

# More Election Crimes Surface in Ohio

by Edward Spannaus

Evidence of a criminal conspiracy to prevent legitimate votes from being cast, and counted, continues to mount in the state of Ohio. Ohio will be the primary focus of the anticipated challenge to Electors when the Congress meets in Joint Session on Jan. 6, but questions may be raised about other states as well.

In a radio interview Dec. 28, former Presidential candidate Lyndon LaRouche said that “I couldn’t say that Kerry *didn’t* win the election. I have many indications that the margins of votes attributed to a Bush victory, *didn’t* happen.”

“We have a lot of people who are eligible for imprisonment,” LaRouche continued, “because there was a massive campaign of voter suppression. Voter suppression, under the U.S. law, under the Voting Rights Act, is a crime . . . and there were a lot of people who were caught doing just that. And there’s a possibility of their being convicted for doing that, including possibly the Secretary of State of the state of Ohio.”

## Rigging the Recount

The conduct of the “recount” which was just completed in Ohio, compounded the criminality which has pervaded the entire election process, which began with efforts by Secretary of State Kenneth Blackwell, and Republican operatives, to hamper and prevent voter registrations, then spreading disinformation to minority voters to prevent them from showing up at the right polling place, and then the massive shorting of voting machines in predominantly-minority areas, causing impossibly long waits in line, so that thousands, maybe tens of thousands, of voters were disenfranchised on Election Day.

Furthermore, over 100,000 votes remain uncounted. These included over 92,000 machine-rejected punch-card ballots, many of which were rejected because of “over-votes,” that is, with votes registered for both Bush and Kerry. Affidavits have been submitted from voters in Cleveland, that ballot cards were already pre-punched for Bush when they were given out to the voters; an effort to punch the card for Kerry would thus invalidate the entire ballot.

Evidence has also surfaced of large-scale vote-shifting which padded Bush’s totals. Analysts believe that this took place at the vote-tabulating stage, when the precinct totals were compiled by a central computer in each county.

On top of that, there are overwhelming indications that the recount itself was rigged, by the illegal pre-selection of precincts to be used for the “sample” recount in many count-

ies. Under Ohio law, if the recount of two or three precincts, constituting 3% of the vote in that county, doesn’t show any discrepancies, then no further recounting is required. As a result, only two of 88 counties in the state conducted a full recount, and in both of those two instances, more than 1,000 additional votes were uncovered in each county!

Rep. John Conyers (Mich.), the senior Democrat on the House Judiciary Committee who has been conducting an aggressive investigation of the Ohio vote, zeroed in on this potential rigging of the recount, in a series of letters on Dec. 21-23, of which we reprint excerpts here.

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## Documentation

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*On Dec. 21, Representative Conyers sent a letter to all the Presidential candidates, or their representatives, requesting that they forward any reports of irregularities or deviations from accepted law or practices during the ongoing recount. He cited the following instances that had been brought to his attention:*

### Tampering

- Triad employees possibly accessed computers and tabulating machines before the recount, and out of the presence of board members and witnesses in at least 41 counties.
- At least one precinct in Medina County that would not have voting anomalies was both carefully pre-selected and pre-counted, so that the initial 3% recount that is mandated by the Ohio Secretary of State would not return a mismatch between the initial tally and the recount.

### Secrecy

- Recount workers and observers were not permitted to view the preparation of the test ballots, the count of the test ballots, or the pretesting of the ballots and machines.
- Uncounted provisional and absentee ballot envelopes were not available during the recount process in Medina.
- On more than one occasion, ballots with votes in both positions (Kerry/Edwards and Bush/Cheney) were not being rejected as overvotes, but were counted as votes for George Bush, and recount workers were not permitted to examine these ballots.

### Counting Violations

- In Medina County, if the tabulator count did not match the hand count, the ballots were not hand counted a second time, as required by the Ohio Revised Code.

