

Obstacles to a Democratic Election
*Reports of Electoral Problems in Key U.S. States during the 2004
Election*

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INTRODUCTION:

Most mainstream media reports immediately following the Nov 2nd, 2004 election cited unexpected success in the voting process this year as compared to the 2000 election debacle. In the week and a half since the election, however, many more questions have been raised about this reportedly “clean” election.

Below, members of the staff of the Institute for Policy Studies have compiled examples of where our electoral system broke down, disenfranchising many, primarily people of color, and calling into question thousands of votes in close states.

We feel that in order for our democracy to survive and for any election to be considered, free, fair, clean and legitimate, there is much work to be done on our electoral system. We believe in direct election, one vote for each person, and an elimination of the fundamentally undemocratic electoral college. We believe in re-enfranchisement of ex-felons. We believe in non-partisan control and oversight of the entire electoral process. We believe in paper trails for electronic voting machines so that meaningful recounts and accountability are possible. We believe that the abuses of democracy documented below must be eliminated for a truly legitimate election to take place.

Common Themes:

1. **Voter intimidation** in the form of anonymous or purposefully misrepresentative phone calls and written materials that erroneously told potential voters (in key states and in predominantly minority areas) that their polling places had changed, or that voting day was on a day other than November 2nd for them.ⁱ
2. **Problems with Electronic voting machines:** 1) There are many reports in Ohio and Florida of voters who touched the screen to vote for Kerry, but their vote was counted on another screen as a vote for Bush. 2) Craven County, NC: 11,283 extra votes were awarded to Bush because of software error in electronic voting machines. 3) Cartaret County, NC: More than 4,500 votes were lost because a voting machine reached capacity prematurely.ⁱⁱ
3. **Thousands of more votes cast (for Pres. Bush) than the number of registered voters in a particular precinct:** In Franklin County, Ohio, Bush received 4,258 votes to Kerry’s 260, while records show that only 638 voters are registered in that precinct.ⁱⁱⁱ

4. **Partisan Election Officials:** 1) The Secretaries of State, usually the chief election official at the state level, in four battleground states—Michigan, Missouri, Florida, and Ohio-- have all taken top campaign posts for Bush and have been accused of manipulating state election laws to restrict voter access. Ohio's Secretary of State, J. Kenneth Blackwell, attempted to require that registration applications that were not posted on the correct weight paper be cancelled. He also attempted to cancel the use of provisional ballots (typically for overwhelmingly democratic voters). He also attempted to challenge 35,000 newly registered voters based on mailings to their addresses, a case thrown out by a federal judge. The judge later permitted the challenging of voters to occur with proper justification, and prohibited Blackwell from using his stated justifications for challenging voters.^{iv} 2) Michigan's Republican state representative and Bush campaign co-chair, John Pappageorge, said "If we do not suppress the Detroit vote we're going to have a tough time in this election". Detroit is 83% African American.^v

I. Voter Suppression and Intimidation / Registration Problems

COLORADO

- Democrats fear what they believe to be a plan by Republicans to challenge new voters, especially students at the University of Colorado at Boulder who may seek to use student IDs as proof of identification at the polls.^{vi}
- Voters who go to the wrong precinct and who refuse to go to the right precinct can vote with provisional ballots, but their votes will only count in the presidential race, and will only be counted in certain situations. Voters who applied for an absentee ballot but who never used it can vote on a provisional ballot as long as they swear they have not used the absentee ballot.^{vii}
- Up to 1,000 voter registration applications in the state could prompt fraud cases because of bad birth dates, names or signatures. If those are found to be fraudulent, it could lead to investigation of tens of thousands more. *The Denver Post* reports some 3,700 people have registered to vote in more than one Colorado County. Most of them are reportedly college age. In Denver, two people have been charged with filling out multiple voter-registration forms. Officials say similar investigations are under way in several counties.^{viii}

