000 vote in Florida enumerating the ways in which voter fraud could occur, but not enumerating ways that you have a right to vote [11, Ch.4]. Government money had been spent on public service announcements, etc. to enumerate these potentially fraudulent means for voting, but no comparable money was spent on public service announcements to educate voters as to their right to vote [11, Ch.4].

All of the documented evidence through the U.S. Commission on Civil Rights shows that literally tens of thousands of potential voters were denied the right to vote with a disproportionately high percentage of those being African American voters. We are still sorting through the evidence, but disproportionately high numbers of Hispanic voters we believe were also denied the right to vote. The other identified populations being those in poorer counties, people with disabilities, and these voters in Palm Beach who are overwhelmingly Jewish. All of these procedures violated voting rights, some of which were clearly direct consequences of actions by the Governor, the Secretary of State which is responsible for election procedures, and even some of the county level election officials. Some of these violations are clearly systematic across the board; some of them appear to potentially be incidental happenstance. However, they are significant enough to implicate that tens of thousands of voters clearly based on various different racial, nationality, and other minority categories were excluded from their right to suffrage in Florida during the U.S. Presidential election in 2000.

The U.S. Commission on Civil Rights functioning as the kind of independent tribunal specified in the International Convention for the Elimination of all forms of Racial Discrimination [3] put forward extensive recommendations. These recommendations included a request for specific litigation focused on the Governor of Florida, the two Secretaries of States of Florida and some of the election officials[11]. These law suits were for discovery of critical information about the elections with possibility of criminal charges coming out of these discovery motions. This litigation should have come from the national executive branch's Department of Justice. These recommended litigations were overwhelmingly never undertaken.

As part of our petition to the United Nations for election observers and monitors, it's important to note that while there's extensive documentation of what happened in Florida, there is some similar evidence across the country showing that thousands of ballots don't get counted regularly and that a much higher proportional number of those are African American voters [].

In the vote count that was certified by the Supreme Court, which is the highest body of the judicial branch in the United States, President Bush won by 537 votes. The examples given already of missed votes implies that that margin was certainly not enough to claim victory for Bush.

The Florida Ballot Project, which was undertaken at the University of Chicago sponsored by a consortium of the major U.S. news organization, conducted a comprehensive review of all the uncounted ballots. Its findings showed that Gore would clearly have won in a statewide recount in which all ballots were counted [14]. However, no matter which of the subsets requested by the Gore campaign, Bush would still have come out as the winner with the ballots that were available of those who actually got an opportunity to vote. There were other ways the ballot recount could have been undertaken which would have shown the lead by Gore [14].

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