*On Dec. 22, Representative Conyers wrote to Brett A. Rapp, president of Triad GSI, and Michael Barbian, Jr., the Ohio Field Representative for Triad, with the following request for more information:*

Dear Mr. Rapp and Mr. Barbian:

I have just reviewed a tape prepared by the documentarian Lynda Byrket, of the hearing held by the Hocking County Board of Elections on Dec. 20, and based on that tape, I have more questions and concerns than ever about the conduct of your firm in connection with the Ohio presidential election and recount. In particular, I am concerned that your company has operated—either intentionally or negligently—in a manner which will thwart the recount law in Ohio by preventing validly cast ballots in the presidential election from being counted.

You have done this by preparing “cheat sheets” providing county election officials with information such that they would more easily be able to ignore valid ballots that were thrown out by the machines during the initial count. The purpose of the Ohio recount law is to randomly check vote counts to see if they match machine counts. By attempting to ascertain the precinct to be recounted in advance, and then informing the election officials of the number of votes they need to count to make sure it matches the machine count is an invitation to completely ignore the purpose of the recount law.

You as much as admitted that this was your purpose at the Dec. 20 hearing:

**Rapp:** “Remember: the purpose was to train people on how to conduct their jobs . . . and to help them identify problems when they conducted their recount . . . *If they could not hand recount the ballots correctly, they would know what they needed to look for in that hand count.*”

**Observer:** “Why do you feel it was necessary to point out to a team counting ballots the number of over-votes and under-votes when the purpose of the team is to in fact locate those votes and judge them?”

**Barbian:** “It’s an easy mistake as you’re hand counting. . . . It’s just human error. *The machine counts it right.* . . . We’re trying to give them as much information as possible to help them out.

**Interviewer:** “*You were just trying to help them so that they wouldn’t have to do a full recount of the county, to try to avoid that?*”

**Barbian:** “*Right.*” . . .

Additional Questions Concerning Hocking County

1. Did Mr. Barbian ask Ms. Eaton or any other representative of the Hocking County Election Board to notify him of the precinct or precincts which were to be recounted by hand

prior to the recount on Dec. 13? Were any similar requests made in other counties? If so, which ones? At the hearing, Mr. Barbian stated that he required this information to serve as a “sample.” However, the Eaton affidavit appears to indicate that he sought the information on the precinct to be recounted, not as a sample precinct.

2. Did Mr. Barbian advise Ms. Eaton or any other representative of the Hocking County Election Board as to how to post a “cheat sheet” to insure that the hand count would match the machine count? Was any similar advice proffered by your staff in other counties? If so, which ones? Again, at the hearing, you indicated that you were merely providing information to the Board, however, it appears that the information was specifically designed to help them avoid completing a full recount by disregarding any valid ballots that were not counted by the machines on election night. . . .

Additional Questions Concerning Other Ohio Counties

9. In which counties in Ohio did Triad personnel interact with election machinery after the Nov. 2 election and before the recent presidential recount? Please state the counties and the personnel.

10. Our research indicates that any handling of ballots—which are defined by the Ohio Code to include election machinery—may only be done in the presence of the entire election board and qualified witnesses. In addition, any modification of the election machinery may only be done after full notice to the Secretary of State. When your staff made adjustments to the election machinery in Hocking and the other 40 Ohio counties, was the entire election board present? If not, why not? Did you provide any notice of any of the actions you took to the Secretary of State? If so, please provide us with copies. If not, why not? . . .

*Representative Conyers sent a follow-up letter to Rapp and Barbian on Dec. 23, which read:*

As a follow-up to the letter I sent yesterday, I’d like to inquire further about allegations that have just been brought to my attention. It appears that officials in Fulton and Henry counties have confirmed that Triad had remote access to tabulating computers controlled by the Boards of Elections. Officials stated that your company did not come into the Board of Elections to adjust the tabulation software because it could be, and had been, done remotely. I would like to know:

1. Which Ohio counties can you access remotely?
2. Which counties did you access remotely? What changes did you make to software or ballots?
3. As discussed in yesterday’s letter, did you use your remote access to inquire how machine votes would be counted in order to instruct the board how to manipulate the 3% hand count to avoid a county wide hand count?
4. Since voting machines can apparently be accessed over the internet, what steps has your company taken to insure that they are not tampered with?