FLORIDA

- "Challengers at the precincts are turning voters away," said Dorothy Townsend, Director of the Florida section of "Voices for working families." Townsend reported complaints of voters being turned away at precinct 206 at Norland United Methodist church; precinct 951 at Florida city town hall; and precinct 953 at First Christian Church.^{ix}
- Minority voters from Palm Beach County, Florida reported that they received middle-of-the-night, live harassing phone calls warning them away from the polls.^x

- Problems reported about disinformation flyers; people with unidentifiable badges telling voters that they can vote until Nov 18, that Republicans vote on Nov. 2 and Democrats on Nov. 3, etc.
- People who identified themselves as Republican lawyers tried to prevent volunteers from assisting Creole-speaking voters. Though the ballots are printed in Creole, some voters are illiterate and are turning to volunteers for assistance. NAACP.^{xi}
- Florida Department of Law Enforcement questioned elderly black voters in their homes during the mayoral elections in Orlando in 2003. Some of these voters have been afraid to go to the polls this year.^{xii}
- Secretary of State Glenda Hood recommended voter registration forms that did not have a citizenship box checked be rejected. Groups registering minority voters, who tend to support Democrats, turned many of the incomplete forms in. So far, Hood has successfully fought lawsuits challenging her decision.^{xiii}
- 58,000 Absentee Ballots Missing, Broward, and Miami^{xiv} Several accounts of people being told to tear up their ballot if they received it before election day and to go vote in person. However, according to Florida law, if a person has requested an absentee ballot, they must present the empty ballot at the polling precinct before being allowed to vote on site.
- Students in several universities had their voter registration switched without their consent.^{xv}

IOWA

- Provisional ballots cast in the wrong precinct on election night will not count in federal elections. State officials made the decision after three federal court cases ruled accordingly in other states. However, these ballots will be set aside and held in case of a lawsuit over whether they are legal.^{xvi}
- Republican Party threatening to file a lawsuit regarding Secretary of
- State Chet Culver's decision to allow Iowa voters who forgot to check asking whether they are US citizens to vote. Republicans are claiming that Culver, a Democrat, is trying to give the Democrats an advantage.
- Culver says that they are trying to interpret the laws fairly and give people the opportunity to vote according to the Help America Vote Act.^{xvii}
- Dozens of Iowans have been mistakenly purged from voter registration.
- Thousands of voters were removed from voter rolls after a list from the state incorrectly identified them as convicted felons. While most people have since been reinstated on voter rolls, it is unclear whether the problem has been fully corrected. Iowa doesn't have a law requiring county auditors to tell people when their names are purged from voter rolls.^{xviii}
- Move-on has been accused of breaking the law in its get-out-the-vote campaign. They have been asking for names of voters exiting the polls, checking them off of a list of voters who tend to abstain from elections, and then calling voters who haven't arrived at the poles later in the day. Opposition claims that they cannot be within 300 feet of the voting centers.^{xix}

MICHIGAN

- Michigan's Republican state representative and Bush campaign co-chair, John Pappageorge, said "If we do not suppress the Detroit vote we're going to have a tough time in this election". Detroit is 83% African American.^{xx}
- In Dearborn, MI, precinct 7, there were allegations that dozens of Arab-Americans were harassed at the polling spot, and that some of them were told outright that they could not vote there. Several miles away in Detroit, a community of voters woke up to find orange fliers on their doors directing them to go to a brand new polling location. The fliers were completely fake.^{xxi}
- Michigan Poll Workers Reportedly Mock Illiterate Voters A volunteer for Rock the Vote reported that two illiterate voters in Michigan requested assistance with their ballots but were refused and reportedly mocked by poll workers.^{xxii}
- Michigan: Voters Complain About Misleading Calls Some voters on Monday complained of getting misleading automated phone calls over the weekend telling them either that their polling place had changed or that a vote for Democratic presidential candidate John Kerry was a vote to legalize gay marriage. The messages - known as robo calls - were placed in heavily Democratic cities of Detroit, Flint and Pontiac and the Democratic-leaning city of Grand Rapids.^{xxiii}
- Misleading calls to black voters about precincts Some elderly and black voters say someone is calling them and telling them incorrectly that their precincts have changed.^{xxiv}

