

**ELECTION IRREGULARITIES IN CUYAHOGA COUNTY, OHIO
SUBMITTED BY THE GREATER CLEVELAND VOTER REGISTRATION
COALITION (GCVRC)* TO THE HOUSE JUDICIARY COMMITTEE, DEC. 7, 2004**

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*The Greater Cleveland Voter Registration Coalition (hereafter GCVRC) is a non-partisan 501c3 organization whose mission was to register under-represented members of the Cuyahoga County population and to advocate for proper handling of those registrations. The GCVRC registered approximately 10,000 voters (new registrations and changes of address), making copies of all submissions to the Board of Elections (BOE).

PROBLEM ONE:

Lack of response to local studies showing that a significant number of submitted registration applications were never entered on the rolls or were entered incorrectly

The studies: Two studies were done, comparing registrations submitted by the GCVRC to the Cuyahoga BOE, to those that appeared on the official rolls and on the BOE's computer database. The first study (in September) tracked 2183 and the second (late October) approximately 7400 submissions. A total of 3.5% of these applications were never entered (new registrations and address updates) or the addresses were entered incorrectly. These errors would either totally disenfranchise voters or cause their entries on the polling books to be erroneous, forcing some voters to use provisional ballot. Projecting our results from these approximately 9500 individual submissions to the 300,000 non-duplicate submissions received by the Cuyahoga County BOE, we estimate that over 10,000 voters in Cuyahoga County would be compromised because of these clerical errors.

Supporting data available on request: Databases of individuals suffering clerical errors found in these two studies, plus copies of original registration cards for almost all of these individuals.

Lack of BOE Response to requests for action:

(Documentation available on request)

1. Preliminary results of the first study were sent to the BOE on Sept. 17, 2004 for them to check our results. No response.
2. When we used our results to do a media campaign to warn all voters to check their registration status before the registration deadline of Oct. 4, 2004, and to re-register if necessary, BOE Director Michael Vu accused study leader, Norman Robbins, of "inciting panic".
3. BOE Director Vu was present at 2 County Commissioner's meetings where the first study results were presented, and a request was made for a search at the BOE for missing applications. Director Vu strongly objected.
4. A law suit to force the BOE to correct errors pointed out by the studies and to search its files for lost registrations was denied by U.S. District Judge Matia on Oct. 27, 2004, on the basis that he was satisfied that "The procedures put in place by the Board of Elections appear to be reasonably calculated to correct any defects in the registration process". This, despite his statement at the outset of the hearing that the facts should not be the issue.

5. On Oct. 29, Director Vu received a list and documentation of 303 applications from our study with a written request that these voters be reinstated before the deadline for correction. No response received.
6. On Nov. 29, when we presented to the full BOE our findings that at least 30 of the registrations submitted had ended up voting provisional ballots which were rejected, and when we projected that approximately 1,000 voters in Cuyahoga County were likely to be in the same predicament, the BOE refused to accept our plea to check all rejected provisional ballots against the original application, nor to accept as evidence for reinstatement our copies of applications that were never entered. They did not contest our findings, but rather said this was normal "human error" and was a small percent of all voters.

PROBLEM TWO:

Failure of the Cuyahoga BOE to reinstate rejected provisional ballots where our evidence showed that 463 fully registered voters had been incorrectly classified as "not registered" or rejected for other reasons ("no signature on provisional ballot envelope") when they should not have had to vote a provisional ballot in the first place.

Using a computer cross-check search of the entire county data bases of registered voters on August 17 and on Oct. 22, and comparing these against the list of rejected provisional ballot voters, we found that:

1. 201 voters who were registered in August 17, were taken off the rolls by Oct. 22, and forced to vote provisional ballots which were then rejected because they were not found to be registered.
2. 262 fully registered voters as of the BOE list of Oct. 22 were nonetheless found on the provisional rejection list, 183 classified as "Not Registered" and 79 as "No Signature".

These data, with full documentation of names and addresses, were presented to the full Cuyahoga BOE on 11-29-04. In addition, we pointed out that our searches were incomplete because of limitations of data and time, i.e. that many more individuals were likely to be found with more additional cross-check searches. The Board did not contest our data, but said again it was just a small percentage due to human error, and then proceeded to certify the entire Cuyahoga County vote even though they thereby knowingly disenfranchised at least 463 individuals.

(Full Data sheets of these names and addresses available; also cover sheet accompanying our presentation to the BOE on 11-29-04)

Director Vu was quoted in the Plain Dealer as saying he was willing to look into the data supplied at the Oct. 29 meeting. This was e-mailed to him on Oct. 30, but there has been no further response.

We know that our estimates of wrongfully disenfranchised voters are low, because we were not able to obtain date-of-birth and precinct information from the BOE, which would have allowed a better search and are essential for analyzing rejections due to voting in the wrong precinct. Also, we know of individuals who are not on our database but who claimed they were regular voters and yet did not find their names on the polling lists on Nov. 2, 2004.

PROBLEM THREE:

In their printed communications with voters, the Cuyahoga BOE incorrectly told absentee voters that if they applied for an absentee ballot, thereafter they could not vote instead at their assigned polling place.

In contrast to many if not all other counties in Ohio, the Cuyahoga BOE policy was to allow absentee applicants to vote at regular polling places once the poll worker determined they had not voted already via absentee ballot. This option became necessary for absentee applicants who never received their ballots in the days before the election, or who chose for other reasons to vote at the polling place (e.g. far easier to manage punch card ballot with polling machine).

However, the "Absent Voter Booklet" sent to all absentee applicants states "Any voter who has requested an absent voter ballot will not be permitted to vote in person at a polling place on election day". Also, the "Official Voter Information Guide", sent about 1 week before the election to all registered voters in Cuyahoga County, states "Once you have requested such a {absentee}ballot, you will not be allowed to vote in person at your precinct".

When this error was pointed out to Director Vu, he issued one press release with a correction, but this was totally inadequate public communication to a county with over some 90,000 absentee applicants. Given the seriousness of the error, notification should have been sent in writing to all absentee voters who had not yet voted.

(Documentation available: Copies of Absent Voter Booklet and Voter Information Guide.

PROBLEM FOUR:

Failure of the Cuyahoga County Board to provide the public with readily usable and timely election data:

When the provisional ballot acceptance/rejection information was first made available on Oct. 22, 2004, as a printed document listing only cities and wards, GCVRC asked for data on the names and addresses of accepted and rejected provisional voters. On Oct. 23, the BOE supplied only a pdf file, saying it could not supply the information in database format. In response to a subsequent request on Oct. 23 or 24, Director Vu promised Dan Kozminski, GCVRC volunteer, that he would make a database format file available in 2-3 days and that it would include ward, precinct, and date of birth. Despite 3 follow-up calls, there was no response as of 18 days later (Dec. 6, 2004). Ensuing discussions are now finally in progress.