

The Case for Fraud in the 2004 Election – A Quick Summary of Ohio¹

- **Extensive Voter Suppression**
 - * Overly restrictive registration requirements by Ohio Secretary of State J. Kenneth Blackwell.
 - * Over 10,000 voters in one county prevented from voting due to incompetence in processing registrations.
 - * New minority registrants unduly challenged as part of a voter suppression plan by Republicans.
 - * Misinformation to voters, especially African Americans, about voting status/location/date.
 - * Voter intimidation by the “Texas Strike Force” against people recently in the prison system.
 - * Voting machine shortages/malfunctions in highly Democratic precincts, causing voters to wait in line for hours or to leave prior to voting.
 - * Over 120 working voting machines held back despite large machine shortages in Democratic precincts.
 - * Overly restrictive rules and incorrect procedures regarding provisional ballots.
 - * Poorly designed absentee ballots causing voters to mark incorrect candidate.
- **Suspect Results**
 - * Suspiciously high level (91%) of voter registration in strongly Republican Perry Co., with a high percent never having voted before and with no signature on file.
 - * Improbably high voter turnout (up to 98.55%) in strongly Republican precincts in Miami County.
 - * More votes than voters in numerous counties.
 - * Exceptionally high rate of undervotes in predominantly minority and Democratic precincts.
 - * Unusually high number of overvotes statewide possibly due to ballots pre-punched for Bush.
 - * Discrepancy between votes for Kerry and the vastly underfunded Democratic State Supreme Court candidate.
 - * A statistically improbable (1:1,000 chance) discrepancy of 3.4% between exit polls and certified results for Kerry.
- **Restricting Citizen Observation & Access to Public Documents**
 - * Suspicious lockdown of administration building by officials in Warren County, barring anyone from observing counting of ballots.
 - * Preventing citizens’ access to poll books in all 88 counties by SOS Blackwell until after certification of the vote on Dec. 6, 2004.
- **Problems with the Recounts/Investigation of Vote Irregularities**
 - * Violation of the chain of custody of voting machines and materials in 13 counties.
 - * Established procedures for recounts were not followed in over 80 of the 88 counties; required random selection of precincts violated.
 - * Failure to allow recount observers to fully examine materials in a number of counties.
 - * Voting machine company technicians tampering with machines and offering “cheat sheets” prior to recounts.
- **Methods of Election Fraud**
 - * Stuffing the ballot box through paper ballots pre-punched for Bush, causing overvotes and discarded ballots.
 - * Touchscreen voting machines that appear to have been set to “Bush” as default in at least 16 precincts in one county.
 - * Tabulating (vote-counting) computers possibly pre-programmed to ‘adjust’ vote count in Bush’s favor.
 - * Real-time evidence indicates tampering of vote tallies through hacking of tabulators in three counties.
- **Additional Observations**
 - * Irregular/impossible changes in exit polls reported by CNN over time on election night.
 - * A switching of only 5.2 average votes per precinct from Kerry to Bush would have produced a Bush victory.

Problems in Other States and Other Races

- The UC Berkeley Quantitative Methods Research Team released a statistical analysis of reported irregularities associated with electronic voting machines in Florida. The study shows an unexplained discrepancy between votes for President Bush in counties where e-voting machines were used versus counties using traditional voting. They report that 130,000-260,000 excess votes may have been awarded to Bush. Discrepancies this large rarely arise by chance - the probability is less than 0.1 percent.²
- In Iowa, Florida, Nevada, and New Mexico, exit poll data showed Kerry leading, but the final computer tallies had Bush as the winner. In Penn., Minn., New Hamp., and Calif., exit poll data showed Kerry with a much higher lead than what the final computer tallies indicated.
- As many as 7 U.S. Senate races in 2004 also had suspicious outcomes. "In close Senate races, changes between the exit poll results and the final tallies cost Democrats anticipated seats in Kentucky (a 13% swing to the GOP), Alaska (9%), North Carolina (9%), Florida, Oklahoma, South Dakota and possibly Pennsylvania." Questions exist about several House seats as well.³
- Suspicious Senate race results occurred in the 2002 election in Georgia and Minnesota, when Democrats Sen. Max Cleland (GA) and Walter Mondale (MN) lost to their Republican opponents. Both of those states used electronic voting machines. Cleland and Mondale were well ahead in pre-election polls but were defeated by mysterious election-day swings of 12% and 11%, respectively.³
- Gubernatorial races in 2002 and 2003 were suspicious. In 2002, incumbent Georgia Governor Roy Barnes, a Democrat, lost after a suspicious 16% election day swing in the vote. In 2003 in California, Arnold Schwarzenegger defeated “a popular Latino Democrat who substantially led in the polls a week before the election in strongly Democratic California.” E-voting machines were used in both elections.³

1 Taken from <<http://www.bpac.info/pdfdocuments/OhioFraudSum2.pdf>>. Also, see “Preserving Democracy: What Went Wrong in Ohio,” a Status Report of the House Judiciary Committee Democratic Staff, Jan. 5, 2005; 102 pg.