MINNESOTA

- Tribal police in Red Lake claim that a Republican challenger was intimidating voters and election judges. The police ejected the Republican.^{xxv}
- Floyd Jourdan, Jr., chairman of the Red Lake Band of Ojibwe tribe in northern Minnesota, reported complaints of harassment of Indian voters to the Minneapolis *Star Tribune*. He accused Republican poll challengers of intimidating legitimate voters by challenging the legitimacy of tribal ID cards, which a resident from voting by challenging the tribal ID card. In other cases, Indian voters without identification were asked to swear residency oaths. Unaccustomed to having their identification questioned on the reservation, they refused, forfeiting their right to vote.^{xxvi}
- ACLU case and court ruling on Indian ID cards.^{xxvii}
- Though voters can legally use cell phone bills (as their utility bills) when registering to vote, "the Associated Press reported that a voter who tried to register at Robbinsdale City Hall with a cell phone bill was turned away".^{xxviii}
- Margie Sanroman, a precinct head judge in Minneapolis, reported that a Vietnamese man, who was suppose to be a translator, was actually instructing people to vote for President Bush.^{xxix}
- "Despite the long line, the early voting generally went smoothly, though Brenda Bous, 43, who was in a wheelchair, said the regular voting booths were too high.

- "They definitely should have had more handicapped booths. I ended up using a chair," she said.^{xxx}
- "All went well until about 8.00, when people started showing up from a different precinct. They'd received calls over the weekend telling them to come to ours. Clearly non-legitimate calls, but a lot of people had obeyed the information. I'd heard about this happening in Michigan, but looks like it's standard swing-state practice."^{xxxi}
- "Three former canvassers for a company working in Minnesota to reelect President Bush have come forward to say they were paid bonuses for registering Bush supporters but got nothing for registering voters who favor challenger John Kerry."^{xxxii}
- Also various reports of misleading signs and calls in Minnesota prior to election day.

NEVADA

- "Clark County elections officials warned residents Monday of more election-season shenanigans, the latest being bogus phone calls in which callers tell voters their polling sites have changed."^{xxxiii}
- Outreach of America, a firm paid nearly \$500,000 by the Republican National Committee, is under investigation in Nevada and Oregon over allegations that workers destroyed Democrats' voter registration forms. A former Nevada State Supreme Court Justice alleges that, Voter Outreach was given 5,500 registration forms in two Nevada Counties.^{xxxiv}
- A former executive director of the state Republican Party sought to purge some 17,000 "inactive" Democratic voters from the rolls. Arguing that "inactive voters" no longer live at the addresses where they are registered, Dan Burdish challenged their registration but the County Registrar rebuffed his efforts, declaring that state law already determines that voters are removed from the rolls after they fail to vote in two federal elections and that the purge had already been done for this year. Furthermore, the county maintained that Burdish only had standing to challenge "inactive voters" in his own precinct, which narrowed the number to 117.^{xxxv}

NEW MEXICO

- "...in 2000 her organization received reports that the immigration patrol showed up near some New Mexican polling sites. "Down south, they have the [] trucks that sit outside and scare people away," she says. "Not necessarily right outside the polls but in the neighborhood of the polls, so you see these enormous lime-green trucks."^{xxxvi}
- "While recent polls showed the result of the race firmly in doubt, one thing was certain on the eve of the election: county clerks around the state reported at least 367,318 New Mexicans — about a third of the state's 1.1 million registered voters — have already cast absentee ballots or voted at early polling sites."^{xxxvii}

