

Voting Irregularities in Florida During the 2000 Presidential Election

APPENDIX

June 2001

United States Commission on Civil Rights

U.S. Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices.
- Study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin.
- Submit reports, findings, and recommendations to the President and Congress.
- Issue public service announcements to discourage discrimination or denial of equal protection of the laws.

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APPENDIX

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APPENDIX I

Population and Voting Characteristics of Florida Counties (Ranked by Percentage of Votes Spoiled)

**Population and Voting Characteristics of Florida Counties
(Ranked by Percentage of Votes Spoiled)**

County	Voting system	No. of spoiled votes ¹	% of ballots spoiled	1999 population ²	% white	% black	Hispanic ³	% minority ⁴	Median income	% living in poverty ⁵	No. of registered voters ⁶	% of registered voters who are black	
Gadsden	Optical (central)	2,085	12.4	44,077	36.3	63.0		3.3	66.1	24,881	25.9	26,253	54.4
Glades	Punch card (central)	357	9.6	8,693	76.5	17.0		11.8	34.3	26,336	18.1	6,326	7.8
Duval	Punch card (central)	26,909	9.2	738,483	67.9	28.5		3.9	35.1	35,883	13.4	423,967	24.0
Jefferson	Punch card (central)	571	9.2	13,090	50.7	48.8		2.7	51.6	27,788	22.0	8,161	35.1
Hendry	Optical (central)	810	9.1	29,463	78.0	18.8		29.0	49.3	28,325	22.8	16,268	13.1
Hamilton	Optical (central)	389	8.9	12,785	55.1	44.2		4.3	48.4	24,174	26.2	6,939	32.0
Franklin	Optical (central)	419	8.3	9,978	83.6	15.2		1.7	17.8	24,088	19.0	7,578	9.1
De Soto	Punch card (central)	701	8.2	24,636	80.4	18.2		13.4	32.0	25,525	23.4	15,731	10.6
Taylor	Optical (central)	605	8.2	19,049	75.4	23.1		2.9	26.9	27,354	22.0	12,304	14.5
Okeechobee	Optical (central)	858	8.0	32,386	88.9	9.6		16.4	26.7	26,129	20.0	17,448	5.2
Bradford	Optical (central)	741	7.9	24,872	75.4	23.4		3.3	27.3	30,033	22.2	13,547	13.3
Liberty	Optical (central)	188	7.2	6,703	77.2	21.7		3.8	25.5	27,178	22.3	3,752	9.5
Madison	Punch card (central)	480	7.2	17,919	53.0	46.6		2.1	48.6	24,980	23.2	10,378	33.3
Jackson	Optical (central)	1,170	6.7	44,549	68.8	30.3		4.2	34.7	25,953	20.8	23,973	22.0
Dixie	Punch card (central)	332	6.6	12,919	89.8	9.4		1.4	11.4	21,982	23.9	10,511	4.5
Lafayette	Optical (central)	174	6.5	6,477	81.8	17.6		6.0	23.5	27,354	24.1	4,036	6.3
Palm Beach	Punch card (central)	29,702	6.4	1,049,420	83.3	14.8		11.2	26.6	37,045	11.5	656,694	8.5

¹ The number of spoiled ballots equals the total ballots cast in the 2000 election, minus ballots that did not register a vote for President because they were either spoiled or blank. Source: *Orlando Sentinel Survey*, Nov. 14, 2000, as updated by Collins Center for Public Policy, Inc. State of Florida, the Governor's Select Task Force on Election Procedures, Standards and Technology, *Revitalizing Democracy in Florida*, Mar. 1, 2001, pp. 31-32, chart 4. The state average spoilage rate was 2.93 percent.

² Population data are based on Census Bureau estimates for 1999. Source: U.S. Bureau of the Census, "Quick Facts," accessed at <<http://quickfacts.census.gov>>.

³ Hispanics may be of any race.

⁴ For the purposes of this analysis, the size of the population that is in a minority group is calculated by subtracting the white, non-Hispanic population from the total population.

⁵ Data are for 1999. In 1999, the poverty threshold for one individual was \$8,501; for a family of four, the poverty threshold was \$17,029. Source: U.S. Bureau of the Census, "Poverty 1999," accessed at <<http://www.census.gov/hhes/poverty/threshld/thres99.html>>.

⁶ Source: Documents produced by the Florida secretary of state pursuant to a Commission subpoena duces tecum, Florida Division of Elections, "Registered Elections by Party, County Totals October 10, 2000," Bates Nos. 016764-016872.

County	Voting system	No. of spoiled votes ¹	% of ballots spoiled	1999 population ²	% white	% black	% Hispanic ³	% minority ⁴	Median income	% living in poverty ⁵	No. of registered voters ⁶	% of registered voters who are black
Gulf	Optical (central)	421	6.4	13,562	72.8	26.2	1.4	28.2	28,605	19.8	9,923	13.0
Nassau	Punch card (central)	1,605	6.3	56,811	86.5	12.6	1.8	15.1	40,128	9.7	35,170	6.4
Union	Paper/hand	258	6.3	12,720	70.9	27.8	6.2	34.0	29,968	23.2	6,752	12.0
Hardee	Punch card (central)	412	6.2	21,017	91.3	7.7	30.7	38.5	25,482	27.8	10,886	6.8
Levy	Optical (central)	766	5.7	32,386	83.9	14.5	3.7	18.7	24,838	19.8	18,671	7.0
Suwannee	Optical (central)	732	5.6	32,972	81.5	17.5	2.3	20.5	26,070	18.2	20,617	10.4
Gilchrist	Punch card (central)	293	5.2	14,056	90.1	9.3	2.4	12.0	27,483	18.4	6,878	2.5
Wakulla	Punch card (central)	422	4.7	19,179	83.1	15.6	.9	17.6	34,492	13.7	13,382	9.0
Charlotte	Optical (central)	3,204	4.6	136,992	93.8	4.7	4.0	9.3	32,211	9.5	98,898	2.8
Miami-Dade	Punch card (central)	28,601	4.4	2,175,634	77.6	20.4	57.4	77.0	30,000	21.1	896,912	19.7
Washington	Optical (precinct)	329	3.9	20,614	77.8	19.4	1.8	23.7	25,224	22.5	14,358	10.7
Indian River	Punch card (central)	1,945	3.8	100,253	88.7	10.2	4.5	15.3	35,895	11.2	71,420	4.9
Lake	Optical (central)	3,378	3.7	209,812	87.6	11.4	4.4	16.0	30,768	12.8	131,031	5.6
Escambia	Optical (precinct)	4,372	3.6	282,432	72.3	23.4	3.0	30.0	31,069	17.8	171,004	16.4
Columbia	Optical (precinct)	693	3.6	53,738	76.3	22.3	2.2	25.6	28,521	19.7	31,131	13.8
Sumter	Punch card (central)	771	3.3	42,754	77.1	21.9	4.4	26.8	25,601	21.4	31,549	7.5
Collier	Punch card (central)	3,184	3.3	207,029	93.1	5.7	18.6	23.5	41,000	11.2	123,572	1.7
Marion	Punch card (central)	3,345	3.2	245,975	83.9	14.9	4.6	20.2	28,244	16.4	147,707	8.1
Osceola	Punch card (central)	1,683	2.9	150,596	90.2	6.9	17.6	26.1	32,552	13.4	92,196	4.7
Highlands	Punch card (central)	1,009	2.8	74,795	87.0	11.6	7.4	19.7	26,006	16.4	52,941	6.6
Pasco	Punch card (central)	3,917	2.7	330,704	96.0	2.6	5.4	9.1	28,202	13.5	221,671	1.4
Broward	Punch card (central)	14,622	2.5	1,535,468	78.9	18.6	12.8	32.6	37,832	11.7	887,764	14.1
Hillsborough	Punch card (central)	9,172	2.5	940,484	82.2	15.3	18.3	35.0	35,994	15.0	499,427	11.6
Lee	Punch card (central)	4,601	2.4	400,542	90.7	8.1	6.8	15.5	34,117	11.5	252,918	3.7
Pinellas	Punch card (central)	8,487	2.1	878,499	88.1	9.7	3.7	15.3	32,816	12.2	574,961	6.1
Holmes	Optical (precinct)	139	1.8	18,761	91.7	6.3	2.1	9.9	23,416	24.7	10,317	1.7
Sarasota	Punch card (central)	2,807	1.7	306,546	93.6	5.3	3.3	9.5	37,660	8.7	221,945	2.6
Baker	Optical (precinct)	140	1.7	21,181	81.6	17.5	1.9	19.9	32,377	16.9	12,352	9.6
Calhoun	Optical (precinct)	78	1.5	12,436	80.0	18.3	1.9	21.8	25,362	23.0	7,234	10.6
Manatee	Optical (precinct)	1,455	1.3	243,531	89.1	9.6	6.8	17.1	35,063	11.7	170,578	5.1
Walton	Optical (precinct)	219	1.2	38,124	88.4	9.0	1.4	12.8	27,211	18.8	28,144	4.6
Bay	Optical (precinct)	663	1.1	147,958	83.3	13.0	2.8	19.1	32,047	15.1	92,749	8.2
Okaloosa	Optical (precinct)	765	1.1	170,049	84.7	10.5	4.8	19.3	36,788	10.5	111,320	6.6
Martin	Lever machine	557	.9	118,117	91.5	7.0	7.0	14.6	40,161	10.1	86,514	2.7
St. Johns	Optical (precinct)	532	.9	119,685	88.1	10.6	3.5	15.1	42,857	9.4	89,511	4.9
Orange	Optical (precinct)	2,404	.9	817,206	78.2	18.0	14.0	34.4	36,979	13.4	404,779	12.7
St. Lucie	Optical (precinct)	649	.8	181,850	79.2	19.4	5.9	25.7	30,788	15.1	117,785	10.9
Santa Rosa	Optical (precinct)	365	.7	120,952	92.1	4.8	2.4	9.9	37,201	11.8	77,778	3.0
Clay	Optical (precinct)	411	.7	141,353	90.4	6.3	4.2	13.1	42,729	7.7	86,861	5.1
Putnam	Optical (precinct)	168	.6	70,215	77.4	21.5	4.0	26.0	25,318	22.1	40,396	12.6
Monroe	Optical (precinct)	208	.6	79,941	92.0	6.4	18.0	25.0	36,353	11.5	48,409	3.0
Polk	Optical (precinct)	975	.6	457,347	82.7	15.9	6.1	22.8	31,030	16.6	247,807	10.6
Alachua	Optical (precinct)	415	.5	198,484	73.3	22.7	5.3	31.5	31,382	18.3	120,867	13.7
Hernando	Optical (precinct)	281	.4	128,482	94.3	4.7	4.6	10.0	27,740	13.8	95,549	3.0
Citrus	Optical (precinct)	217	.4	116,111	95.9	2.9	2.9	6.9	26,883	14.5	81,378	1.6
Flagler	Optical (precinct)	83	.3	49,110	88.0	10.1	6.7	17.8	34,675	10.5	33,466	7.5
Volusia	Optical (precinct)	500	.3	425,601	87.5	10.9	5.7	17.7	29,843	14.2	260,572	7.0
Brevard	Optical (precinct)	594	.3	470,365	87.9	9.5	4.7	16.2	36,353	11.3	283,680	5.5
Seminole	Optical (precinct)	336	.2	357,390	86.8	10.2	9.7	22.2	43,061	9.8	190,704	6.8
Leon	Optical (precinct)	181	.2	215,926	69.2	28.3	3.4	33.7	37,832	13.8	146,417	23.9