2 <http://ucdata.berkeley.edu:7101/new_web/VOTE2004/election04_WPwappendices.pdf>

3 <<http://valleyadvocate.com/gbase/News/content?oid=oid:91516>>

Problems With Electronic Election Systems

- Electronic voting machines were used for over 30% of all the votes cast nationwide. There is no way to do a recount of the voting results from these machines. Even with a voter verified paper trail, there is no guarantee that the machines counted the votes as printed on the paper.
- Electronic tabulators count votes from e-voting, optical scan, lever, and punch card voting systems. In 2004, 80% of the votes nationwide were counted on e-tabulators owned by two private companies - Diebold and ES&S. Top executives of these two companies are brothers.
- Owners of the e-voting machine companies have very strong personal and political ties to right-wing Republicans. Walden O'Dell, CEO of Diebold and an Ohio resident, wrote in a 2003 memo that he was "committed to helping Ohio deliver its electoral votes to the president."
- At least five of the managers responsible for developing and designing software for voting machines sold by Diebold are convicted felons.⁴ In one case, Jeff Dean, a Sr. V.P., was convicted of 23 felony counts of Theft in the First Degree for installing back doors in software and using "a high degree of sophistication to avoid detection."⁵
- Owners of the private electronic election system companies insist that the operating software for their machines is proprietary and a trade secret. As a result, the software cannot be checked by outside experts to ensure that no secret programming exists to alter voting results.
- Software security is seriously lacking, allowing anyone to easily tamper with the results through undetectable hacking using MS Office. Furthermore, required certification by the software companies of their software as 'secure' was never done.
- E-voting machines are susceptible to malfunctions, and reports from across the country included breakdowns, over-recording of votes, the "disappearance" of valid votes, memory card failures, Bush's name being highlighted when voters tried to vote for Kerry, etc.

The Exit Poll Discrepancies

How Accurate Are Exit Polls?

- The belief that exit polls are not accurate is a myth. In fact, political consultant Dick Morris wrote, "Exit polls are almost never wrong."⁶ They're so reliable, in fact, that they're used to verify elections in countries around the world. When there is a marked difference between exit polls and the official results in other countries, such as in Serbia, Georgia, Belarus, and Ukraine, the U.S. has held that fraud or irregularities occurred.
- Steven F. Freeman, Ph.D., a professor at the Univ. of PA, cites several prominent survey researchers, political scientists, and journalists who concur that exit polls are highly reliable and an extremely useful analytical tool. Dr. Freeman states that the question is not if exit polls were more accurate than actual ballots, but rather "whether the official count is an accurate reflection of ballots cast. In a system where campaign managers serve as election supervisors, where voting machines provide no assurance that votes are counted as cast, and where counts and 'recounts' are conducted in secret, we must rely, unfortunately, on indirect evidence, such as exit polls, to ascertain the veracity of this official count as a measure of actual ballots cast."⁷
- Professional pollster John Zogby was concerned about the exit poll and official vote discrepancy and said, "Something is definitely wrong."⁸

2004 Election Exit Poll vs. Final Count Analyses

- Exit polls on Election Day showed Kerry leading by 3%, but the final computerized count put Bush ahead by 2.5%, a 5.5% difference and 3.3 million more votes. In almost every one of the cases where the final tally differed from the exit polls, the difference was in Bush's favor.
- The Univ. of PA's Steven F. Freeman, Ph.D., found that the odds of the vote totals from the three major swing states of Florida, Ohio and Pennsylvania *all* differing from the exit polls by as much as they did are 662,000-to-one, a discrepancy which cannot be due to chance or random error.⁹
- Jonathan D. Simon, J.D. and Ron P. Baiman, Ph.D. (Institute of Govt. & Public Affairs, Univ. of IL) found a substantial and improbable discrepancy between the exit poll data and final vote count, indicating that "in an accurate count of a free and fair election," there is a "strong likelihood" that Kerry would have won the popular vote.¹⁰
- Mitofsky International conducted the 2004 election exit polls for the ABC, CBS, CNN, Fox, and NBC news networks, and the AP News Wire. The computer server capturing the data mysteriously crashed about 11:00 p.m. EST, minutes before the exit polls were to be released. Prior to the crash, Kerry held a 3.4% lead in Ohio, but 3 hours later, when the server came back online, Bush showed a 1% lead. Experts suggest that there is a 999/1,000 chance that this Ohio poll result is either not based on a random sample or that the election itself was not honest.¹¹
- In their evaluation report on the exit poll discrepancies, Edison/Mitofsky hypothesized that the reason for the discrepancies was fewer Republicans willing to participate in exit poll interviews. However, his own report analyzing the results indicated Republicans responded at higher percentage rate.¹² A peer reviewed analysis by 12 prominent experts¹³ found that the report "is incomplete and inadequate, and the Edison/Mitofsky report ignores the alternative hypothesis that the official election results could have been corrupted."

4 <<http://www.wired.com/news/evote/0,2645,61640,00.html>>

5 <<http://www.scoop.co.nz/mason/stories/HL0312/S00191.htm>>

6 <<http://www.thehill.com/morris/110404.aspx>>

7 <<http://www.alternet.org/story/21036/>>

8 <<http://www.ipsnews.net/print.asp?idnews=26334>>

9 <<http://www.appliedresearch.us/sf/Documents/ExitPoll.pdf>>

10 <http://www.freepress.org/images/departments/PopularVotePaper181_1.pdf>

11 <<http://joeorgren.com/MossvBush1.pdf>>

12 <<http://exit-poll.net/election-night/EvaluationJan192005.pdf>>

13 <http://www.uscountvotes.org/ucvAnalysis/US/USCountVotes_Re_Mitofsky-Edison.pdf>