

Kerry Won Ohio

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Just count the ballots at the back of the bus.

Most voters in Ohio chose Kerry. Here's how the votes vanished.

This February, Ken Blackwell, Ohio's Secretary of State, told his State Senate President, "The possibility of a close election with punch cards as the state's primary voting device invites a Florida-like calamity." Blackwell, co-chair of Bush-Cheney reelection campaign, wasn't warning his fellow Republican of disaster, but boasting of an opportunity to bring in Ohio for Team Bush no matter what the voters wanted. And most voters in Ohio wanted JFK, not GWB. But their choice won't count because their votes won't be counted.

The ballots that add up to a majority for John Kerry in Ohio -- and in New Mexico -- are locked up in two Republican hidey-holes: "spoiled" ballots and "provisional" ballots.

Ohio spoiled rotten

American democracy has a dark little secret. In a typical presidential election, two million ballots are simply chucked in the garbage, marked "spoiled" and not counted. A dive into the electoral dumpster reveals something special about these votes left to rot. In a careful county-by-county, precinct-by-precinct analysis of the Florida 2000 race, the US Civil Rights Commission discovered that 54% of the votes in the spoilage bin were cast by African-Americans. And Florida, Heaven help us, is typical. Nationwide, the number of Black votes "disappeared" into the spoiled pile is approximately one

million. The other million in the no-count pit come mainly from Hispanic, Native-American and poor white precincts, a decidedly Democratic demographic.

Ohio Republicans, simultaneously in charge of both the Bush-Cheney get-out-the-vote drive and the state's vote-counting rules, doggedly and systematically insured the spoilage pile would be as high as the White House.

Vote spoilage comes in two flavors. There are "overvotes" -- too many punches in the cards, and "undervotes." Here we find the hanging, dimpled and "pregnant" chads created by old, dysfunctional punch card machines, in which the bit of paper covering the hole doesn't fall out, but hangs on. Machines can't read these, but we humans, who know a hole when we see one, have no problem reading these cards ... if allowed to. This is how Katherine Harris defeated Al Gore, by halting the hand count of the spoiled punch cards not, as is generally believed, by halting a "recount."

Whose chads are left hanging? In Florida in 2000 federal investigators determined that Black voters' ballots spoiled 900% more often than white voters, mainly due to punch card error. Ohio Republicans found those racial odds quite attractive. The state was the only one of fifty to refuse to eliminate or fix these vote-eating machines, even in the face of a lawsuit by the ACLU.

Apparently, the Ohio Republicans like what the ACLU found. The civil rights group's expert testimony concluded that Ohio's cussed insistence on forcing 73% of its electorate to use punch card machines had an "overwhelming" racial bias, voiding votes mostly in Black precincts. Blackwell doesn't disagree; and he

hopes to fix the machinery ... sometime after George Bush's next inauguration. In the meantime, the state's Attorney General Jim Petro, a Republican, strategically postponed the trial date of the ACLU case until after the election.

Fixing a punch card machine is cheap and easy. If Ohio simply placed a card-reading machine in each polling station, as Michigan did this year, voters could have checked to ensure their vote would tally. If not, they would have gotten another card.

Blackwell knows that. He also knows that if those reading machines had been installed, almost all the 93,000 spoiled votes, overwhelmingly Democratic, would have closed the gap on George Bush's lead of 136,000 votes.

Jim Crow's provisional ballot

Add to the spoiled ballots a second group of uncounted votes, the 'provisional' ballots, and -- voila! -- the White House would have turned Democrat blue.

But that won't happen because of the peculiar way provisional ballots are counted or, more often, not counted. Introduced by federal law in 2002, the provisional ballot was designed especially for voters of color. Proposed by the Congressional Black Caucus to save the rights of those wrongly scrubbed from voter rolls, it was, in Republican-controlled swing states, twisted into a back-of-the-bus ballot unlikely to be tallied.

Unlike the real thing, these ballots are counted only by the whimsy and rules of a state's top elections official; and in Ohio, that gives a virtually ballot veto to Bush-Cheney campaign co-chair, Blackwell.

Mr. Blackwell has a few rules to make sure a large proportion of provisional ballots won't be counted. For the first time in memory, the Secretary of State has banned counting ballots cast in the "wrong" precinct, though all neighborhoods share the same President.