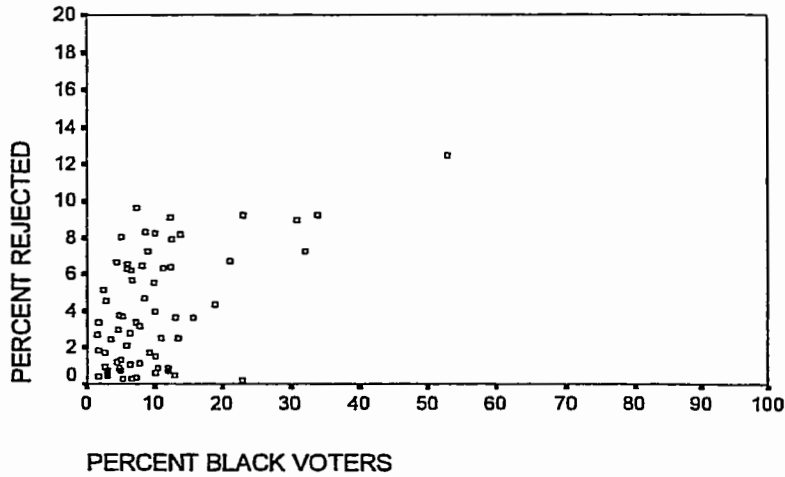
APPENDIX II

Race and Ballot Rejection Rates

A

**GRAPH 1: RACE AND BALLOT REJECTION RATES
ALL COUNTIES, FLORIDA**

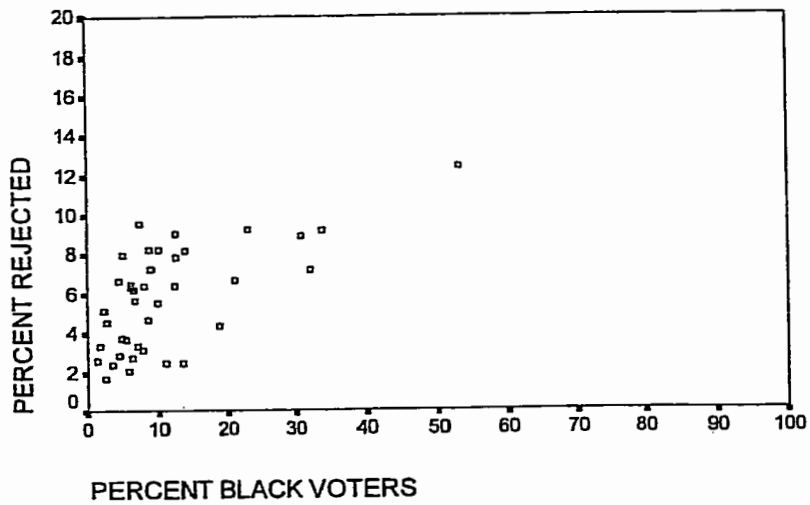
2000 PRESIDENTIAL ELECTION



B

**GRAPH 2: RACE AND BALLOT REJECTION RATES
COUNTIES WITH PUNCH CARD AND CENTRAL RECORD**

2000 PRESIDENTIAL ELECTION

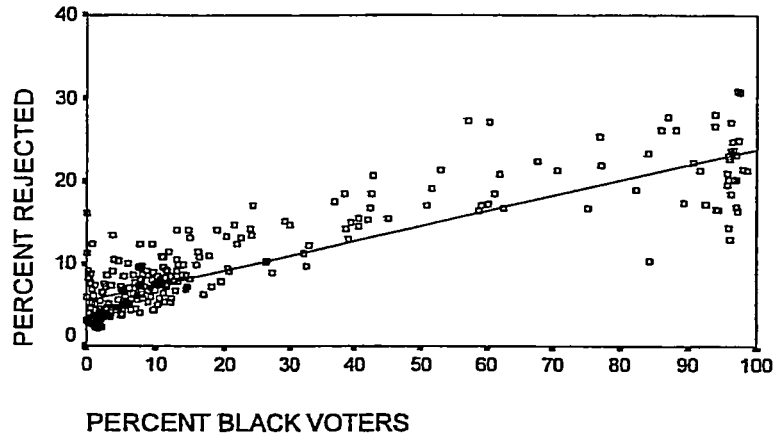


C

GRAPH 3: RACE AND BALLOT REJECTION RATES

DUVAL COUNTY, FLORIDA

2000 PRESIDENTIAL ELECTION



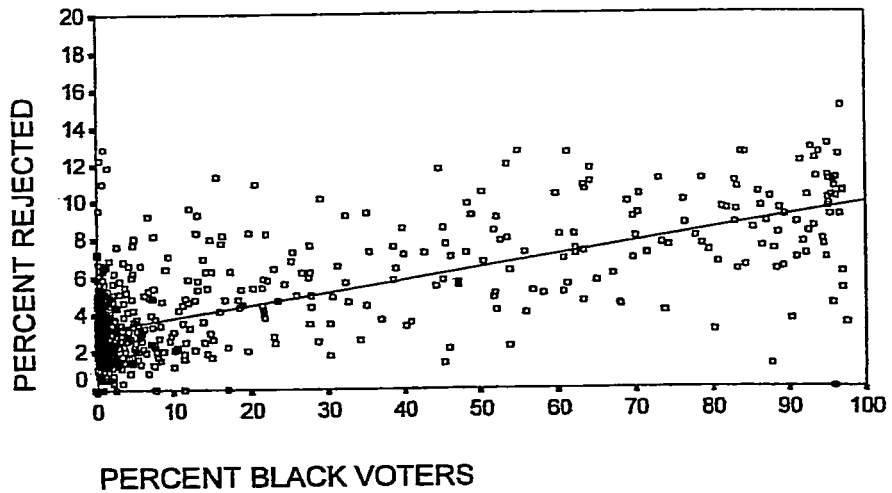
Cases weighted by BALLOTS

D

GRAPH 4: RACE AND BALLOT REJECTION RATES

DADE COUNTY, FLORIDA

2000 PRESIDENTIAL ELECTION



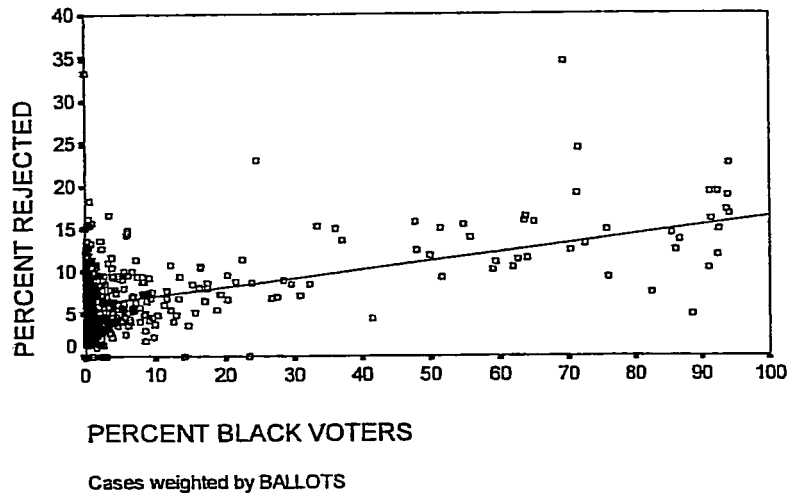
Cases weighted by BALLOTS

E

GRAPH 5: RACE AND BALLOT REJECTION RATES

PALM BEACH COUNTY, FLORIDA

2000 PRESIDENTIAL ELECTION

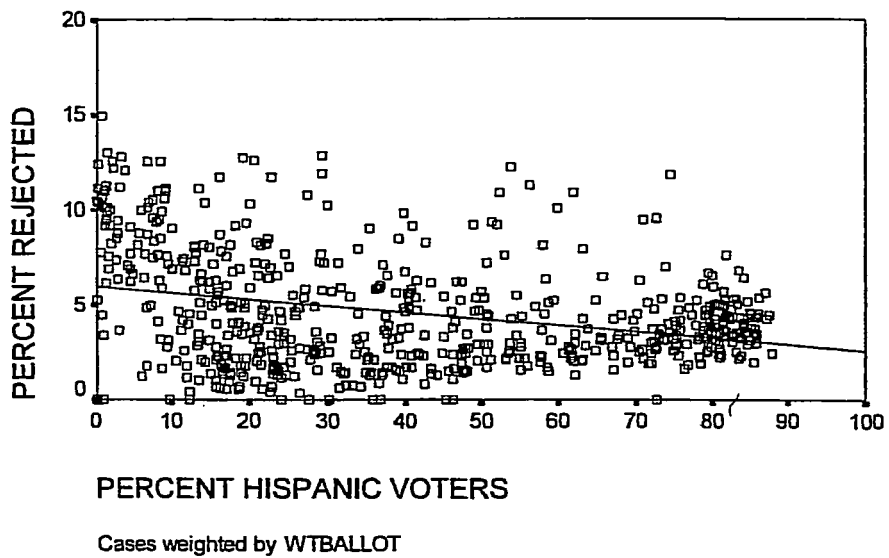


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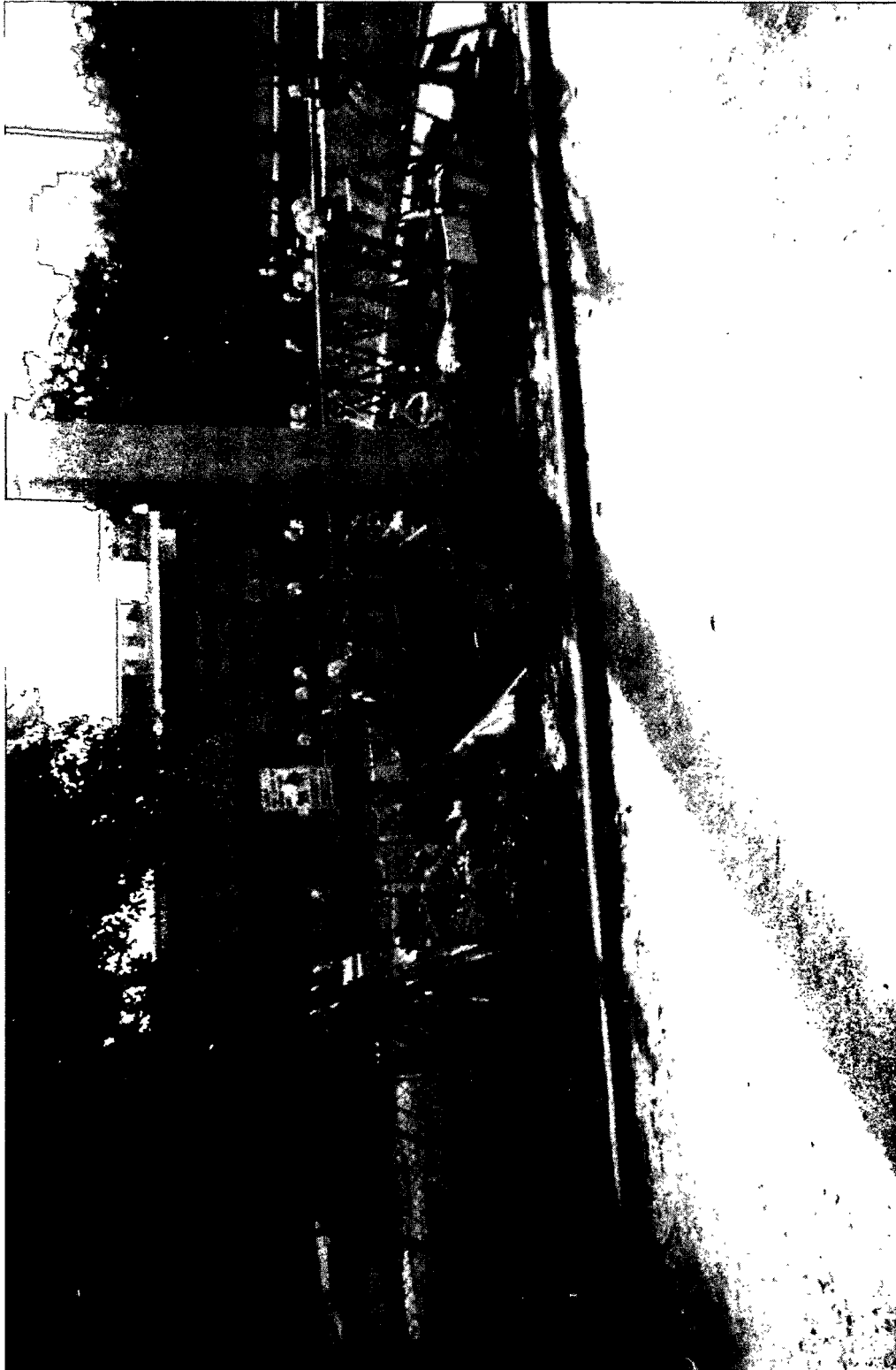
GRAPH 6: REJECTION RATES AND HISPANIC ETHNICITY

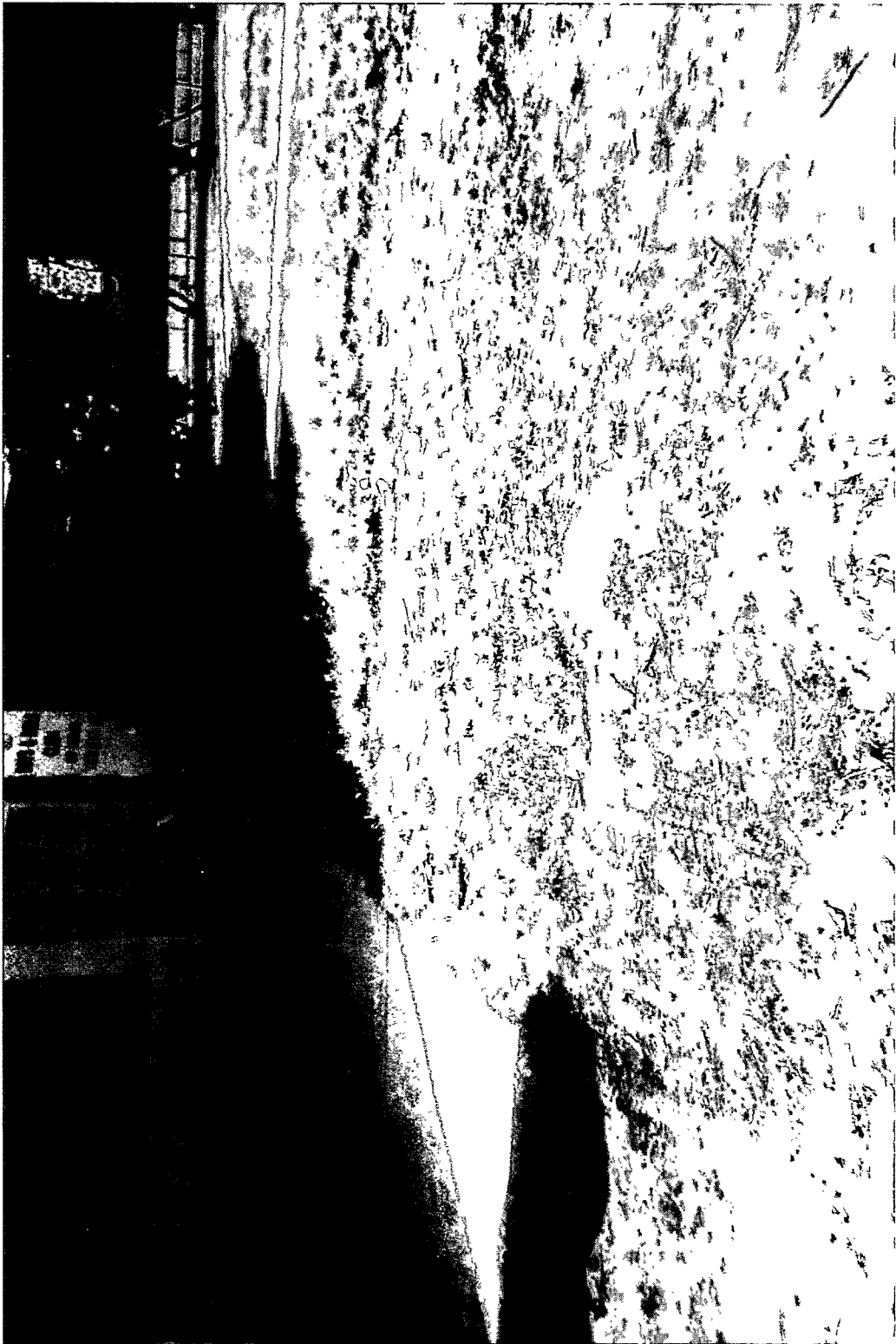
DADE COUNTY FLORIDA

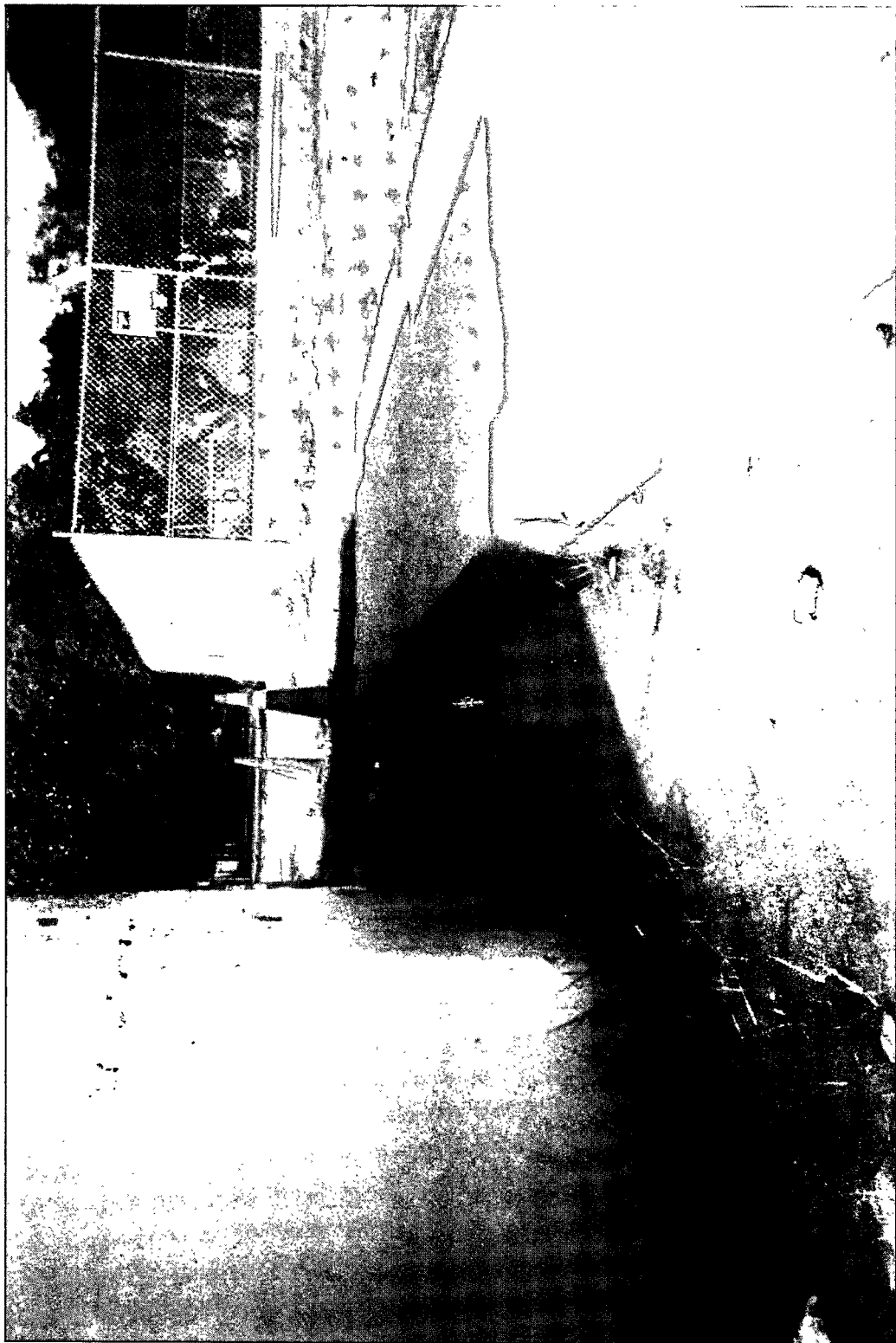
2000 PRESIDENTIAL ELECTION



Photographs of a Polling Place in Miami-Dade County









APPENDIX IV

Official Ballot, General Election, Palm Beach County,
November 7, 2000

OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

<p>ELECTORS FOR PRESIDENT AND VICE PRESIDENT</p> <p>(A vote for the candidates will actually be a vote for their electors.)</p> <p>(Vote for Group)</p>	<p>(REPUBLICAN)</p> <p>GEORGE W. BUSH - PRESIDENT 3 ➤</p> <p>DICK CHENEY - VICE PRESIDENT</p>
	<p>(DEMOCRATIC)</p> <p>AL GORE - PRESIDENT 5 ➤</p> <p>JOE LIEBERMAN - VICE PRESIDENT</p>
	<p>(LIBERTARIAN)</p> <p>HARRY BROWNE - PRESIDENT 7 ➤</p> <p>ART OLIVIER - VICE PRESIDENT</p>
	<p>(GREEN)</p> <p>RALPH NADER - PRESIDENT 9 ➤</p> <p>WINONA LaDUKE - VICE PRESIDENT</p>
	<p>(SOCIALIST WORKERS)</p> <p>JAMES HARRIS - PRESIDENT 11 ➤</p> <p>MARGARET TROWE - VICE PRESIDENT</p>
	<p>(NATURAL LAW)</p> <p>JOHN HAGELIN - PRESIDENT 13 ➤</p> <p>NAT GOLDHABER - VICE PRESIDENT</p>

OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

<p>← 4</p> <p>(REFORM)</p> <p>PAT BUCHANAN - PRESIDENT</p> <p>EZOLA FOSTER - VICE PRESIDENT</p>		
<p>← 6</p> <p>(SOCIALIST)</p> <p>DAVID McREYNOLDS - PRESIDENT</p> <p>MARY CAL HOLLIS - VICE PRESIDENT</p>		
<p>← 8</p> <p>(CONSTITUTION)</p> <p>HOWARD PHILLIPS - PRESIDENT</p> <p>J. CURTIS FRAZIER - VICE PRESIDENT</p>		
<p>← 10</p> <p>(WORKERS WORLD)</p> <p>MONICA MOOREHEAD - PRESIDENT</p> <p>GLORIA La RIVA - VICE PRESIDENT</p>		
<p>WRITE-IN CANDIDATE</p> <p>To vote for a write-in candidate, follow the directions on the long stub of your ballot card.</p>		

TURN PAGE TO CONTINUE VOTING ➤

APPENDIX V

Overview of Election Reform Proposals and Recommendations

Overview of Election Reform Proposals and Recommendations

	Task force recommendation	Proposed legislation	Election Reform Act	Commission recommendation
Eliminate punch card ballots	Yes	Yes	Yes	Yes
Standardize voting technology and standards	Yes	Yes	Yes	Yes
Provide the ability to vote by provisional ballots	Yes	Yes	Yes	Yes
Eliminate state requirement for list maintenance by private contractor	No*	Yes	Yes	Yes
Eliminate burden placed on voter to prove registration status	No	No	No	Yes
Permit automatic restoration of voting rights for former felons	No*	Yes	No	Yes
Enhanced voting services for individuals with disabilities	No	Yes	No	Yes
Improved poll worker training	Yes	Yes	Yes	Yes
Uniform polling place procedures	Yes	Yes	Yes	Yes
Provide less restrictive standards for absentee ballot use and tabulation	Yes	Yes	Yes	Yes
Uniform poll closing time	Yes	Yes	No*	Yes

* Made no recommendation supporting or rejecting, but indicated issue should be studied.

APPENDIX VI

**Affected Agency Review Comments from Charles T. Canady,
General Counsel to Governor Bush**

Affected Agency Review Comments from Charles T. Canady, General Counsel to Governor Bush

PART II: SPECIFIC FACTUAL INACCURACIES IN
THE COMMISSION'S REPORT

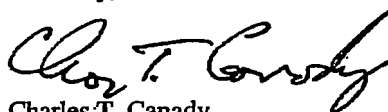
Absentee Ballot/State Seal. The last paragraph on page 53, the first paragraph on page 54, and note 248 on page 60 of the Commission's report, all of which relate to a campaign letter of the Republican Party of Florida, repeat inaccurate and misleading allegations that were made by witnesses at the Commission's Tallahassee hearing. (For your convenience, a copy of the letter in question is attached.) The Commission should remove these passages from its report.

The truth about the letter is as follows:

- The letter was a campaign mailing of the Republican Party of Florida. Although titled "From the Desk of Governor Jeb Bush" and signed by the Governor, the letter was not written by the Governor in his official capacity, nor was it written on the Governor's official stationery. It is commonplace for elected officials of both major political parties to campaign vigorously for the election of candidates of their respective parties and to identify themselves with their official titles while doing so.
- No taxpayer funds were spent on the letter, which was mailed and paid for by the Republican Party of Florida. Lest there be any doubt about how it was funded, the bottom of the one-page letter included the following text: "Pd. Pol. Adv. Paid for by the Republican Party of Florida." The purpose of the letter was to encourage Republicans to vote. Accordingly, the Republican Party of Florida chose to mail the letter only to registered Republican voters.
- The letter did not offer its recipients any "special" privileges or opportunities. It simply provided information about the absentee voting process and included an absentee ballot application. The absentee voting procedure referred to in the letter was available to every eligible Florida voter.
- The letter did not bear the current official seal of the State of Florida. The image on the letter was taken from the Florida state flag and depicts the state seal as it first appeared 1868. The official state seal has since been changed, first in 1970 and again in 1986.
- A civil lawsuit challenging the letter, *Florida Democratic Party v. Bush*, Case No. 00-2554, was dismissed by the Circuit Court in Leon County on November 2, 2000. No appeal of this case was filed. And no state prosecuting authority has initiated any criminal action involving the letter.

Funding for the Department of State. The second full paragraph on page 66 and note 326 on page 72 of the Commission's report inaccurately claim that Governor Bush denied a request by the Department of State's Division of Elections for media/voter education funding. The Governor's Office of Policy and Budget has reviewed this matter and, in consultation with budget officials from the Department of State, has determined that the Department of State never made any such request. The Commission should therefore delete these passages from its report.

Sincerely,



Charles T. Canady
General Counsel

From the Desk of Governor Jeb Bush

Vote From the Comfort of Your Home

Dear Fellow Republican:

It has been an exciting year in the state of Florida.

Through a coordinated effort with our Republican-led Florida House and Senate, we have been careful stewards of your hard-earned tax dollars. We have combined historic tax cuts of over \$2 billion with record funding increases for education, health care and the environment. We have found innovative ways to reward our quality teachers, make sure our children feel safe in their classrooms and hold our schools accountable to ensure that each child gains a year's worth of knowledge in a year of time. We have provided a prescription drug benefit program for low-income seniors and empowered local communities to double the homestead tax exemption for our elderly. We have dramatically reduced crime by demanding harsher sentences for criminals who use guns, and by making sure that hardened criminals serve hard time in prison.

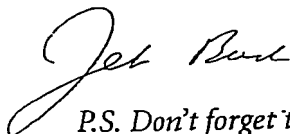
No stone has been left unturned in our effort to make Florida an even better place to live, work and retire. While I am proud of the accomplishments we've made, I know that together we can do more.

Your vote is important to the success of our Republican team. So, I am asking you to elect legislators who share our common goals of cutting taxes, reducing government, improving our schools and making our neighborhoods safer. I encourage you to vote for Debby Sanderson for State Senate (District 51), Jeff Atwater for State Representative (District 83), Bill Andrews for State Representative (District 87), Connie Mack for State Representative (District 91), and Stephen Greep for State Representative (District 92).

You may vote early by requesting a mail-in ballot using the ballot request card attached. Simply sign the card, provide the last 4 digits of your social security number, as required by law, and mail it in today. The postage is free. Within a few weeks, you will receive your ballot materials, and you may then vote from the comfort of your own home.

If you need additional information or help, or simply are in need of more ballot requests for a family member or neighbor, please call toll free 1-888-542-7504.

Sincerely,



P.S. Don't forget to vote for our Republican team - Debby Sanderson for State Senate, Jeff Atwater for State Representative, Bill Andrews for State Representative, Connie Mack for State Representative, and Stephen Greep for State Representative.

APPENDIX VII

**Report by Dr. Allan J. Lichtman on the Racial Impact of the
Rejection of Ballots Cast in the 2000 Presidential Election in
the State of Florida**

**REPORT ON THE RACIAL IMPACT OF THE REJECTION OF BALLOTS
CAST IN THE 2000 PRESIDENTIAL ELECTION IN THE STATE OF FLORIDA**

**Allan J. Lichtman, Professor
Department of History
American University
Washington, DC 20016**

June 2001

INTRODUCTION

I have been asked by the United States Commission on Civil Rights to consider whether the rejection of ballots as invalid for the 2000 presidential election in Florida had a disparate impact on the votes cast by African Americans. The analysis will consider all unrecorded ballots as well as the subsets of undervotes (ballots not recorded for the lack of a recognized vote) and overvotes (ballots not recorded for including more than one recognized vote).¹ The focus of analysis will be on whether African Americans are more likely than other voters to have had their ballots invalidated, although some consideration will be given to reforms of the electoral process in Florida and elsewhere.

BACKGROUND

I am a Professor of History at American University in Washington, D.C. Formerly I served as Department Chair and Associate Dean of the College of Arts and Sciences at American University. I received my BA in History from Brandeis University in 1967 and my PhD in History from Harvard University in 1973, with a specialty in the mathematical analysis of historical data. My areas of expertise include political history, voting analysis, and historical and quantitative methodology. A copy of my curriculum vitae, which accurately sets forth my professional qualifications and experience, is attached to this report.

My scholarship includes numerous works on quantitative methodology in social science. These works includes articles in such academic journals as Political Methodology, Journal of Interdisciplinary History, and Social Science History. I have also coauthored with Dr. Laura Langbein Ecological Inference, a standard text on the subject of inferring the behavior of population groups from data collected for political units. In addition, I have published articles on the application of social science analysis to the Voting Rights Act. This work includes articles in such journals as Journal of Law and Politics, La Raza, Evaluation Review, and National Law Journal.

My scholarship also includes the use of quantitative and qualitative techniques to perform political and historical studies of voting, published in such academic journals as The Proceedings of the National Academy of Sciences, The American Historical Review, and The Journal of Social History. Quantitative and historical analysis also grounds my books, Prejudice and the Old Politics: The Presidential Election of 1928, The Thirteen Keys to the Presidency (coauthored with Ken DeCell), and The Keys to the White House.

I have worked as a consultant or expert witness for both plaintiffs and defendants in more than 60 federal voting rights cases. This experience includes numerous cases in the state of Florida. I have been admitted as an expert witness in voting rights, political history, political systems, statistical methodology, quantitative analysis of voting, and socioeconomic analysis, among other matters, in more than 50 federal court cases in which I have presented oral or written testimony.

METHODOLOGY AND DATA

The database for this study includes county-level election returns for the presidential election of 2000 in Florida as well as the numbers by county of ballots cast, undervotes, overvotes, and unrecorded votes. Fifty-four of Florida's 67 counties, encompassing 94 percent of

¹ For counties that separately record undervotes and overvotes, the total number of unrecorded votes is slightly higher than the sum of undervotes and overvotes, given that not every rejected ballot was separately classified as an undervote or overvote.

ballots cast in 2000, separately recorded undervotes and overvotes. The database includes identification of voting system by county and county-level statistics for a variety of social, economic, and political variables, including race and education. The racial data includes the percentage of black registered voters, based on year 2000 voter registration data. The database also included precinct-level data for three of Florida's largest counties: Miami-Dade, Duval, and Palm Beach counties. This precinct-level data included unrecorded votes, undervotes, overvotes, and voter registration by race, based on 1998 voter registration data.²

Florida election returns, voting registration data, and county-by-county lists of voting technology were obtained from the Web site of the Florida Division of Elections, Department of State. Information on unrecorded votes was obtained from the Governor of Florida's select task force report on the Florida 2000 presidential election, *Revitalizing Democracy in Florida*, at pages 31–32.³

My study utilized simple descriptive statistics as well as the standard statistical method of regression analysis⁴ to compare the racial composition of counties and precincts to rates of overall unrecorded votes, overvotes, and undervotes. I also utilized ecological regression⁵ that provides estimates from county level and precinct level of the percentage of blacks and non-blacks casting unrecorded votes as well as either overvotes or undervotes.⁶ Ecological regression procedures were recognized as appropriate for voter analysis by the United States Supreme Court in *Thornburg v. Gingles*, 478 U.S. 30 (1986).

For the precinct-level data of Palm Beach, Miami-Dade, and Duval counties, rates of ballot rejection for blacks and non-blacks can also be examined through a technique termed

² The county-level correlation between the percentage of black registrants for 1998 and 2000 is a near-perfect .996.

³ Additional data on undervotes and overvotes was obtained from the data tables in *Siegel v. Lepore*, 234 F.3d 1163 (11th Cir. 2000) and from CNN and Associated Press, <<http://www.cnn.com/ELECTION/2000/resources/ballot1.htm>>. Precinct-level data for Duval County, Miami-Dade, and Palm Beach County was obtained from the Web site of Bruce E. Hansen, Stockwell Professor of Economics, University of Wisconsin-Madison: <<http://www.ssc.wisc.edu/~bhansen/vote/data.html>>. Socioeconomic data was obtained from the 1990 Census (such data is not yet available for 2000). Estimates of literacy rates were obtained from CASAS, "Synthetic Estimates Of Literacy, Percent Level 1, National Adult Literacy Survey."

⁴ Regression analysis measures the influence of one or more variables, known as independent variables, on another variable known as the dependent variable. When used for political units such as the counties of Florida or the precinct within a county, regression analysis measures the extent to which the value of the dependent variable changes from one unit to another in response to changes in the values of the independent variables. For a brief description of regression analysis see: Hubert M. Blalock, *Social Statistics* (New York: McGraw Hill, 1979), pp. 382–386.

⁵ Ecological regression is a standard method for inferring the behavior of population groups from data collected for aggregate units such as counties or precincts. It produces such estimates by comparing the racial composition of the various voting precincts to the division of the vote among competing candidates in each precinct. The ecological regression procedure for analyzing the behavior of population groups is set forth in my book, *Ecological Inference* (Sage Series on Quantitative Applications in Social Science, 1978: with Laura Irwin Langbein). Other references on the use of ecological regression for voting analysis include: Richard Engstrom, "Quantitative Evidence in Vote Dilution Litigation: Political Participation and Polarized Voting," *Urban Lawyer* (1985); Bernard Grofman and Chandler Davidson, eds., *Controversies in Minority Voting: The Voting Rights Act in Perspective* (Cambridge: Cambridge University Press, 1992); Bernard Grofman, Lisa Handley, and Richard G. Niemi, *Minority Representation and the Quest for Voting Equality* (Cambridge: Cambridge University Press, 1992); Allan J. Lichtman, "Passing the Test: Ecological Regression in the Garza Case and Beyond," *Evaluation Review* (1991).

⁶ Non-blacks include non-Hispanic whites as well as Hispanics and members of other races. Because of limitations in the data available, no attempt was made to distinguish the components of the non-black group, although racial disparities might be even greater if blacks and non-Hispanic whites were isolated for analysis.

extreme case analysis,⁷ which examines the rejection rates of ballots including both undervotes and overvotes in precincts that are heavily comprised of registrants that are either black or non-black. The extreme case results will not correspond exactly with the results of ecological regression analysis, because they apply only to some of the precincts within a jurisdiction and those precincts examined include at least some members of other ethnic groups. While not identical, it should closely mirror the pattern of results found in ecological regression. Extreme case analysis involves no inferential procedures. It simply tallies the actual rejection rates, as well as rates of overvoting and undervoting in the precincts chosen for the analysis. The technique of extreme case analysis is applied to precinct-level data in Miami-Dade, Palm Beach, and Duval counties with a cutoff rate of precincts that are either 90 percent or more black in their voter registration or 90 percent or more non-black in their voter registration.

SUMMARY OF DETAILED STATISTICAL ANALYSIS

In Florida's 2000 election, about 2.9 percent of all ballots cast (about 180,000 ballots out of slightly more than 6 million ballots cast) did not contain a vote that could be counted as a vote for president. The great majority of these invalid ballots were recorded as either overvotes or undervotes, with overvotes outnumbering undervotes by nearly two to one.⁸ Counties that separately recorded overvotes and undervotes rejected about 107,000 ballots as overvotes and about 63,000 ballots as undervotes.