- Huge # of new/first time voters, but major problem with ID requirements, particularly with students.
- “Aggressive voter registration efforts this year enlisted people who have never bothered to vote, building New Mexico's voter rolls to more than a million adults...Republican leaders have said provisional, or emergency paper ballots, could be a concern in New Mexico. Republicans have also raised questions about some of the registrations resulting from the big, Democratic activist groups' drives this year.”^{xxxviii}
- Since May of this year, New Mexico's voter registration jumped from approximately 958,000 to a little over 1 million.
- “In August, a group comprised mostly of Republicans filed a suit claiming that people who were registering for the first time through a third party voter registration group, such as ACORN, should have to show IDs when they voted. The group said it was worried about voter fraud. Democrats said the Republicans were trying to disenfranchise voters.”^{xxxix}
- Students/first time voters possibly disenfranchised by harsh ID rules.
- “The Election Protection coalition is criticizing a new voter regulation for its harsh impact on student voters. The regulation, which was announced last week by Secretary of State Rebecca Vigil-Giron, requires first time voters who registered by mail to present identification at the polls that matches the address on their voter registration form. For college students, who have been a highly prized demographic in this year's election, the new rule creates a sizable obstacle as official student IDs do not carry an address and campus housing doesn't come with utility bills.”^{xl}

OHIO

- (AP) — A woman sued elections officials Tuesday on behalf of Ohio voters who claim they did not receive their absentee ballots on time, seeking permission for them to be able to cast provisional ballots at the polls.
- Of Ohio's 8 million registered voters, an estimated 598,000 people requested absentee ballots. He said state law says that if a board of elections sent someone an absentee ballot, that person cannot try to vote at a polling place.^{xli}
- Judge cleared the way for voter challengers. Republicans favor the challengers, arguing that they would help prevent voter fraud, while Democrats claim the GOP is trying to intimidate minorities and other voters who tend to cast ballots for Democrats.^{xlii}
- Democratic Party accused of making calls to Republicans in Ohio with wrong polling site information; Democrats claim volunteers made a mistake and that Democratic voters were also provided incorrect information.^{xliii}
- Jane Platten of the Cuyahoga County Board of Elections said officials had not identified who is behind the tricks. “We've never seen anything like this before, where there seems to be a concerted effort to give voters misinformation,” she said.^{xliv}

- In Lake County, Ohio, some voters received a memo on bogus Board of Elections letterhead informing voters who registered through Democratic and NAACP drives that they could not vote. Election officials referred the matter to the sheriff.
- Whatever the motive, election officials say voters are genuinely confused by the misinformation. In the Cleveland area, election officials said they received a spate of complaints after voters began receiving phone calls incorrectly informing them their polling places had changed. In addition, unknown volunteers began showing up at voters' doors illegally offering to collect and deliver completed absentee ballots to the election office.^{xlv}
- The phony letter says newly registered voters signed up by the Kerry or Capri Cafaro campaigns or the NAACP, their registrations are illegal and they will not be able to vote.^{xlvi}
- CLEVELAND -- Ohio voters who did not receive absentee ballots on time can cast provisional ballots at the polls, a federal judge in Toledo ruled Tuesday.^{xlvii}
- People are warned from getting bogus calls, telling them that their voting places have been changed.^{xlviii}
- GOP challenging registrations that were legitimate.^{xlix}
- A judge ordered that people who never received their absentee ballots were allowed to vote provisionally but that order came very late. People are urged to return to the polls but for practical reasons several votes will still not be cast. Also those that cannot come to the polls and did not receive their absentee ballots will not be able to vote.¹
- Ohio: Black Voters Reportedly Being Singled Out for Identification, Intimidation Reports Flooding In, Identification and Registration Problems Reported.^{li}

PENNSYLVANIA

- "In Allegheny County, Pennsylvania, a fraudulent flyer advised Democratic voters to "create a peaceful voting environment" by voting on Wednesday, November 3," according to the People for the American Way's Election Protection site.
- This was one of at least three such fraudulent flyers reported.^{lii}
- There were other anecdotal reports, such as that individuals claimed to have received recorded telephone messages from someone who sounded like Bill Clinton, reminding them to vote on Nov. 3rd, according to the People for the American Way's Election Protection site.
- According to an Oct. 30 article in the Philadelphia Inquirer, the state will count absentee ballots for Pennsylvanians living abroad, including active military until 5 p.m. Nov. 10. The state's 67 counties have sent 26,700 ballots oversee. These ballots could be very important if the vote is close enough for a recount.

