

# Democracy at Risk: The 2004 Election in Ohio

*Section I*

*Letter of Introduction to DNC Chairman Howard Dean*





**DEMOCRATIC NATIONAL COMMITTEE**

June 22, 2005

Governor Howard Dean, Chair  
Democratic National Committee  
430 South Capitol Street  
Washington, D.C. 20003

Dear Governor Dean:

On behalf of the Ohio Election Investigation Team and the Democratic National Committee's (DNC) Voting Rights Institute, we are pleased to submit an investigative study and analysis of the 2004 general election as it occurred in Ohio. The focus of our review, as stated in our press release of December 6, 2004, was not to contest the results of the election, but to "fulfill the Democratic Party's commitment to ensuring that every eligible voter can vote and that every vote cast is counted."

Although voters across America voiced concerns which questioned the fairness and the accuracy of the 2004 general election, President George W. Bush's narrow victory in Ohio (a pivotal state) provided sufficient electoral votes to ensure his reelection. There was a myriad of litigation surrounding the general election in Ohio that targeted controversial conduct on the part of the Office of the Secretary of State. Following the election recount, the House Judiciary Committee Democratic Staff published an exhaustive report "Preserving Democracy: What Went Wrong in Ohio" that is replete with anecdotal evidence of numerous, serious election irregularities in the Ohio presidential election which resulted in a significant disenfranchisement of voters.

There were insufficient resources available to our Party to conduct a thorough investigation into the thousands of claims of election irregularities in every state. The decision was made to focus this study in the State of Ohio with the expectation that information gleaned from our report will strengthen the election process in every state in America.

Our review demonstrates that numerous irregularities characterized the Ohio election: we find evidence of voter confusion, voter suppression, and negligence and incompetence of election officials. The evidence we highlight in our review leads us to harbor deep concerns about the administration of elections in Ohio and the need for improved training of election officials and poll workers.

Our investigation and analysis reveal that more than one quarter of all voters in Ohio reported some kind of problem on Election Day, including long lines, problems with registration status and polling locations, absentee ballots and provisional ballots and unlawful identification requirements at the polls.

African American voters had a starkly different Election Day experience than white voters. African Americans reported waiting an average of 52 minutes in line to vote while white voters reported waiting an average of 18 minutes. African Americans were also more likely to have their registration status challenged, have their identification checked, and express feelings of intimidation on or before Election Day. These differences by race hold even when we control for registration history and party identification.

There is a direct correlation between the number of (functioning) voting machines and votes cast for President being counted. With fewer machines per voter, polling places become more crowded and voters are less likely to take the time to check or correct their ballots.

Delays by local election officials in processing new voter registrations led to an increase in the number of provisional ballots cast. Incoherent directives from the office of the Ohio Secretary of State fostered confusion and led to the rejection of many qualified voter applicants. Delays in processing absentee ballot applications meant that many applicants did not receive ballots before Election Day, and, therefore, had to vote in person; many of these voters were turned away at the polls without being given the opportunity to vote provisionally.

Our team has analyzed the effectiveness of the various voting machines used in Ohio and has strong recommendations favoring precinct-count optical scan machines, assuming they can be improved to accommodate disabled voters.

Current DRE voting systems, in addition to being extremely expensive to procure and maintain, are vulnerable to fraud. Existing standards and practices for certification of voting systems are insufficient to provide security for existing DRE systems, and significant effort will be required to remedy these deficiencies in the future.

Public elections – if they are to work, must be transparent. Private secrets have no place in public elections and, in fact, engender a system that is vulnerable to tampering, covert manipulation and fraud. Voting machine vendors should be required by law to disclose equipment designs to the public. Paper trail audits offer an improvement over current DRE systems that provide no paper trail but they do not guard against tampering, improper equipment calibration and faulty aggregation of the votes cast. The only way to ensure every vote cast is properly registered and counted is through a transparent system that is verifiable by the public (not just the vendor) at every stage of the voting process.

The Democratic Party must impress upon Members of Congress, state lawmakers, local election administrators and community leaders that in order to ensure that every qualified citizen is properly registered, local officials must have adequate resources and training to accommodate a successful voter registration drive and the Party must invest in voter education programs to inform voters of their rights. The use of existing DRE machines must be discontinued unless or until they are perfected. A transparent system for aggregating votes cast at the precinct, county, state and national level must be developed in order to ensure that every vote cast is counted. Finally, election officials and laypersons who participate in voter suppression and intimidation tactics and fraud must be prosecuted to the full extent of the law.

The findings and recommendations gleaned from our report, albeit from one state's experience on November 2, 2004, are a clear signal to Congress, Governors, Secretaries of State, the U.S. Election Assistance Commission and election officials across America that they must work together to ensure that every qualified citizen is given the right to vote and every vote cast is counted. We must remain vigilant in our efforts to educate voters on their rights to participate in the electoral arena and to work with election officials to properly train all poll workers.

Our report would not have been possible without the support of the DNC leadership, a first-rate Investigative and Research Team, the Ohio Advisory Team, generous support and participation among the people of Ohio, the assistance of Congressman John Conyers, Jr. and his dedicated staff, and the invaluable information and suggestions provided by election protection activists across America who are committed to uncovering the truth behind Election Day in Ohio in 2004. We look forward to sharing our findings with the Democratic Party and to working with you to help strengthen our electoral process.

Sincerely,

Donna Brazile  
Chair  
Voting Rights Institute

cc: Senator John Kerry  
Senator John Edwards  
DNC Executive Committee  
ASDC