An analysis of the entire state using county-level data and at Miami-Dade, Duval, and Palm Beach counties using precinct-level data, demonstrates that blacks were far more likely than non-blacks to have their ballots rejected in the 2000 Florida presidential election. As illustrated by Graph 1 (attached), statewide there is a strong positive correlation between the percentage of black registrants in a county and the percentage of rejected ballots. The linear correlation (termed R) between the percentage of ballots rejected in the presidential election and the percentage of blacks among voters⁹ is .50, with a squared correlation of (R^2) of .25. This means that when we look at the variation in the ballot rejection rates for each county in Florida, about one-quarter of that variation can be explained solely by knowing the percentage of blacks who were registered to vote in that county. This relationship is statistically significant at levels far beyond the conventional standards used in social science.¹⁰

⁷ Extreme case analysis is designed to isolate nearly homogeneous groups of blacks and non-blacks by examining precincts within each county studied that are either 90 percent or more black or 90 percent or more non-black in their voter registration. The analysis simply reports the actual ballot rejection rates in these precincts that are comprised overwhelmingly of black or non-black registrants. Extreme case analysis provides a very useful check on the results of ecological regression analysis. It provides a comparison of actual rejection rates in nearly homogeneous black and non-black precincts with estimated rejection rates for blacks and non-blacks in all precincts derived from ecological regression analysis. For descriptions of extreme case analysis and its relation to ecological regression analysis see: Lichtman, "Passing the Test," and Grofman, et al., *Minority Representation*, pp. 85-90.

⁸ As noted above, not every rejected ballot in Florida was separately classified as either an undervote or an overvote.

⁹ To estimate the percentage of black voters in each county, the analysis first used ecological regression to estimate the turnout rate of black and non-black registered voters in each county. This analysis disclosed a slightly lower turnout rate for black than for non-black registered voters. The percentage of black and non-black registrants in each county was then adjusted by the turnout rates for blacks and non-blacks who voted in each county. Ecological regression analyses were weighted by the ballots cast in each county. Measures of statistical significance are based on the number of counties, however, not the number of ballots.

¹⁰ These correlations are consistent with those found by the Commission in its own preliminary analysis of rejected ballots.

One obvious question is presented by this data—is there some other factor which better explains this disparity in ballot rejection rates? In short the answer is no. This statistically significant county-level correlation between race and ballot rejection rates cannot be attributed to the educational level of African Americans in Florida. A multiple regression analysis that controlled for the percentage of high school graduates and the percentage of adults in the lowest literacy category failed to diminish the relationship between race and ballot rejection or to reduce the statistical significance of the relationship.

In very small part, the county-level relationship between race and rates of ballot rejection results from the greater propensity of black registered voters to live in counties with technologies that produce the greatest rates of rejected ballots. About 70 percent of black registrants resided in counties using technology with the highest ballot rejection rates—punch cards and optical scanning systems recorded centrally—compared to 64 percent of non-black registrants. Counties using punch card or optical scanning methods recorded centrally rejected about 4 percent of all ballots cast, compared to about .8 percent for counties using optical scanning methods recorded by precinct. The vast majority of rejected votes were recorded in counties using punch cards or optical scanning methods recorded centrally. Such counties included about 162,000 out of 180,000 unrecorded votes in Florida's 2000 presidential election. These counties that used punch cards or optical scanning technology recorded centrally included 65 percent of all ballots cast in Florida's 2000 presidential election, but 90 percent of rejected ballots.

As illustrated in Graph 2 (attached), within the group of counties using punch card or optical scanning technology recorded centrally—that account for about 90 percent of rejected ballots—there is a strong, statistically significant relationship between race and rejected ballots. This correlation between race and ballot rejection is even stronger than the correlation between race and ballot rejection for all counties. The linear correlation between the percent of ballots rejected in the presidential election and the percentage of blacks among voters within the counties using punch cards or optical scanning machinery recorded centrally is .56, with a squared correlation of (R^2) of .31, a stronger relationship between race and rejected ballots than for the state overall. This means that nearly one-third of the county-by-county variation in the rates of rejected ballots within this group of counties can be predicted solely by knowing the racial composition of the counties. This relationship is statistically significant at levels far beyond the conventional standards used in social science.¹¹

When the counties using the technology with the lowest ballot rejection rates are examined, the correlation between race and ballot spoilage is substantially reduced but not eliminated. There remains a statistically significant relation between race and the rate at which ballots are spoiled even when the best technology is used. The linear correlation between the percent of ballots rejected in the presidential election and the percentage of blacks among registrants within the counties using optical scanning machinery recorded by precinct is .28, with a squared correlation of (R^2) of .08, a weaker relationship between race and rejected ballots than for the state overall. This means that slightly less than one-tenth of the county-by-county variation in the rates of rejected ballots within this group of counties can be predicted solely by knowing the racial composition of the counties. The relationship is not statistically significant at

¹¹ As for the state overall, within this group of counties that account for most rejected ballots, a multiple regression analysis that controlled for the percentage of high school graduates and the percentage of adults in the lowest literacy category failed to diminish the relationship between race and ballot rejection or to reduce the statistical significance of the relationship.

conventional standards used in social science. In summary, while the type of technology used accounts for some of the relationship between race and the rate at which ballots are rejected, there remains a statistically significant relationship even after education is considered and the type of voting system is taken into account.

These correlations, however suggestive of a strong relationship between race and ballot rejection, pertain only to county-level relationships. They do not by themselves provide estimates of the ballot rejection rates for the black and non-black voters included for the entire state. The ecological regression technique does provide these estimates for the state overall. As reported in Chart 1 and Table 1, the results are striking. For the entire state, the rates of rejection for votes cast by blacks was an estimated 14.4 percent, compared to a rate of 1.6 percent for votes cast by non-blacks. The greatest discrepancy is for overvotes, with an estimated rejection

CHART 1: REJECTION RATES BY RACE, STATE OF FLORIDA

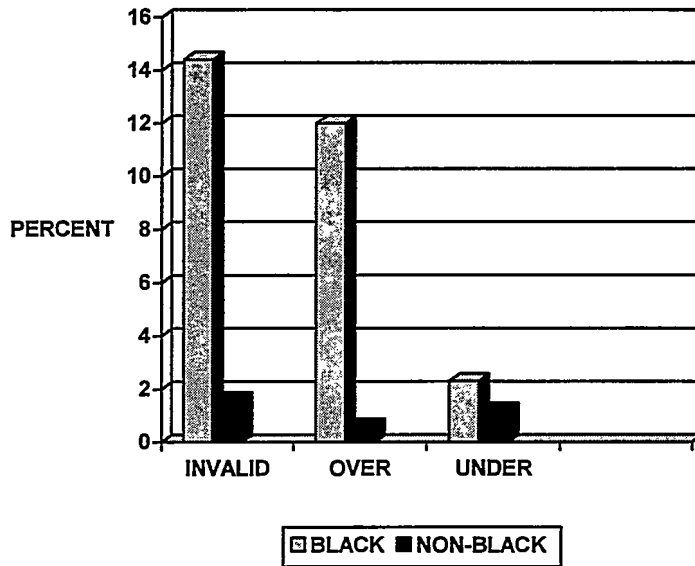


TABLE 1: ECOLOGICAL REGRESSION ESTIMATES OF STATEWIDE BALLOT REJECTION RATES BY RACE

INVALID VOTES*			OVERVOTES		UNDERVOTES	
PUNCH CARD & CENTRAL RECORD COUNTIES	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS
	19.4%	2.2%	17.1%	.8%	2.4%	1.3%
PRECINCT RECORD COUNTIES	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS
	5.2%	.4%	2.5%	.2%	2.1%	.1%
ALL COUNTIES COMBINED	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS
	14.4%	1.6	12.0%	.6%	2.3%	1.2%

* THE RATES FOR REJECTED VOTES ARE NOT EXACTLY EQUAL TO THE SUM OF RATES FOR OVERVOTES AND UNDERVOTES. SOME INVALID VOTES WERE NOT SUBDIVIDED INTO EITHER OF THESE TWO CATEGORIES. ALSO, 13 COUNTIES DO NOT SEPARATELY RECORD OVERVOTES AND UNDERVOTES. ESTIMATES FOR ALL COUNTIES ARE WEIGHTED MEANS OF ESTIMATES FOR PUNCH CARD AND CENTRAL RECORD AND FOR PRECINCT RECORD COUNTIES.

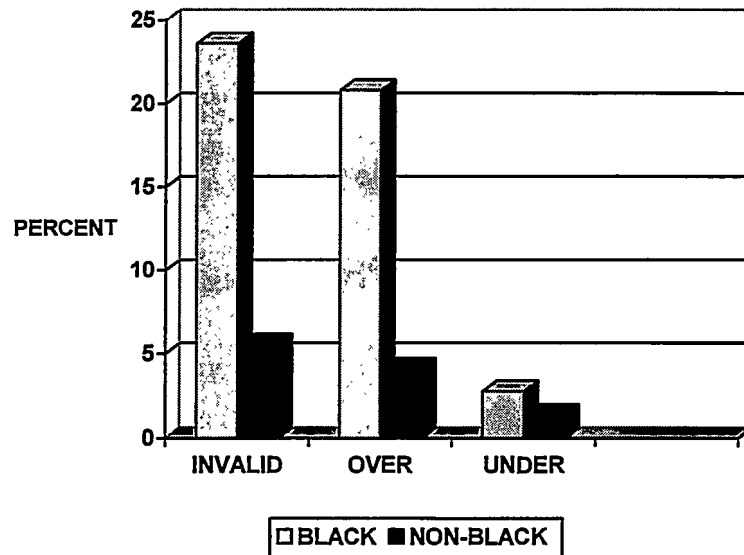
rate of 12.0 percent for votes cast by blacks, compared to an estimated rate of 0.6 percent for votes cast by non-blacks.

In order to further refine this analysis, precinct data for Duval, Miami-Dade, and Palm Beach counties were examined. These counties have substantial numbers of African Americans.¹² Duval County, with a 9.2 ballot rejection rate had a much higher rate than the 4.0 average for punch card counties, whereas Miami-Dade County had a rejection rate of 4.4 percent—close to the punch card average. Palm Beach County had an intermediate rejection rate of 6.4 percent. Taken together, the three counties included about 85,000 rejected ballots, about 47 percent of the statewide total. Precinct-by-precinct rejection rates and black voter percentages for each county are reported in Graphs 3, 4, and 5 (attached). For these graphs, with large numbers of precincts, the graphs also include the linear regression line to portray with clarity the relationship within the graph between race and ballot rejection.

As indicated by the results of ecological regression analysis reported in Charts 2, 3 and 4, and Table 2, the estimated rejected rates derived from precinct-level data in these three counties confirm the findings derived from county-level data for the entire state. In Duval, Miami-Dade, and Palm Beach counties, as in the state overall, blacks were far more likely than non-blacks to experience the rejection of ballots cast in Florida's 2000 presidential election.

For Duval County, as demonstrated in Chart 2, the overall rate of rejection for votes cast by blacks was an estimated 23.6 percent, compared to a rate of 5.5 percent for votes cast by non-blacks. The greatest discrepancy is for overvotes, with an estimated rejection rate of 20.8 percent

CHART 2: REJECTION RATES BY RACE, DUVAL COUNTY:
ECOLOGICAL REGRESSION ESTIMATES



¹² Duval County is 24 percent African American. Dade County is 20 percent African American, and Palm Beach County is 9 percent African American based upon 2000 voter registration. All three used punch card technology.

CHART 3: REJECTION RATES BY RACE, MIAMI-DADE COUNTY:
ECOLOGICAL REGRESSION ESTIMATES

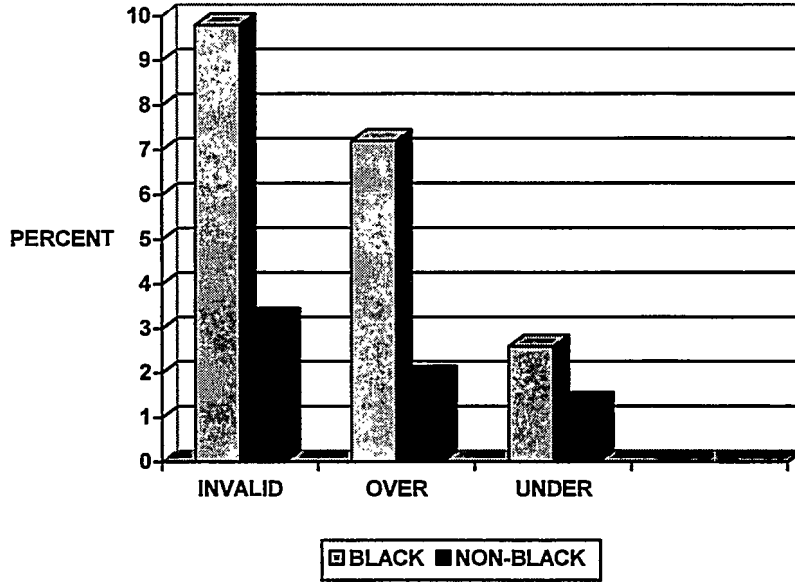


CHART 4: REJECTION RATES BY RACE, PALM BEACH COUNTY:
ECOLOGICAL REGRESSION ESTIMATES

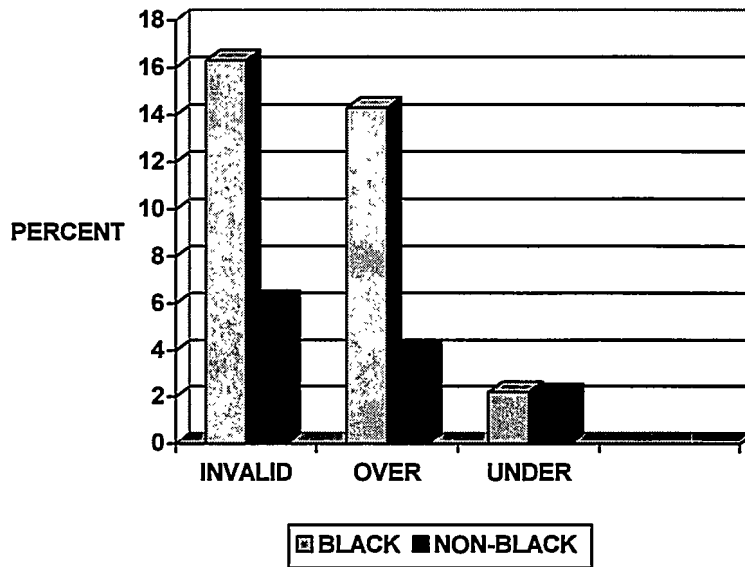


TABLE 2: ECOLOGICAL REGRESSION AND EXTREME CASE ANALYSIS OF DUVAL, MIAMI-DADE AND PALM BEACH COUNTY BALLOT REJECTION RATES BY RACE

ECOLOGICAL REGRESSION RESULTS

INVALID VOTES			OVERVOTES		UNDERVOTES	
DUVAL COUNTY	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS
	23.6%	5.5%	20.8%	4.1%	2.8%	1.4%
DADE COUNTY	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS
	9.8%	3.2%	7.2%	1.9%	2.6%	1.3%
PALM BEACH COUNTY	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS	BLACK VOTERS	NON-BLACK VOTERS
	16.3%	6.1%	14.3%	3.9%	2.2%	2.1%

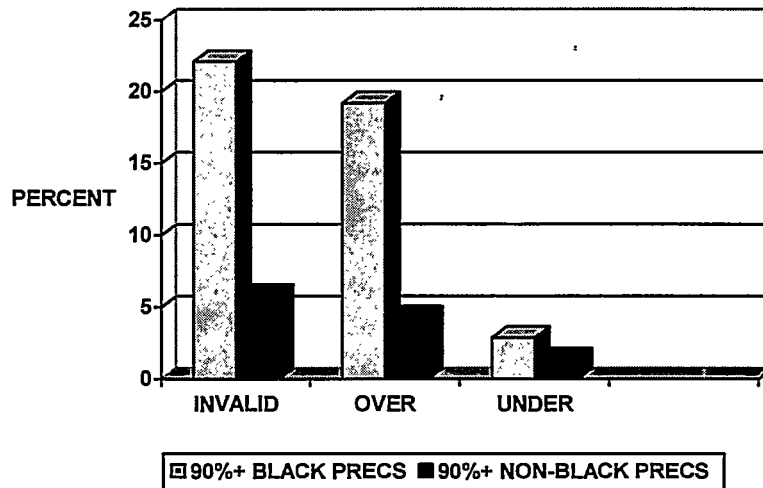
EXTREME CASE RESULTS

INVALID VOTES			OVERVOTES		UNDERVOTES	
DUVAL COUNTY	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS
	22.1%	5.8%	19.2%	4.3%	2.9%	1.4%
DADE COUNTY	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS
	9.1%	3.2%	6.6%	1.9%	2.5%	1.3%
PALM BEACH COUNTY	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS
	16.1%	6.2%	13.8%	4.0%	2.3%	2.2%

for votes cast by blacks, compared to an estimated rate of 4.1 percent for votes cast by non-blacks. For Miami-Dade County, as demonstrated in Chart 3, the overall rate of rejection for votes cast by blacks was an estimated 9.8 percent, compared to a rate of 3.2 percent for votes cast by non-blacks. The greatest discrepancy is again for overvotes, with an estimated rejection rate of 7.2 percent for votes cast by blacks, compared to an estimated rate of 1.9 percent for votes cast by non-blacks. For Palm Beach County, as demonstrated in Chart 4, the overall the rate of rejection for votes cast by blacks was an estimated 16.3 percent, compared to a rate of 6.1 percent for votes cast by non-blacks. The greatest discrepancy is for overvotes, with an estimated rejection rate of 14.3 percent for votes cast by blacks, compared to an estimated rate of 3.9 percent for votes cast by non-blacks.¹³

As demonstrated by Charts 5, 6, and 7, the results of extreme case analysis for 90 percent + black and non-black precincts confirm the findings of ecological regression analysis. For Duval County, as demonstrated by Chart 5, in precincts that were 90 percent or more black in their voter registration the overall rate of rejection was 22.1 percent, compared to a rate of 5.8 percent for precincts that were 90 percent or more non-black in their voter registration. For Miami-Dade County, as demonstrated by Chart 6, the overall rate of rejection for votes cast by blacks was an estimated 9.1 percent, compared to a rate of 3.2 percent for votes cast by non-blacks. As reflected in Chart 7, in Palm Beach County the overall rejection rate for votes cast by blacks was an estimated 16.1 percent compared to 6.2 percent in the non-black precincts.