WISCONSIN

- The Wisconsin GOP is using state freedom of information laws to obtain the names of 100,000 new voters and conduct background checks on them.^{liii}

- In Milwaukee, the tires of 30 vans Republicans had rented to help get out the vote were slashed. GOP spokesman Chris Lato said it was not clear who was responsible.^{liv}
- The week before the election, flyers were circulated in Milwaukee under the heading "Milwaukee Black Voters League" with some "warnings for election time." The flyer listed false reasons for which you would be barred from voting (such as a traffic ticket) and then warned that "If you violate any of these laws you can get ten years in prison and your children will get taken away from you."^{lv}
- Republicans say some felons in the county jail in Madison obtained absentee ballots and at least one sent a ballot in. Election officials say they won't be counted.^{lvi}
- The superintendent of Milwaukee schools has stopped a get-out-the-vote program involving students following complaints that it's linked to a pro-Kerry organization.^{lvii}

II. Problems at the Polls

COLORADO

- Absentee Ballots have been missing particularly in Denver and to a lesser extent Arapahoe County. Problems at a Californian printing company and a legal question involving Ralph Nader's candidacy delayed many Denver ballots.^{lviii} 13,000 were finally mailed out last Thursday.^{lix}
- Overseas voters have until Nov. 12 to get their ballots to their local county clerks' offices, because of a lawsuit over Ralph Nader's appearance on the ballot.^{lx}
- By 6pm Friday, the last day to vote early, the following locations reported lines of 2 hour plus waits: Denver Election Commission office, King Soopers on Quebec Street in Stapleton, Standley Lake Library in Arvada, Columbine Library in Littleton, while Safeway at 20th Avenue and Washington Street had people almost around its entire perimeter. The Colorado secretary of state said that through Thursday 316,345 people had cast early ballots. Add to that 373,416 absentee ballots and 2,492 provisional ballots and that total still represents slightly less than a third of the state's total active registered voting base of more than 2.38 million. Which means, roughly 1.5 million people, if so motivated, could show up on at the polls on election day.^{lxi}
- The Bush-Cheney campaign wrote a letter complaining about early-voting procedures in Pueblo County, saying a Republican poll watcher observed election judges failing to ask voters for identification, despite a state law requiring them to do so. The campaign also alleges that election judges inappropriately let Democratic operatives assist voters who don't need help voting, and allowed voters to wear Democratic campaign buttons and hats at polling places. So-called "electioneering" - or campaigning at polling places - is illegal in Colorado.^{lxii}
- Voting has also been delayed in Denver, Colorado and Cook County, Illinois because election judges are absent.^{lxiii}

- State law prohibits people who are serving a sentence in prison or jail or who are on parole from registering or voting, and elections officials are working with state corrections and Denver County Jail officials to determine who is and is not eligible. Now, county officials have learned, they may have to ensure that anyone serving a county jail sentence for a misdemeanor offense doesn't vote an absentee ballot. At the same time, they want to preserve the rights of those in county jails who have been charged with a crime but not convicted. They are allowed to vote. Secretary of State Donetta Davidson said she has asked Attorney General Ken Salazar for an opinion on whether people serving county jail time can vote. She has not received a reply yet.^{lxiv}
- The Colorado Republican Party said Friday it's asking the Denver district attorney to investigate reports that county jail inmates registered to vote and might have already voted, Republican spokesman Peter DeMarco said.^{lxv}
- Officials discovered that some 6,352 felons were registered to vote improperly.^{lxvi}