Over 155,000 Ohio voters were shunted to these second-class ballots. The election-shifting bulge in provisional ballots (more than 3% of the electorate) was the direct result of the national Republican strategy that targeted African-American precincts for mass challenges on election day.

This is the first time in four decades that a political party has systematically barred -- in this case successfully -- hundreds of thousands of Black voters from access to the voting booth. While investigating for BBC Television, we obtained three dozen of the Republican Party's confidential "caging" lists, their title for spreadsheets listing names and addresses of voters they intended to block on any pretext.

We found that every single address of the thousands on these Republican hit lists was located in Black-majority precincts. You might find that nasty and racist. It may also be a crime.

Before 1965, Jim Crow laws in the Deep South did not bar Blacks from voting. Rather, the segregationist game was played by applying minor technical voting requirements only to African-Americans. That year, Congress voted to make profiling and impeding minority voters, even with a legal pretext, a criminal offence under the Voting Rights Act.

But that didn't stop the Republicans of '04. Their legally questionable mass challenge to Black voters is not some low-level dirty tricks operation of local

party hacks. Emails we obtained show the lists were copied directly to the Republican National Committee's chief of research and to the director of a state campaign.

Many challenges center on changes of address. On one Republican caging list, 50 addresses changed from Jacksonville to overseas, African-American soldiers shipped Over There.

You don't have to guess the preferences registered on the provisional ballots. Republicans went on a challenging rampage, while Democrats pledged to hold to the tradition of letting voters vote.

Blackwell has said he will count all the "valid" provisional ballots. However, his rigid regulations, like the new guess-your-precinct rule, are rigged to knock out enough voters to keep Bush's skinny lead alive. Other pre-election maneuvers by Republican officials -- late and improbably large purges of voter rolls, rejection of registrations -- maximized the use of provisional ballots which will never be counted. For example, a voter wrongly tagged an ineligible "felon" voter (and there's plenty in that category, mostly African-Americans), will lose their ballot even though they are wrongly identified.

Kerry blacks out

It was heartening that, during his campaign, John Kerry broke the political omerta that seems to prohibit public mention of the color of votes not counted in America. "Don't tell us that in the strongest democracy on earth a million disenfranchised African Americans is the best we can do." The Senator promised

the NAACP convention, "This November, we're going to make sure that every single vote is counted."

But this week, Kerry became the first presidential candidate in history to break a campaign promise after losing an election. The Senator waited less than 24 hours to abandon more than a quarter million Ohio voters still waiting for their provisional and chad-spoiled ballots to be counted.

While disappointing, I can understand the cold calculus against taking the fight to the end. To count the ballots, Kerry's lawyers would, first, have to demand a hand reading of the punch cards. Blackwell, armed with the Supreme Court's *Bush v. Gore* diktat, would undoubtedly pull a "Kate Harris" by halting or restricting a hand count. Most daunting, Kerry's team would also, as one state attorney general pointed out to me, have to litigate each and every rejected provisional ballot in court. This would entail locating up to a hundred thousand voters to testify to their right to the vote, with Blackwell challenging each with a holster full of regulations from the old Jim Crow handbook.

Given the odds and the cost to his political career, Kerry bent, not to the will of the people, but to the will to power of the Ohio Republican machine.

We have yet to total here the votes lost in missing absentee ballots, in eyebrow-raising touch screen tallies, in purges of legal voters from registries and other games played in swing states. But why dwell on these things? Our betters in the political and media elite have told us to get over it, move on.

To the victors go the spoils of electoral class war. As Ohio's

politically
ambitious Secretary of State brags on his own website, "Last time I
checked,
Katherine Harris wasn't in a soup line, she's in Congress."

New Mexico goes Kerry - But who's counting?

Why single out Ohio? So it also went in New Mexico where ballots of
Hispanic
voters (two-to-one Kerry supporters) spoil at a rate five times that of
white
voters. Add in the astounding 13,000 provisional ballots in the
Enchanted State
-- handed out "like candy" to Hispanic, not white, voters according to
a
director of the Catholic Church's get-out-the-vote drive -- and Kerry
wins New
Mexico. Just count up the votes ... but that won't happen.

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Money Can
Buy* (Penguin 2004).