**CHART 5: REJECTION RATES BY RACE, DUVAL COUNTY:
RESULTS FOR 90%+ BLACK AND 90%+ NON-BLACK
PRECINCTS**



¹³ For each of the three counties studied, the correlation between race and ballot rejection is high and statistically significant well beyond conventional standards in social science. For Duval County, $R = .89$ and $R^2 = .791$; for Miami-Dade County, $R = .73$ and $R^2 = .53$; for Palm Beach County, $R = .50$ and $R^2 = .25$.

CHART 6: REJECTION RATES BY RACE, MIAMI-DADE COUNTY: RESULTS FOR 90%+ BLACK AND 90%+ NON-BLACK PRECINCTS

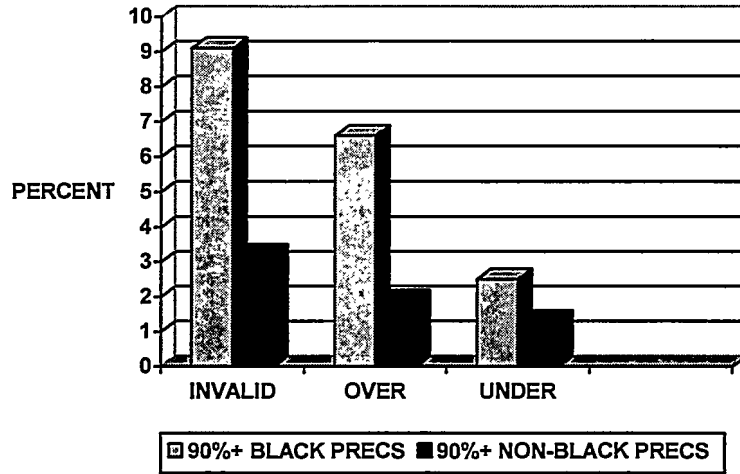
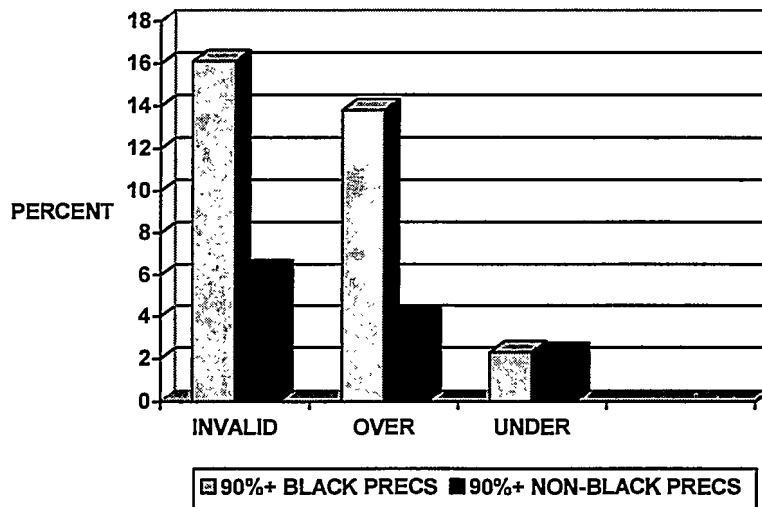


CHART 7: REJECTION RATES BY RACE, PALM BEACH COUNTY: RESULTS FOR 90%+ BLACK AND 90%+ NON-BLACK PRECINCTS



It should be stressed that the purpose of this study was to determine whether there existed in the Florida 2000 presidential election disparities between the ballot rejection rates of blacks and non-blacks. The purpose was not to establish the causes of any such disparities. However, the presence within Dade County of a substantial Hispanic population provides an opportunity to test whether differences in education are likely to have been responsible for the racial disparities in ballot rejection rates between blacks and non-blacks in that county. In Dade County, the high school graduation rate of Hispanic was about one percentage point below the rate for blacks. In addition Hispanics faced language barriers to voting issues. If educational differences were responsible for racially disparate ballot rejection rates in Dade County we should expect a positive relationship between the percentage of Hispanic registrants in Dade County precincts and the percentage of rejected ballots. As illustrated in Graph 6 (attached), however, the relationship is a negative one, with ballot rejection rates lower in heavily Hispanic than in heavily non-Hispanic (many of them black) precincts. A multivariate ecological regression equation that includes the percentage of Hispanics as well as blacks in the precincts of Dade County, produces an estimated ballot rejection rate for blacks of 10.0 percent, an eyelash higher than the rate of 9.8 percent derived from the bivariate equation.¹⁴

In the presidential election of 2000, for these three counties as well as for the state overall, the percentage of blacks among voters with rejected ballots was far greater than the black percentage of all voters. Although the statewide results are estimates derived from county-level data that should be interpreted with caution, the wide disparity they reveal between rejection rates for blacks and non-blacks are confirmed by the precinct level analysis for Duval, Miami-Dade, and Palm Beach counties.¹⁵ The greatest disparities were found not for the undervotes that have been the focus of media attention, but for overvotes—voting for more than one candidate. Overall, about twice as many Florida ballots were rejected in the 2000 presidential election as overvotes than as undervotes.

These discrepancies in small part reflect the greater concentration of blacks as compared with non-blacks in counties using the technologies that produce the greatest percentage of rejected ballots. The evidence from Duval, Miami-Dade, and Palm Beach counties indicates that major racial disparities in ballot rejection rates are found within counties using punch card technologies. Within Duval County, based on precinct-level information, statistical estimates show that black voters were more than four times more likely than white voters to have their ballots rejected in the 2000 election. Within Miami-Dade County, based on precinct-level information, statistical estimates show that black voters were more than three times more likely than white voters to have their ballots rejected in the 2000 election. Within Palm Beach County, based on precinct-level information, statistical estimates show that black voters were nearly three times more likely than white voters to have their ballots rejected in the 2000 election.

In the three counties, the rate of rejected ballots by African Americans ranged from about 10 percent to about 24 percent. For all three counties combined, the rate of rejected ballots averaged about 15 percent—meaning that one out of every seven African Americans that entered the polling booth in these counties had his or her ballot rejected as invalid. These results closely mirror the county-level findings for the state overall. In these counties, the ballot rejection rate for non-African Americans ranged from about 3 percent to 6 percent, averaging just under 5

¹⁴ The insertion of the percentage of Hispanics into the county-level regression equations used for statewide estimates likewise produces a higher estimate of the rate of rejection for ballots cast by African Americans.

¹⁵ Databases for the three individual counties and for the county-level analysis are attached to this report.

percent. Thus the racial gap was just above 10 percentage points, enough to account for the rejection of more than 20,000 additional African American ballots in these three counties alone.¹⁶

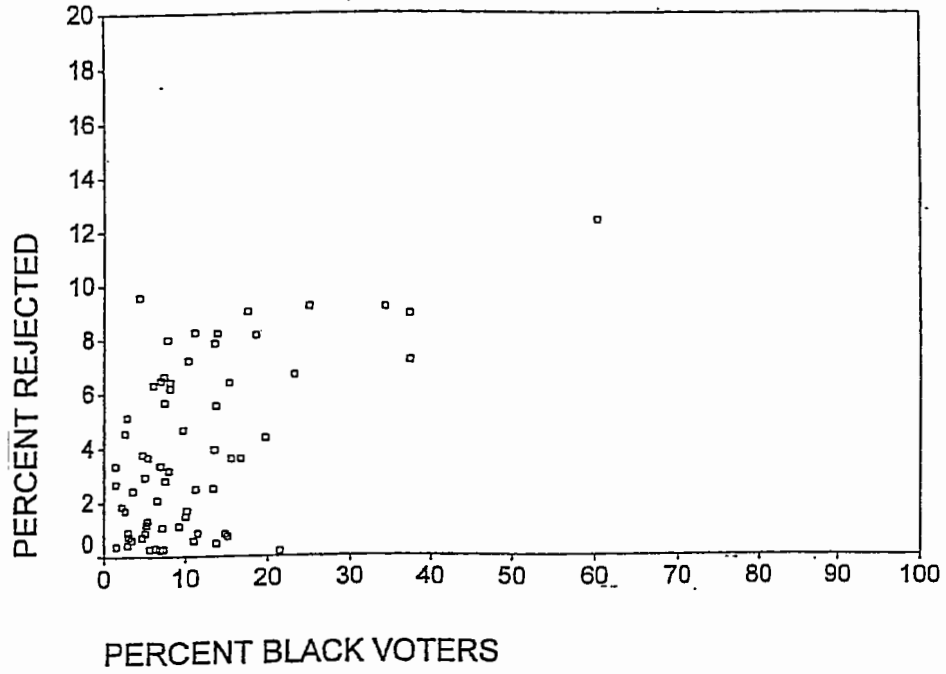
Part of the problem of ballot rejection for African Americans in Florida can be solved by requiring the adoption of optical scanning system recorded by precinct for all counties in the state. Based on the 2000 experience, a uniform system of technology, like optical scan systems tabulated at the precinct level, would reduce the level of invalid ballots for both blacks and non-blacks. However, the use of this technology will not eliminate the disparity between the rates at which ballots cast by blacks and whites are rejected. County-level estimates indicate that even in counties using optical scanning methods recorded by precinct, the rejection rate for ballots cast by blacks was still about 5 percent compared to well under 1 percent for non-blacks.¹⁷

Technology alone is not the answer to racial discrepancies in ballot rejection. The results of these analyses demonstrate that technological change must be accompanied in all counties by effective programs of education for voters, for election officials, and for poll workers. Obviously sufficient resources must be devoted to the maintenance of voting technology and steps must be taken to assure clear and comprehensive voter instructions, easily understandable ballots, and adequate resources to assist voters at all polling places.

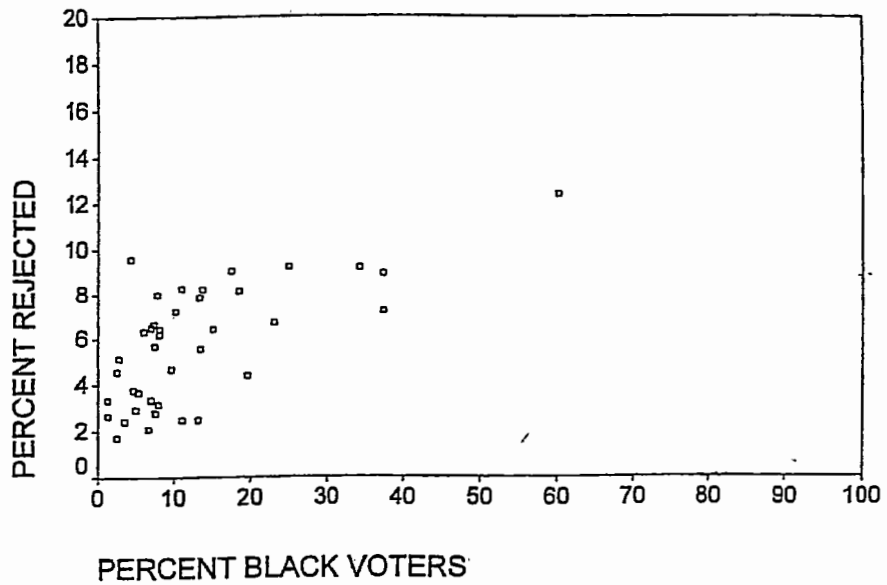
¹⁶ These averages are weighted by ballots cast. Unweighted averages are 17 percent for African Americans and 5 percent for non-African Americans: a gap of about 12 percentage points in ballot rejection. Precinct-level data was not available for counties with the highest percentages of African Americans, which also have high rates of ballot rejection.

¹⁷ It should be noted that these estimates are only suggestive of the relationship between race and ballot rejection for this limited group of counties. As already indicated, for these counties, the correlation between race and ballot rejection is positive, but not statistically significant.

**GRAPH 1: RACE AND BALLOT REJECTION RATE
FLORIDA COUNTIES, 2000 PRESIDENTIAL ELECTION**

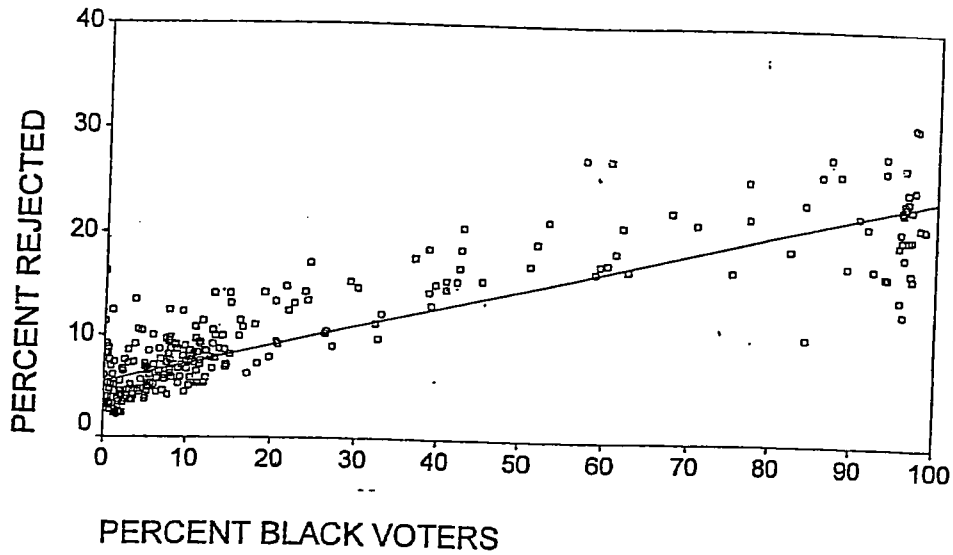


**GRAPH 2: RACE AND BALLOT REJECTION RATES
PUNCH CARD AND OPTICAL SCANNING CENTRALLY RECORDED COUNTIES
FLORIDA 2000 PRESIDENTIAL ELECTION**



**GRAPH 3: RACE AND BALLOT REJECTION RATES
DUVAL COUNTY, FLORIDA**

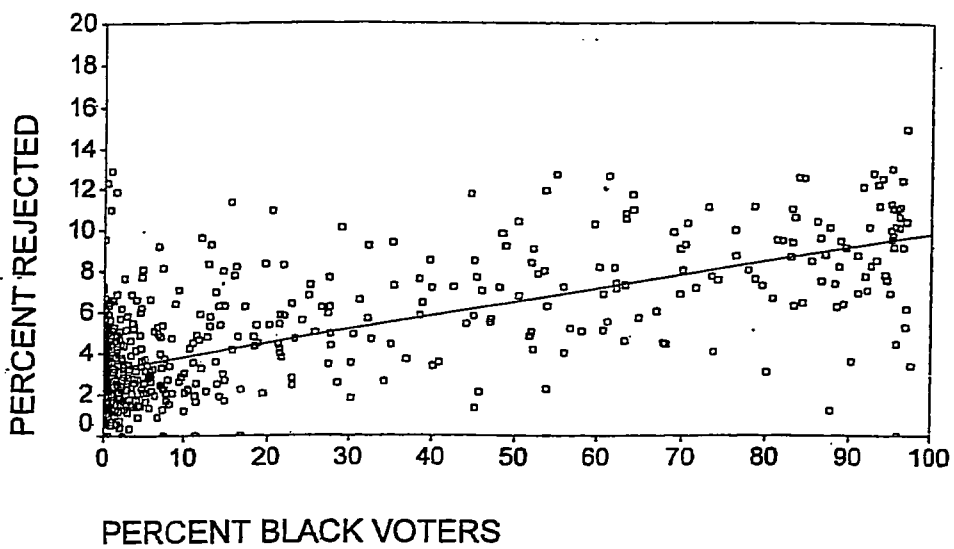
2000 PRESIDENTIAL ELECTION



Cases weighted by BALLOTS.