FLORIDA

- While the touch-screen voting machines seemed to produce results in which the registered Democrat/Republican ratios largely matched the Kerry/Bush vote, in Florida's counties using results from optically scanned paper ballots- fed into a central tabulator PC and thus vulnerable to hacking- the results seemed to contain substantial anomalies:^{lxvii}
 - In Baker County (FL), with 4988 registered voters, 77.5% of them Democrats and 24.3% Republicans, the vote was only 2,180 for Kerry and 7,738 for Bush, the opposite of what is seen everywhere else in the country where registered Democrats largely voted for Kerry.
 - In Dixie County (FL), with 4,988 registered voters, 77.5% of them Democrats and a mere 15% registered as Republicans, only 1,959 people voted for Kerry, but 4,433 voted for Bush.^{lxviii}
- Just 10 minutes after opening precinct 309 at Carl F. Slade Park, 2501 W. 74th St., in Hialeah, elections officials shut down the operation for 55 minutes, causing hundreds of people to leave without casting their votes, county officials said.^{lxix}
- Several hundred ballots in Seminole County and thus rejected by machines.^{lxx}
- Polling sites changed with inadequate notice to voters, and the old location does not provide sufficient information to direct voters to the new location.^{lxxi}

IOWA

- Iowa auditor wrongly sent away student voters in line at closing time and refused to hold another day of early voting to compensate. Iowa Secretary of State might issue a "technical infraction" against Mosiman because state regulations state that poll workers must allow voters to cast ballots if they arrive before the established closing time.^{lxxii}

MICHIGAN

- Michigan Reports Three-Hour Waits at Polling Places. In Michigan, voters are reportedly encountering 3 hour long lines; in Wayne County, one polling station has not allowed anyone to vote because there is no registration book at all. As with many of these places, our hotline has received reports that voters have reportedly left as a result of the delay.^{lxxiii}
- Associated Press: Changes may lead voters to wrong polls (shifting precincts, provisional ballots and first time voters). There have been problems with voters whose names do not appear on the lists for a particular precinct to have to use provisional ballots because they are allegedly registered at a different precinct (rendering their vote useless unless provisional votes are counted which only occurs in very particular circumstances). First time voters faces not appearing on registered voter lists due to lag in time processing overload of new voters “Election officials and advocacy groups expect many voters across the nation to show up at the wrong polling place Nov. 2. Some voters mistakenly assume they can vote anywhere. Others move, do not update their voter registrations and end up at their old polling place. Occasionally, the precincts move. And sometimes new voters are registered but not yet on the rolls. The problem could be especially bad this year: Election boards across the nation have been swamped with millions of new voter registrations, and there are widespread fears the voter rolls in some places may not be up to date come Election Day.”^{lxxiv}
- Michigan poll workers report problems with elections watchers: “The NAACP filed a complaint with the U.S. Justice Department on Tuesday, saying it received 35 complaints of Republican poll watchers harassing and intimidating voters in the city.”^{lxxv}
- Police called to Detroit voting site: “Poll workers called police officers to a church in Detroit about two hours after voting began today to keep order. Four poll watchers said to be from the Republican Party were inside the church’s polling area, asking for names of people as they checked in to vote. “They’re challenging some of the people as to whether or not their current registration is valid,” said Gene Claxton, head deacon of Unity Temple of the Apostolic Faith on Wyoming. The church is a voting site for four precincts.”^{lxxvi}
- For more than twenty years, the Republican National Committee has repeatedly operated so-called "ballot security programs" that have sought to suppress and intimidate African-Americans and other minorities from exercising their constitutional right to vote. The Federal Court in the case of DNC v. RNC has previously enjoined these illegal schemes. The Decree in that case prohibits the RNC from implementing any "ballot security program" without prior court approval. That lawsuit, brought in 1981, resulted in a nationwide injunction against the RNC that is still in effect today.
- The Republican Party and Republican candidates have already designated an unprecedented number of poll watchers for the November election. Moreover, Republicans have detailed these poll watchers disproportionately to predominantly African American counties. For example, in Miami-Dade County in Florida and Hamilton County in Ohio, the Republican Party designated more of

- its poll watchers to the predominantly African American precincts than to other precincts.
- Based on publicly available information, it is clear that Republican officials and candidates have recruited an unparalleled number of poll watchers for the November election, relying on little-used laws that are based on statutes stemming from the Jim Crow era in our nation's historical.^{lxxvii}
 - The Republican Party of Michigan announced that it was hoping to recruit 1,000 poll watchers for November 2nd, and is offering to pay up to \$100 per shift.^{lxxviii}