**GRAPH 4: RACE AND BALLOT REJECTION RATES
DADE COUNTY, FLORIDA**

2000 PRESIDENTIAL ELECTION

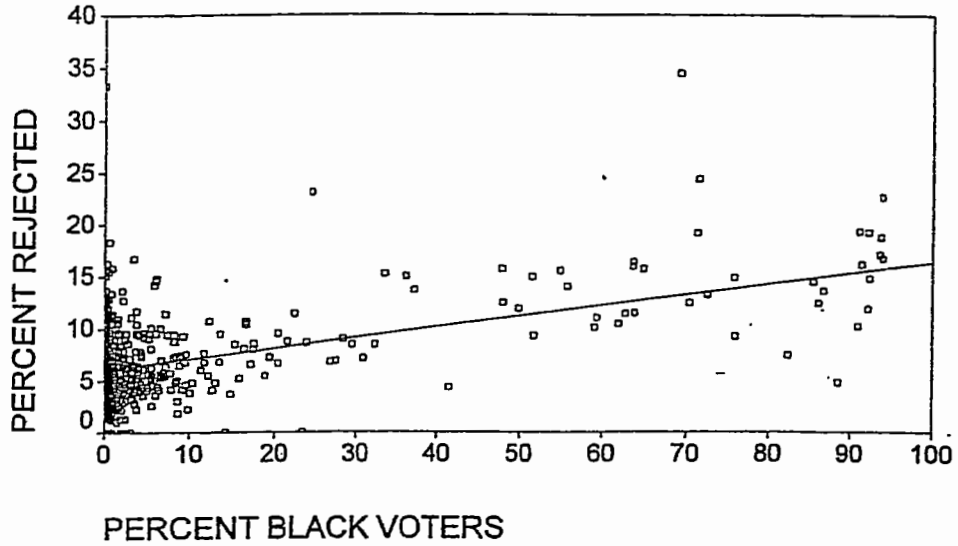


Cases weighted by BALLOTS

GRAPH 5: RACE AND BALLOT REJECTION RATES

PALM BEACH COUNTY, FLORIDA

2000 PRESIDENTIAL ELECTION

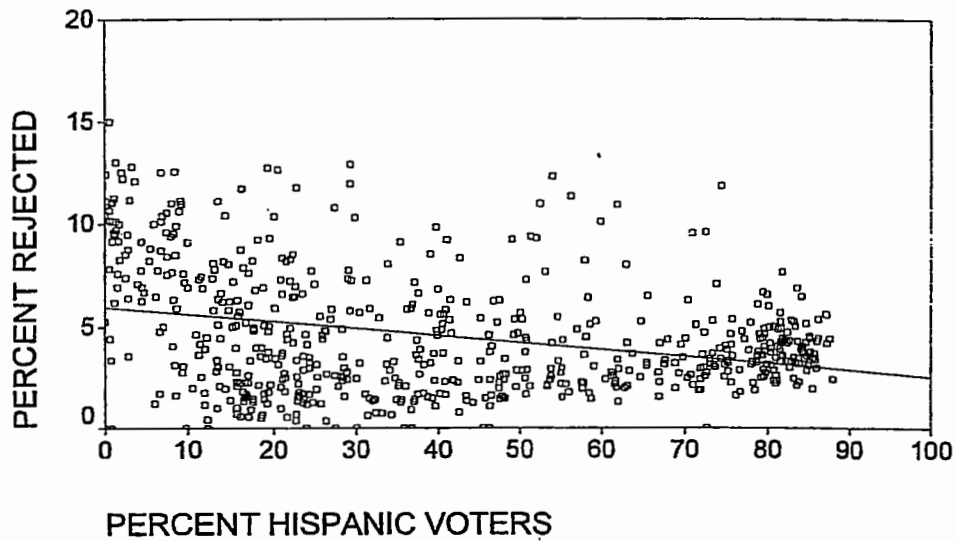


Cases weighted by BALLOTS

GRAPH 6: REJECTION RATES AND HISPANIC ETHNICITY

DADE COUNTY FLORIDA

2000 PRESIDENTIAL ELECTION



Cases weighted by WTBALLOT

ATTACHMENTS

Curriculum Vitae – Dr. Allan J. Lichtman

Data Bases

- **Countywide**
- **Duval County**
- **Miami-Dade County**
- **Palm Beach County**

Curriculum Vitae

Allan J. Lichtman
9219 Villa Dr.
Bethesda, MD 20817

(301) 530-8262 h
(202) 885-2401 o

EDUCATION

BA, Brandeis University, Phi Beta Kappa, Magna Cum Laude, 1967

PhD, Harvard University, Graduate Prize Fellow, 1973

PROFESSIONAL EXPERIENCE

Teaching Fellow, American History, Harvard University, 1969-73

Instructor, Brandeis University, 1970, quantitative history.

Assistant Professor of History, The American University, 1973-1977

Associate Professor of History, The American University, 1977-78

Professor of History, The American University, 1978 -

Associate Dean for Faculty and Curricular Development, College of Arts & Sciences, The American University 1985 - 1987

Chair, Department of History, American University, 1997- 2001

Editor, Lexington Books Series, Studies in Modern American History

HONORS AND AWARDS

Outstanding Teacher, College of Arts and Sciences, 1975-76

Outstanding Scholar, College of Arts and Sciences, 1978-79

Outstanding Scholar, The American University, 1982-83

Outstanding Scholar/Teacher, The American University, 1992-93 (Highest University faculty award)

Sherman Fairchild Distinguished Visiting Scholar, California Institute of Technology, 1980-81

American University summer research grant, 1978 & 1982

Chamber of Commerce, Outstanding Young Men of America 1979-80

Graduate Student Council, American University, Faculty Award, 1982

Top Speaker Award, National Convention of the International Platform Association, 1983, 1984, 1987

National Age Group Champion (30 - 34) 3000 meter steeplechase 1979

Eastern Region Age Group Champion (30 - 34) 1500 meter run 1979

Defeated twenty opponents on nationally syndicated quiz show, TIC TAC DOUGH, 1981

Biographical Listing in Marquis, WHO'S WHO IN THE AMERICA AND WHO'S WHO IN THE WORLD

Selected by the Teaching Company as one of America's "Super Star Teachers."

SCHOLARSHIP

A. Books

PREJUDICE AND THE OLD POLITICS: THE PRESIDENTIAL ELECTION OF 1928 (Chapel Hill: University of North Carolina Press, 1979)

PREJUDICE AND THE OLD POLITICS: THE PRESIDENTIAL ELECTION OF 1928 (Lexington Books, 2000), reprint of 1979 edition with new introduction.

HISTORIANS AND THE LIVING PAST: THE THEORY AND PRACTICE OF HISTORICAL STUDY (Arlington Heights, Ill.: Harlan Davidson, Inc., 1978; with Valerie French)

ECOLOGICAL INFERENCE (with Laura Irwin Langbein, Sage Series in Quantitative Applications in the Social Sciences, 1978)

YOUR FAMILY HISTORY: HOW TO USE ORAL HISTORY, PERSONAL FAMILY ARCHIVES, AND PUBLIC DOCUMENTS TO DISCOVER YOUR HERITAGE (New York: Random House, 1978)

KIN AND COMMUNITIES: FAMILIES IN AMERICA (edited, with Joan Challinor, Washington, D. C.: Smithsonian Press, 1979)

THE THIRTEEN KEYS TO THE PRESIDENCY (Lanham: Madison Books, 1990, with Ken DeCell)

THE KEYS TO THE WHITE HOUSE, 1996 EDITION (Lanham: Madison Books, 1996)

THE KEYS TO THE WHITE HOUSE, (Lanham: Lexington Books Edition, 2000)

WHITE PROTESTANT AMERICA: THE RISE OF THE MODERN AMERICAN RIGHT, under contract, Grove/Atlantic Press, with Leonard Moore

B. Scholarly Articles

"The Federal Assault Against Voting Discrimination in the Deep South, 1957-1967," JOURNAL OF NEGRO HISTORY (Oct. 1969)

"Executive Enforcement of Voting Rights, 1957-60," in Terrence Goggin and John Seidel, eds., POLITICS AMERICAN STYLE (1971)

"Correlation, Regression, and the Ecological Fallacy: A Critique," JOURNAL OF INTERDISCIPLINARY HISTORY (Winter 1974)

"Critical Election Theory and the Reality of American Presidential Politics, 1916-1940," AMERICAN HISTORICAL REVIEW (April 1976)

"Across the Great Divide: Inferring Individual Behavior From Aggregate Data," POLITICAL METHODOLOGY (with Laura Irwin, Fall 1976)

"Regression vs. Homogeneous Units: A Specification Analysis," SOCIAL SCIENCE HISTORY (Winter 1978)

"Language Games, Social Science, and Public Policy: The Case of the Family," in Harold Wallach, ed., APPROACHES TO CHILD AND FAMILY POLICY (Washington, D. C.: American Association for the Advancement of Science, 1981)

"Pattern Recognition Applied to Presidential Elections in the United States, 1860-1980: The Role of Integral Social, Economic, and Political Traits," PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCE (with V. I. Keilis-Borok, November 1981)

"The End of Realignment Theory? Toward a New Research Program for American Political History," HISTORICAL METHODS (Fall 1982)

"Kinship and Family in American History," in National Council for Social Studies Bulletin, UNITED STATES HISTORY IN THE 1980s (1982)

"Modeling the Past: The Specification of Functional Form," JOURNAL OF INTERDISCIPLINARY HISTORY (with Ivy Broder, Winter 1983)

"Political Realignment and 'Ethnocultural' Voting in Late Nineteenth Century America," JOURNAL OF SOCIAL HISTORY (March 1983)

"The 'New Political History': Some Statistical Questions Answered," SOCIAL SCIENCE HISTORY (with J. Morgan Kousser, August 1983)

"Personal Family History: A Bridge to the Past," PROLOGUE (Spring 1984)

"Geography as Destiny," REVIEWS IN AMERICAN HISTORY (Sept., 1985)

"Civil Rights Law: High Court Decision on Voting Act Helps to Remove Minority Barriers," NATIONAL LAW JOURNAL (with Gerald Hebert, November 10, 1986).

"Tommy The Cork: The Secret World of Washington's First Modern Lobbyist," WASHINGTON MONTHLY (February, 1987).

"Discriminatory Election Systems and the Political Cohesion Doctrine," NATIONAL LAW JOURNAL (with Gerald Hebert, Oct. 5, 1987)

"Aggregate-Level Analysis of American Midterm Senatorial Election Results, 1974-1986," PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES (Dec. 1989, with Volodia Keilis-Borok)

"Black/White Voter Registration Disparities in Mississippi: Legal and Methodological Issues in Challenging Bureau of Census Data," JOURNAL OF LAW AND POLITICS (Spring, 1991, with Samuel Issacharoff)

"Adjusting Census Data for Reapportionment: The Independent Role of the States," NATIONAL BLACK LAW JOURNAL (1991)

"Passing the Test: Ecological Regression in the Los Angeles County Case and Beyond,"
EVALUATION REVIEW (December, 1991)

Understanding and Prediction of Large Unstable Systems in the Absence of Basic Equations,"
PROCEEDINGS OF THE INTERNATIONAL SYMPOSIUM ON CONCEPTUAL TOOLS
FOR UNDERSTANDING NATURE (with V. I. Keilis-Borok, Trieste, Italy, 1991).

"The Self-Organization of American Society in Presidential and Senatorial Elections," in Yu.
Krautsov, ed., THE LIMITS OF PREDICTABILITY (with V.I. Keilis-Borok, Nauka, Moscow,
1992).

"'They Endured:' The Democratic Party in the 1920s," in Ira Foreman, ed., DEMOCRATS AND
THE AMERICAN IDEA: A BICENTENNIAL APPRAISAL (1992).

"A General Theory of Vote Dilution," LA RAZA (with Gerald Hebert) 6 (1993).

"Adjusting Census Data for Reapportionment: The Independent Role of the States," JOURNAL
OF LITIGATION (Dec. 1993, with Samuel Issacharoff)

"The Keys to the White House: Who Will be the Next American President?," SOCIAL
EDUCATION 60 (1996)

"The Rise of Big Government: Not As Simple As It Seems," REVIEWS IN AMERICAN
HISTORY 26 (1998)

"The Keys to Election 2000," SOCIAL EDUCATION (Nov/Dec. 1999), pp. 422-424

"The Keys to the White House 2000," NATIONAL FORUM (Winter, 2000), pp. 13-16.

"Report on the Implications for Minority Voter Opportunities if Corrected census Data Had Been
Used for the Post-1990 Redistricting: States With The Largest Numerical Undercount," UNITED
STATES CENSUS MONITORING BOARD, January 2001

"The Alternative-Justification Affirmative: A New Case Form," JOURNAL OF THE
AMERICAN FORENSIC ASSOCIATION (with Charles Garvin and Jerome Corsi, Fall 1973)

"The Alternative-Justification Case Revisited: A Critique of Goodnight, Balthrop and Parsons,
'The Substance of Inherency,'" JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION
(with Jerome Corsi, Spring 1975)

"A General Theory of the Counterplan," JOURNAL OF THE AMERICAN FORENSIC
ASSOCIATION (with Daniel Rohrer, Fall 1975)

"The Logic of Policy Dispute," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Spring 1980)

"Policy Dispute and Paradigm Evaluation," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (with Daniel Rohrer, Fall 1982)

"New Paradigms For Academic Debate," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (Fall, 1985)

"Competing Models of the Debate Process," JOURNAL OF THE AMERICAN FORENSIC ASSOCIATION (Winter 1986)

"The Role of the Criteria Case in the Conceptual Framework of Academic Debate," in Donald Terry, ed., MODERN DEBATE CASE TECHNIQUES (with Daniel Rohrer, 1970)

"Decision Rules for Policy Debate," and "Debate as a Comparison of Policy Systems," in Robert 2, ed., THE NEW DEBATE: READINGS IN CONTEMPORARY DEBATE THEORY (with Daniel Rohrer, 1975)

"A Systems Approach to Presumption and Burden of Proof;" "The Role of Empirical Evidence in Debate;" and "A General Theory of the Counterplan," in David Thomas, ed., ADVANCED DEBATE: READINGS IN THEORY, PRACTICE, AND TEACHING (with Daniel Rohrer, 1975)

"Decision Rules in Policy Debate;" "The Debate Resolution;" "Affirmative Case Approaches;" "A General Theory of the Counterplan;" "The Role of Empirical Evidence in Debate;" and "Policy Systems Analysis in Debate," in David Thomas, ed., ADVANCED DEBATE (revised edition, with Daniel Rohrer and Jerome Corsi, 1979)

C. Popular Articles

"Presidency By The Book," POLITICS TODAY (Nov. 1979) Reprinted: LOS ANGELES TIMES

"The Grand Old Ploys," NEW YORK TIMES
Op Ed (July 18, 1980)

"The New Prohibitionism," THE CHRISTIAN CENTURY (Oct. 29, 1980)

"Which Party Really Wants to `Get Government Off Our Backs`?" CHRISTIAN SCIENCE MONITOR Opinion Page (Dec. 2, 1980)

"Do Americans Really Want 'Coolidge Prosperity' Again?" CHRISTIAN SCIENCE MONITOR Opinion Page (August 19, 1981)

"Chipping Away at Civil Rights," CHRISTIAN SCIENCE MONITOR Opinion Page (Feb. 17, 1982)

"How to Bet in 1984. A Presidential Election Guide," WASHINGTONIAN MAGAZINE (April 1982) Reprinted: THE CHICAGO TRIBUNE

"The Mirage of Efficiency," CHRISTIAN SCIENCE MONITOR Opinion Page (October 6, 1982)

"For RIFs, It Should Be RIP," LOS ANGELES TIMES Opinion Page (January 25, 1983)

"The Patronage Monster, Con't." WASHINGTON POST Free For All Page (March 16, 1983)

"A Strong Rights Unit," NEW YORK TIMES Op Ed Page (June 19, 1983)

"Abusing the Public Till," LOS ANGELES TIMES Opinion Page (July 26, 1983)

The First Gender Gap," CHRISTIAN SCIENCE MONITOR Opinion Page (August 16, 1983)

"Is Reagan A Sure Thing?" FT. LAUDERDALE NEWS Outlook Section (Feb. 5, 1984)

"The Keys to the American Presidency: Predicting the Next Election," TALENT (Summer 1984)

"GOP: Winning the Political Battle for '88," CHRISTIAN SCIENCE MONITOR, Opinion Page, (Dec. 27, 1984)

"The Return of 'Benign Neglect'," WASHINGTON POST, Free For All, (May 25, 1985)

"Selma Revisited: A Quiet Revolution," CHRISTIAN SCIENCE MONITOR, Opinion Page, (April 1, 1986)

"Democrats Take Over the Senate" THE WASHINGTONIAN (November 1986; article by Ken DeCell on Lichtman's advance predictions that the Democrats would recapture the Senate in 1986)

"Welcome War?" THE BALTIMORE EVENING SUN, Opinion Page, (July 15, 1987)

"How to Bet in 1988," WASHINGTONIAN (May 1988; advance prediction of George Bush's 1988 victory)

"President Bill?," WASHINGTONIAN (October 1992; advance prediction of Bill Clinton's 1992 victory)

"Don't be Talked Out of Boldness," CHRISTIAN SCIENCE MONITOR, Opinion Page (with Jesse Jackson, November 9, 1992)

"Defending the Second Reconstruction," CHRISTIAN SCIENCE MONITOR, Opinion Page (April 8, 1994)

"Quotas Aren't The Issue," NEW YORK TIMES, Op Ed Page (Dec. 7, 1994)

"History According to Newt," WASHINGTON MONTHLY (May, 1995)

Bi-weekly column, THE MONTGOMERY JOURNAL 1990 - present

Election-year column, REUTERS NEWS SERVICE 1996 & 2000

D. Reviews

Robert W. Fogel and Stanley Engerman, TIME ON THE CROSS: THE ECONOMICS OF SLAVERY, THE NEW REPUBLIC (July 6, 1974)

Burl Noggle, INTO THE TWENTIES, AMERICAN HISTORICAL REVIEW (1976)

Jerome Clubb, William Flanigan, and Nancy Zingale: PARTISAN REALIGNMENT, AMERICAN HISTORICAL REVIEW (1982)

Paul M. Kleppner, WHO VOTED?, JOURNAL OF AMERICAN HISTORY (1983)

Stanley Kelley, INTERPRETING ELECTIONS, JOURNAL OF AMERICAN HISTORY (1984)

Paula Eldot, AL SMITH AS GOVERNOR OF NEW YORK, AMERICAN HISTORICAL REVIEW (1984)

Paul Kleppner, THE THIRD ELECTORAL SYSTEM, JOURNAL OF AMERICAN HISTORY (1988)

Arno Mayer, WHY THE HEAVENS DID NOT DARKEN, WASHINGTON POST (1989)

TEACHING

Ongoing Courses

The History of the U. S. I & II, The Emergence of Modern America, The U. S. in the Twentieth Century, United States Economic History, Historiography, Major Seminar in History, Graduate Research Seminar, Colloquium in U. S. History Since 1865, The American Dream, The Urban-Technological Era, Senior Seminar in American Studies, Seminar in Human Communication.

New Courses: Taught for the first time at The American University

Quantification in History, Women in Twentieth Century American Politics, Women in Twentieth Century America, Historians and the Living Past (a course designed to introduce students to the excitement and relevance of historical study), How to Think: Critical Analysis in the Social Sciences, Pivotal Years of American Politics, Government and the Citizen (Honors Program), Introduction to Historical Quantification, Public Policy in U. S. History, Honors Seminar in U.S. Presidential Elections, America's Presidential Elections.

TELEVISION APPEARANCES

Political commentary on NBC, CBS, ABC, CNN, C-SPAN, CNN, FOX, MSNBC, BBC, PBS, and numerous other broadcasting outlets internationally

Regular political commentary for NBC News Nightside.

Regular political commentary for Voice of America and USIA.

Regular political commentary for America's Talking Cable Network.

Regular political commentary for the Canadian Broadcasting System.

Appearances on numerous foreign television networks.

Consultant and on-air commentator for NBC special productions video project on the history of the American presidency.

CBS New Consulant, 1998 and 1999

RADIO SHOWS

I have participated in more than 1500 radio interview and talk shows broadcast nationwide, in foreign nations, and in cities such as Washington, D. C., New York, Atlanta, Chicago, Los Angeles and Detroit. My appearances include the Voice of America, National Public Radio, and well as all major commercial radio networks.

PRESS CITATIONS

I have been cited hundreds of times on public affairs in the nation's leading newspapers. These include, among many others,

New York Times, Washington Post, USA Today, Los Angeles Times, Wall Street Journal, Miami Herald, Washington Times, St. Louis Post Dispatch, Christian Science Monitor, Philadelphia Inquirer.

CONFERENCES AND LECTURES

Invited participant and speaker, Bostick Conference on Fogel and Engerman's TIME ON THE CROSS, University of South Carolina, Nov. 1-2, 1974

"Critical Election Theory and the Presidential Election of 1928," Annual Meeting of the American Historical Association, Dec. 1974

"A Psychological Model of American Nativism," Bloomsberg State Historical Conference, April 1975

"Methodology for Aggregating Data in Education Research," National Institute of Education, Symposium on Methodology, July 1975 (with Laura Irwin)

Featured Speaker, The Joint Washington State Bicentennial Conference on Family History, Oct. 1975

Featured Speaker, The Santa Barbara Conference on Family History, May 1976

Chairman, The Smithsonian Institution and the American University Conference on Techniques for Studying Historical and Contemporary Families, June 1976

Panel Chairman, Sixth International Smithsonian Symposium on Kin and Communities in America, June 1977

"The uses of History for Policy Analysis," invited lecture, Federal Interagency Panel on Early Childhood Research, Oct. 1977

Invited participant, Conference on "Child Development within the Family - Evolving New Research Approaches," Interagency Panel of the Federal Government for Research and Development on Adolescence, June 1978

Commentator on papers in argumentation, Annual Meeting of the Speech Communication Association, Nov. 1978

Commentator on papers on family policy, Annual Meeting of the American Association for the Advancement of Science, Jan. 1979

"Phenomenology, History, and Social Science," Graduate Colloquium of the Department of Philosophy," The American University, March 1979

"Comparing Tests for Aggregation Bias: Party Realignment of the 1930's," Annual Meeting of the Midwest Political Science Association March 1979, with Laura Irwin Langbein

"Party Loyalty and Progressive Politics: Quantitative Analysis of the Vote for President in 1912," Annual Meeting of the Organization of American Historians, April 1979, with Jack Lord II

"Policy Systems Debate: A Reaffirmation," Annual Meeting of the Speech Communication Association, Nov. 1979

"Personal Family History: Toward a Unified Approach," Invited Paper, World Conference on Records, Salt Lake City, Aug. 1980

"Crisis at the Archives: The Acquisition, Preservation, and Dissemination of Public Documents," Annual Meeting of the Speech Communication Association, Nov. 1980

"Recruitment, Conversion, and Political Realignment in America: 1888- 1940," Social Science Seminar, California Institute of Technology, April 1980

"Toward a Situational Logic of American Presidential Elections," Annual Meeting of the Speech Communication Association, Nov. 1981

"Political Realignment in American History," Annual Meeting of the Social Science History Association, Oct. 1981

"Critical Elections in Historical Perspective: the 1890s and the 1930s," Annual Meeting of the Social Science History Association, Nov. 1982

Commentator for Papers on the use of Census data for historical research, Annual Meeting of the Organization of American Historians, April 1983

"Thirteen Keys to the Presidency: How to Predict the Next Election," Featured Presentation, Annual Conference of the International Platform Association, August 1983, Received a Top Speaker Award

"Paradigms for Academic Debate," Annual Meeting of the Speech Communication Association, Nov. 1983

Local Arrangements Chairman, Annual Convention of the Social Science History Association Oct. 1983

"Forecasting the Next Election," Featured Speaker, Annual Convention of the American Feed Manufacturers Association (May 1984)

Featured Speaker, "The Ferraro Nomination," Annual Convention of The International Platform Association, August 1984, Top Speaker Award

"Forecasting the 1984 Election," Annual Convention of the Social Science History Association Oct. 1984,

Featured Speaker, "The Keys to the Presidency," Meeting of Women in Government Relations Oct. 1984

Featured Speaker, "The Presidential Election of 1988," Convention of the American Association of Political Consultants, December, 1986

Featured Speaker, "The Presidential Election of 1988," Convention of the Senior Executive Service of the United States, July 1987

Commentary on Papers on Voting Rights, Annual Meeting of the American Political Science Association, September 1987.

Commentary on Papers on Ecological Inference, Annual Meeting of the Social Science History Association, November 1987.

Featured Speaker: "Expert Witnesses in Federal Voting Rights Cases," National Conference on Voting Rights, November 1987.

Featured Speaker: "The Quantitative Analysis of Electoral Data," NAACP National Conference

on Voting Rights and School Desegregation, July 1988.

Panel Chairman, "Quantitative Analysis of the New Deal Realignment," Annual Meeting of the Social Science History Association, Nov. 1989.

Keynote Speaker, Convocation of Lake Forest College, Nov. 1989.

Featured Speaker, The American University-Smithsonian Institution Conference on the Voting Rights Act, April 1990

Panel Speaker, Voting Rights Conference of the Lawyer's Committee for Civil Rights Under Law, April 1990

Panel Speaker, Voting Rights Conference of the NAACP, July 1990

Panel Speaker, Voting Rights Conference of Stetson University, April 1991

Panel Chairman, Annual Meeting of the Organization of American Historians, April, 1992

Panel Speaker, Symposium on "Lessons from 200 Years of Democratic Party History, Center for National Policy, May 1992

Olin Memorial Lecture, U.S. Naval Academy, October 1992

Commentator, Annual Meeting of the Organization of American Historians, April, 1993

Panel presentation, Conference on Indian Law, National Bar Association, April 1993

Feature Presentation, Black Political Science Association, Norfolk State University, June 1993

Delegation Head, Delegation of Washington Area Scholars to Taiwan, Presented Paper on the promotion of democracy based on the American experience, July 1993

Feature Presentation, Southern Regional Council Conference, Atlanta Georgia, November, 1994

Master of Ceremonies and Speaker, State of the County Brunch, Montgomery County, February, 1996

Feature Presentation, "Predicting The Next Presidential Election," Freedom's Foundation Seminar on the American Presidency, August 1996

Feature Presentation, "Predicting The Next Presidential Election," Salisbury State College, October 1996

Feature Presentation on the Keys to the White House, Dirksen Center, Peoria, Illinois, August, 2000

Feature Presentation on American Political History, Regional Conference of the Organization of American Historians, August 2000

Testimony Presented Before the United States Commission on Civil Rights Regarding Voting Systems and Voting Rights, January 2001

Testimony Presented Before the United States House of Representatives, Judiciary Committee, Subcommittee on the Constitution, February 2001

DEPARTMENTAL AND UNIVERSITY SERVICE

Department of History Council 1973 -

Undergraduate Committee, Department of History 1973-77

Chairman Undergraduate Committee, Department of History 1984-85

Graduate Committee, Department of History, 1978-84

Freshman Advisor, 1973-1979

First Year Module in Human Communications, 1977-79

University Committee on Fellowships and Awards 1976-78

University Senate 1978-79, 1984-85

University Senate Parliamentarian and Executive Board 1978-79

Founding Director, The American University Honors Program, 1977-79

Chairman, College of Arts and Sciences Budget Committee 1977-78, 1982-84

University Grievance Committee, 1984-85

Member, University Honors Committee 1981-82

College of Arts and Sciences Curriculum Committee 1981-82

Jewish Studies Advisory Board, 1982-1984

Mellon Grant Executive Board, College of Arts & Sciences, 1982-83

Chairman, College of Arts and Sciences Faculty Colloquium, 1983

Chairman, College of Arts and Sciences Task Force on the Department of Performing Arts, 1984-85

Local Arrangements Chairman, National Convention of the Social Science History Association, 1983

Chairman, Rank & Tenure Committee of the Department of History, 1981-82, 1984-85

Board Member, Center for Congressional and Presidential Studies, The American University, 1988-89

Chairman, Graduate Committee, Department of History, 1989 - 1991

Chairman, Distinguished Professor Search Committee 1991

Member, College of Arts & Sciences Associate Dean Search Committee, 1991

Board Member, The American University Press, 1991-95

Chair, Subcommittee on Demographic Change, The American University Committee on Middle States Accreditation Review 1992-94

Member, Dean's Committee on Curriculum Change, College of Arts and Sciences 1992 - 1993

Member, Dean's Committee on Teaching, College of Arts and Sciences 1992 -

Co-Chair, Department of History Graduate Committee, 1994-95

Vice-Chair, College of Arts & Sciences Educational Policy Committee, 1994-95

Elected Member, University Provost Search Committee, 1995-96

Chair, Search Committee for British and European Historian, Department of History, 1996

OTHER POSITIONS

Director of Forensics, Brandeis University, 1968-71

Director of Forensics, Harvard University, 1971-72

Chairman, New York-New England Debate Committee, 1970-71

Historical consultant to the Kin and Communities Program of the Smithsonian Institution
1974-1979

Along with general advisory duties, this position has involved the following activities:

1. directing a national conference on techniques for studying historical and contemporary families held at the Smithsonian in June 1976.
2. chairing a public session at the Smithsonian on how to do the history of one's own family.
3. helping to direct the Sixth International Smithsonian Symposium on Kin and Communities in America (June 1977).
4. editing the volume of essays from the symposium.

Consultant, Expert Witness and Analyst of Third Parties in the United States.

1. Consultant to John Anderson campaign for president, 1980.

I researched and wrote a study on "Restrictive Ballot Laws and Third-Force Presidential Candidates." This document was a major component of Anderson's legal arguments against restrictive ballot laws that ultimately prevailed in the Supreme Court (Anderson v. Celebrezze 1983). According to Anderson's attorney: "the basis for the majority's decision echoes the themes you incorporated in your original historical piece we filed in the District Court."

2. Expert Witness for New Alliance Party Ballot Access in State of Alabama, 1990 (New Alliance Party v. Hand)

I analyzed the state of Alabama's system for third-party ballot access to demonstrate that the state's early filing deadline for third parties imposed an undue burden on such parties, without justification by a compelling state interest for the ballot restrictions. My analysis was accepted by the federal district court (in which I was recognized as an expert on third parties) in a decision that was upheld by the 11th Circuit Court of Appeals.

3. Expert Witness for Reform Party Ballot Access in State of Arkansas, 1996 (Citizens to Establish a Reform Party in Arkansas v. Priest)

I analyzed the state of Arkansas system for third-party ballot access to demonstrate that the combination of an early filing deadline and relatively high signature requirements for third parties imposed an undue burden on such parties, without justification by a compelling state interest for the ballot restrictions. I also analyzed the burdens placed on third-parties by the disparity between third-party and independent signature requirements and by the lack of a cure provision for ballot signatures, which is available for initiative and referendum petitions. My analysis was accepted by the federal district court in which I was again recognized as an expert on third parties.

4. Books and articles dealing with third parties in the United States.

These include PREJUDICE AND THE OLD POLITICS: THE PRESIDENTIAL ELECTION OF 1928, THE THIRTEEN KEYS TO THE PRESIDENCY, THE KEYS TO THE WHITE HOUSE, 1996, "Critical Election Theory and the Reality of American Presidential Politics, 1916-1940," AMERICAN HISTORICAL REVIEW (April 1976), "Political Realignment and 'Ethnocultural' Voting in Late Nineteenth Century America," JOURNAL OF SOCIAL HISTORY (March 1983), "'They Endured:' The Democratic Party in the 1920s," in Ira Foreman, ed., DEMOCRATS AND THE AMERICAN IDEA: A BICENTENNIAL APPRAISAL (1992).