OHIO

- COLUMBUS, Ohio (AP) — Voters waited Tuesday in the longest lines in years at polling places and faced the possibility of being questioned about whether they are entitled to cast ballots as the expensive campaign for Ohio by the presidential candidates wound to an end.^{lxxix}
- Voter challengers inside polls.^{lxxx}
- Poll workers Reportedly Giving Voters Time Limits in Many States
- Ohio: Long Lines at Polls, Some Voters Reportedly Leaving
- Ohio: Numerous Reports Cite Lucas County Polling Station Chaos
- Lawsuit filed in Toledo over absentee ballots, long lines at Ohio polls
- Ohio: UPDATE Partisan Challengers Will Be Allowed at Polling Places
- Voter challengers numbered by precinct but not polling place, making them four times as many as before
- Ohio: Westlake Mayor Reportedly Orders Kerry Campaign Signs Removed Near Polling Place^{lxxxi}

PENNSYLVANIA

- Insufficient provisional ballots: Some Allegheny County (Pittsburgh, PA) polling places ran out of provisional ballots Tuesday, according to a 5:10 p.m. article on the Post-Gazette's Web site.^{lxxxii} Between 50 and 60 precincts out of more than 1,300 across the county ran out of these new ballots, which were provided for the first time to people who said they were registered but didn't appear on the voting rosters. There were reports that some voters voted on regular machines, which can't be tracked and other reports said that some voters left after hearing there were no provisional ballots left. The problem was greatest in Oakland, PA, where U of Pittsburgh students were voting.
- Persons With Disabilities Reporting Access Problems at Polling Places: People with disabilities reported various types of accessibility problems at polling sites. Although all polling sites are required by law to provide accommodations for voters with disabilities, some sites have reportedly failed to meet those requirements. One striking incident reported by a voter in Delaware County, Pennsylvania, involved a polling site that was not wheelchair accessible. When a

wheelchair bound voter requested to have her daughter help her vote, the election official purportedly told the woman that she had to get out of her wheelchair in the booth if she wanted to vote, according to the People for the American Way's Election Protection site.

VIRGINIA

- In Richmond, the Associated Press reported, early voters in one precinct were asked to vote on the wrong candidates for their Congressional seat. Provisional paper ballots were used for that race for the rest of the day.^{lxxxiii}

WISCONSIN

- The hotline has received a report that a polling station in Milwaukee, Wisconsin may be turning voters away due to long lines.^{lxxxiv}
- The state Republican party is questioning another 37,180 addresses of people registered to vote in the city along with the more than 5,600 it already had flagged last week.^{lxxxv} Milwaukee's election commission threw out the Republican complaint alleging that more than 5,600 addresses on the city's voter rolls may not exist. The commission says Republicans didn't prove the registrations were invalid. Democrats say the problems were typos.
- Gov. Jim Doyle has asked the state elections board to step in after Milwaukee Mayor Tom Barrett complained there may not be enough ballots for his city. The county executive turned down his request for more ballots, saying the mayor's estimates are "ridiculous."^{lxxxvi}
- Under an agreement reached on Sunday between the Republican Party of Wisconsin and Milwaukee city officials, 5,512 GOP challenged voters will be asked to verify their addresses at the polls on Tuesday. These voters must complete a change of address or registration form and prove residency by presenting a driver's license, utility bill, or other form of documentation. Any voter who does not provide proof of residency will be asked to take an oath before being allowed to vote.^{lxxxvii}

III. Problems with Voting Machines

COLORADO

- Different counties are using different methods of voting - Voters in three counties will use Direct Recording Electronic machines, frequently called touch screens. Two counties, Weld and El Paso, use touch screens for early voting only, then switch to optical-scan paper ballots for Election Day. Seven counties will use old-fashioned paper ballots, allowing voters to mark their choice with an X, while elections officials review and count each ballot. The majority of the state's voters - and almost all of the absentee or provisional ballot casters - will fill out bubbles or connect arrows to mark their choices on paper ballots.^{lxxxviii}

- Voting machines used to count votes in Boulder County choked on improperly marked ballots in a recent test.^{lxxxix}
- Use of serial numbers on ballots - A half-dozen plaintiffs have asked District Judge Morris Sandstead to suspend the use of numbered ballots because they claim the numbers make it possible to learn how someone voted.^{xc}
- Officials in Boulder County warned that election results might not be available until Wednesday night, saying extra time may be necessary because of a large projected turnout and the use of paper ballots.^{xci}

FLORIDA

- The ACLU of Florida and other groups filed a lawsuit July 7, 2004 to overturn a Florida Department of State rule prohibiting manual recounts of elections conducted using touch-screen voting machines. Courts upheld the rule.^{xcii}

MICHIGAN

- “At one polling place near downtown Detroit, one of the voting machines broke Tuesday morning and had not been fixed by noon.”
- A power outage at one precinct in Highland Park forced voters to cast their ballots at another location.
- In Ferndale, two of the city’s 40 or so voting machines malfunctioned early Tuesday, (but city manager and election commissioner Tom Barwin said the problems were remedied and did not recur.
- “Michigan poll workers report problems with election watchers, voting machines”.^{xciii}

NEVADA

- Nevada will be the only state to use machines with reel-to-reel paper cartridges that voters can review. The machines were used for the fall primary, and tests later showed that the paper totals and electronic totals matched perfectly.^{xciv}

NEW MEXICO

- “E-voting machine nightmare begins: votes for one candidate show up repeatedly as votes for the opposing candidate in New Mexico”^{xcv}

NORTH CAROLINA

- Craven County, NC: 11,283 extra votes awarded to Bush because of software error in electronic voting machines.
- Cartaret County, NC: More than 4,500 votes were lost because a voting machine reached capacity prematurely.^{xcvi}

OHIO

- In Franklin County, Ohio, Bush received 4,258 votes to Kerry's 260, while records show that only 638 voters are registered in that precinct.^{xcvii}
- Many reports in Ohio and Florida of voters who touched the screen to vote for Kerry, but their vote was counted on another screen as a vote for Bush.^{xcviii}
- Voting Machine Failures Reported in Many States (Ohio).^{xcix}

PENNSYLVANIA

- In Mercer County, PA, some voters had trouble with electronic voting machines. Republican charges early in the day that in Philadelphia some machines came with thousands of votes pre-recorded on them were disproved by the afternoon.^c

IV. Other Problems

FLORIDA

- National: Advocates for the disabled estimate that 70 percent of polling places are not wheelchair-accessible. According to the National Organization on Disability, 21 percent of adults with disabilities said their mental or physical abilities have been questioned at polls, and 12 percent said alternative voting formats, such as computer-assisted voting booths, were not available. Other problems mentioned by disabled voters were a lack of large-print ballots, absence of sign language interpreters and being denied help in using a voting machine.^{ci}

NEW MEXICO

- Lawyers, election protectioneers, media, polls, oh yeah and voters will all be watching New Mexico on Nov. 2.^{cii}
- Partisan Litigation: New Mexico GOP Exec. Dir. Greg Gates has already vowed to contest results if Bush loses, claiming, "any honest count will have President Bush as the winner."
- Lawsuits loom over New Mexico outcome: ALBUQUERQUE, N.M. — Unless the presidential election is a blowout, the Land of Enchantment will see lawsuits challenging the outcome, a key Republican state party official predicts. Greg Graves, executive director of the New Mexico GOP, said: "The honest ballots counted will give President George W. Bush a narrow victory" and the state's five electoral votes. Just a few feet from Graves' office, Scott Jennings, executive director of New Mexico's Bush campaign, said the president would beat Kerry "in a free, fair election." But Graves anticipates that, in addition to 615,000-620,000 legally cast votes, there will also be "15,000 to 20,000 fraudulent votes," which could hand the election to Democratic nominee Sen. John Kerry. In any case, a close election will translate into legal challenges of the outcome, Graves

said. “Every time a fraudulent vote is cast, it disenfranchises those of us who obey the law,” he added.^{ciii}

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