5. Media Citations and appearances.

These include quotations in newspaper articles dealing with third parties, analyses of the role of third parties in popular articles (e.g., "President Bill?" WASHINGTONIAN (Oct., 1992), an appearance as a third-party expert on C-SPAN's Washington Journal program on third parties (03/20/96), appearances on United States Information Agency's Worldnet television on the American party system, an appearance on National Public Radio Talk of the Nation as an expert on third parties, and a speech to foreign correspondents at the National Press Club on third parties.

Statistical Consultant to the George Washington University Program of Policy Studies in Science and Technology, 1983

I advised researchers at the Policy Studies Program on the application of pattern recognition techniques to their work on the recovery of communities from the effects of such natural disasters as earthquakes and floods.

Expert Witness-on Quantitative Analysis, Political Systems, Political History, and Voting Behavior for the Lawyers, Committee for Civil Rights Under Law 1983-

I have analyzed racial bloc voting, turnout, and registration; socioeconomic conditions; political systems; and methodological issues for voting rights cases involving the following jurisdictions: Petersburg, Virginia; Boston Massachusetts; Holyoke Massachusetts; Hinds County Mississippi; the state of Mississippi (voter registration); the state of Mississippi (judicial elections); Springfield, Illinois, Pittsburgh Pennsylvania; Anchorage, Alaska; Holyoke, Massachusetts; Crittenden County, Arkansas; Red Clay School District, Delaware; the state of Florida (judicial elections). I have also analyzed statistical information on promotion practices for probation officers within the Philadelphia Court of Common Pleas.

I prepared written reports for each of the three of the Mississippi cases, the Pittsburgh case, the Red Clay School District case, the Philadelphia case, and the Florida judges case. I presented in-court testimony for the judicial and registration cases in Mississippi, two judicial cases in Florida, and for the cases involving Springfield, Illinois; Holyoke Massachusetts; Crittenden County, Arkansas; and Red Clay School District.

Expert Witness on Quantitative Analysis, Political Systems, Political History, and Voter Behavior for the United States Department of Justice 1983 -

I have analyzed racial bloc voting; turnout and registration; socioeconomic conditions; political systems; methodological issues for voting rights cases in the following jurisdictions: Greenwood, Mississippi; Halifax County, North Carolina; Valdosta, Georgia; Bessemer, Alabama; Marengo County, Alabama; Dallas County, Alabama; Selma, Alabama; Cambridge, Maryland; Darlington County, South Carolina; Lee County, Mississippi; Passaic, New Jersey; Lawrence, Massachusetts; Santa Paula, California; the state of North Carolina (judicial elections); Augusta, Georgia; Wicomico County, Maryland; the state of Mississippi; Los Angeles, California; the state of Georgia (judicial elections, majority vote requirement, and Shaw v. Reno type challenge); the state of Florida (statewide legislative plans); the state of Texas (judicial elections, Edwards Aquifer governing plans); the city of Chicago (Shaw v. Reno type challenge to Hispanic congressional district).

I prepared written reports for the cases in Greenwood, Halifax County, Marengo County, Dallas County, Selma, Cambridge, Wicomico County, Los Angeles County, Lee County, Passaic, Lawrence, Santa Paula, Georgia, Florida, and Texas, and Chicago. I presented in-court testimony for the cases in Dallas, Marengo, Wicomico, and Los Angeles Counties, and the states of Florida, Georgia (judicial elections, Shaw v. Reno challenge), and Chicago.

Expert Witness on Quantitative Analysis, Political Systems, Demography, and Voter Behavior for State, Municipal and County Jurisdictions, 1986-

I have analyzed matters such as racial and party bloc voting, turnout and registration, annexations, racial demography, political systems, and methodological issues for various state,

municipal and county jurisdictions: Claiborne County, Mississippi; Dade County, Florida; Grenada County, Mississippi; Spartansburg, South Carolina; Maywood School District, Illinois; Crete-Monee School District and Rockford School District, Illinois; the city of New York (Charter Revision Commission); the state of North Carolina (judges and redistricting); the state of Virginia; the state of Maryland; the state of Texas; the state of Connecticut; the state of Pennsylvania (non-partisan commission); the state of New York (Assembly); the state of New Jersey (non-partisan commission); the state of Louisiana; and Indianapolis, Indiana.

I prepared written reports for Claiborne, Grenada, and Dade Counties, Crete-Monee School District, and the states of Louisiana, Maryland, New Jersey, North Carolina, New York, Texas, and Virginia. I presented oral testimony on behalf of Claiborne County, Crete-Monee School District, the state of Texas, the state of New Jersey, the state of North Carolina, and the state of Louisiana. For the states of Louisiana, Texas, and North Carolina I have provided testimony related to issues posed in the Supreme Court case, Shaw v Reno.

Expert Witness on Quantitative Analysis, Political Systems, Political History, and Voter Behavior for Private Attorneys: 1986-

I analyzed matters such as racial bloc voting, turnout and registration, political systems, political history, annexations, and methodological issues for private attorneys in voting rights cases taking place in Boyle, Mississippi; Cleveland, Mississippi; Mississippi statewide (on behalf of minority voters, legislative plan and Supreme Court Districts); City of Starke and Hardee County, Florida; Peoria Illinois; Chicago Heights, Illinois; Jefferson County, Alabama; Chickasaw, Lafayette, Monroe, Newton, Simpson, and Yalobusha counties, Mississippi; Columbus County, North Carolina; Kent County, Michigan; Massachusetts statewide (on behalf of Republican party, legislative plan); and Michigan statewide (on behalf of Democratic party, legislative and congressional plans). I have analyzed statistical results of employment decisions by employers for an employment discrimination case, analyzed the history of peremptory strikes of black and white jurors in Hinds County for a death penalty case, and ballot access by third parties in Jefferson County, Alabama. I have analyzed the influence of voting system technology on voting in Florida during the 2000 presidential election.

I prepared written reports for all cases except Peoria and Jefferson County and have presented oral testimony in the jury selection case; Starke County; Hardee County; Jefferson County; Chicago Heights, Monroe County; Chickasaw County; Lafayette County; Newton County, Columbus County; the statewide Michigan cases; the statewide Mississippi redistricting case; and the Florida voting systems case.

Expert Witness on Quantitative Analysis, Political Systems, Political History, and Voter Behavior for the ACLU. 1987 -

I analyzed racially polarized voting, the socioeconomic standing of racial groups, and

black political opportunities for Henrico and Brunswick Counties, Virginia; and Southern Pines and Moore County, North Carolina. I prepared a written report for the Henrico case and the Southern Pines case. I presented in-court testimony for the Henrico, Brunswick, and Southern Pines cases.

Expert Witness on Quantitative Analysis, Political Systems, Political History, and Voter Behavior for the Southern Poverty Law Center. 1990 -

I analyzed racially polarized voting, the socioeconomic conditions, and black political opportunities for judicial circuits in Alabama. I prepared a written report and presented oral testimony.

Expert Witness for the Mexican-American Legal Defense Fund, 1991 -

I analyzed the impact of the Census undercount on the state legislative plan in Texas, including oral testimony in state court. I analyzed racially polarized voting in the city of Chicago and its implications for aldermanic elections.

Expert Witness on Quantitative Analysis, Political Systems, Political History, and Voter Behavior for the NAACP, 1993-

I prepared a written report and presented in-court testimony for the NAACP's challenge to the State House and Senate plan in Michigan.

Expert Witness on voter purging for the Puerto Rican Legal Defense and Education Fund 1991 -

I prepared a written report and presented in-court testimony for PRLDEF's challenge to voter purging in Philadelphia.

Case Summaries^a

	FLCOUNT Y	BALLOTS C	NOVOTE SC	OVERVO TES	UNDERV OTES
1	Alachua	86144.00	415.00	102	225
2	Baker	8300.00	140.00	46	94
3	Bay	59520.00	663.00	134	529
4	Bradford	9414.00	741.00	694	40
5	Brevard	218989.00	594.00	136	277
6	Broward	587928.00	14622.00	7925	6686
7	Calhoun	5256.00	78.00	0	78
8	Charlotte	70100.00	3204.00	2988	168
9	Citrus	57468.00	217.00	54	163
10	Clay	57764.00	411.00	53	100
11	Collier	95325.00	3184.00	1102	2082
12	Columbia	19206.00	693.00	76	617
13	Dade	653963.00	28601.00	17851	10750
14	Desoto	8512.00	701.00	.	.
15	Dixie	4998.00	332.00	.	.
16	Duval	291626.00	26909.00	21942	4967
17	Escambia	121141.00	4372.00	.	.
18	Flagler	27194.00	83.00	7	55
19	Franklin	5070.00	419.00	349	70
20	Gadsden	16812.00	2085.00	1951	122
21	Gilchrist	5688.00	293.00	.	.
22	Glades	3722.00	357.00	.	.
23	Gulf	6565.00	421.00	363	48
24	Hamilton	4353.00	389.00	389	0
25	Hardee	6645.00	412.00	323	85
26	Hendry	8949.00	810.00	761	39
27	Hernando	65500.00	281.00	147	101
28	Highlands	36158.00	1009.00	520	489
29	Hillsborou gh	369467.00	9172.00	3641	5531
30	Holmes	7539.00	139.00	.	.
31	Indian River	51559.00	1945.00	879	1058
32	Jackson	17470.00	1170.00	1063	94
33	Jefferson	6214.00	571.00	.	.
34	Lafayette	2679.00	174.00	171	0
35	Lake	91989.00	3378.00	3114	245
36	Lee	188978.00	4601.00	2550	2017
37	Leon	103377.00	181.00	.	.
38	Levy	13490.00	766.00	708	52
39	Liberty	2598.00	188.00	159	29
40	Madison	6642.00	480.00	.	.
41	Manatee	111676.00	1455.00	1267	111
42	Marion	106001.00	3345.00	900	2445
43	Martin	62570.00	557.00	.	.
44	Monroe	34095.00	208.00	97	83
45	Nassau	25387.00	1605.00	1386	195
46	Okaloosa	71512.00	765.00	680	85

Case Summaries^a

	FLCOUNT Y	BALLOTS C	NOVOTE SC	OVERVO TES	UNDERV OTES
47	Okeechobee	10722.00	858.00	774	84
48	Orange	282529.00	2404.00	1383	966
49	Osceola	57341.00	1683.00	1042	642
50	Palm Beach	461988.00	29402.00	19120	10582
51	Pasco	146648.00	3917.00	2141	1776
52	Pinellas	406596.00	8487.00	4261	4226
53	Polk	169582.00	975.00	671	228
54	Putnam	26416.00	168.00	26	83
55	Saint Johns	61313.00	532.00	132	426
56	Saint Lucie	78709.00	649.00	112	537
57	Santa Rosa	50684.00	365.00	.	.
58	Sarasota	163749.00	2807.00	991	1809
59	Seminole	137970.00	336.00	48	219
60	Sumter	23032.00	771.00	169	593
61	Suwanee	13189.00	732.00	690	42
62	Taylor	7413.00	605.00	517	82
63	Union	4084.00	258.00	.	.
64	volusia	184153.00	500.00	488	155
65	Wakulla	9017.00	422.00	.	.
66	Walton	18537.00	219.00	72	133
67	Washington	8353.00	329.00	37	292
Total	N 67	67	67	54	54

a. Limited to first 100 cases.

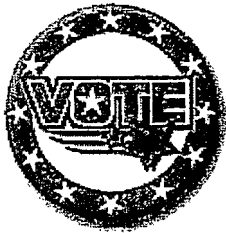
Case Summaries^a

	FLCOUNT Y	TOTREG9 8	BLREG98	TREG2000	BREG200 0	LITERAT1	PHSG
1	Alachua	110713.00	15542.00	120867.00	16517.00	19.00	82.73
2	Baker	11017.00	1105.00	12352.00	1185.00	23.00	64.13
3	Bay	87628.00	7192.00	92749.00	7651.00	20.00	74.67
4	Bradford	12368.00	1666.00	13547.00	1795.00	29.00	64.95
5	Brevard	283518.00	16389.00	283680.00	15719.00	18.00	82.34
6	Broward	814075.00	102966.00	887764.00	125228.00	22.00	76.84
7	Calhoun	6432.00	692.00	7234.00	767.00	29.00	55.95
8	Charlotte	93755.00	2397.00	98898.00	2749.00	23.00	75.67
9	Citrus	72563.00	1154.00	81378.00	1335.00	24.00	68.57
10	Clay	77464.00	3581.00	86861.00	4415.00	14.00	81.15
11	Collier	107349.00	1697.00	123572.00	2151.00	20.00	79.03
12	Columbia	28805.00	3916.00	31131.00	4301.00	24.00	69.02
13	Dade	833120.00	169047.00	896912.00	176806.00	42.00	65.01
14	Desoto	14147.00	1546.00	15731.00	1675.00	32.00	54.46
15	Dixie	9869.00	479.00	10511.00	475.00	29.00	57.74
16	Duval	403904.00	95625.00	423967.00	101930.00	21.00	76.87
17	Escambia	159986.00	26641.00	171004.00	27985.00	23.00	76.21
18	Flagler	29435.00	2315.00	33466.00	2513.00	22.00	78.70
19	Franklin	7701.00	736.00	7578.00	693.00	27.00	59.49
20	Gadsden	24293.00	13334.00	26253.00	14278.00	40.00	59.86
21	Gilchrist	8237.00	212.00	6878.00	170.00	25.00	62.98
22	Glades	5451.00	213.00	6326.00	493.00	29.00	57.39
23	Gulf	9812.00	1312.00	9923.00	1292.00	26.00	66.38
24	Hamilton	6639.00	2139.00	6939.00	2221.00	35.00	58.35
25	Hardee	10024.00	702.00	10886.00	741.00	27.00	54.84
26	Hendry	15825.00	2064.00	16268.00	2134.00	31.00	56.60
27	Hernando	91771.00	2584.00	95549.00	2841.00	25.00	70.47
28	Highlands	52545.00	3566.00	52941.00	3491.00	27.00	68.22
29	Hillsborou gh	467975.00	54225.00	499427.00	58118.00	20.00	75.60
30	Holmes	11129.00	220.00	10317.00	173.00	24.00	57.07
31	Indian River	65043.00	3216.00	71420.00	3534.00	22.00	76.47
32	Jackson	24551.00	5306.00	23973.00	5274.00	31.00	61.61
33	Jefferson	7823.00	2802.00	8161.00	2863.00	33.00	64.13
34	Lafayette	3826.00	245.00	4036.00	255.00	.	58.22
35	Lake	115388.00	6498.00	131031.00	7319.00	24.00	70.62
36	Lee	240777.00	8909.00	252918.00	9290.00	20.00	76.90
37	Leon	129853.00	29141.00	146417.00	35026.00	18.00	84.87
38	Levy	17474.00	1311.00	18671.00	1310.00	27.00	62.82
39	Liberty	3508.00	351.00	3752.00	356.00	.	56.70
40	Madison	9601.00	3270.00	10378.00	3458.00	36.00	56.52
41	Manatee	154231.00	7931.00	170578.00	8704.00	22.00	75.58
42	Marion	136960.00	11023.00	147707.00	11990.00	25.00	69.57
43	Martin	79948.00	2476.00	86514.00	2310.00	21.00	79.70
44	Monroe	47512.00	1556.00	48409.00	1433.00	18.00	79.72
45	Nassau	30316.00	2016.00	35170.00	2239.00	19.00	71.18
46	Okaloosa	103092.00	6742.00	111320.00	7311.00	16.00	83.77

Case Summaries^a

	FLCOUNT Y	TOTREG9 8	BLREG98	TREG2000	BREG200 0	LITERAT1	PHSG
47	Okeechobee	18816.00	1092.00	17488.00	915.00	24.00	59.08
48	Orange	349444.00	42538.00	404779.00	51306.00	19.00	78.81
49	Osceola	82566.00	3797.00	92196.00	4339.00	18.00	73.65
50	Palm Beach	609081.00	48939.00	656694.00	55853.00	22.00	78.79
51	Pasco	210637.00	2731.00	221671.00	3203.00	24.00	66.86
52	Pinellas	559649.00	35401.00	574961.00	35005.00	20.00	78.05
53	Polk	227867.00	24437.00	247807.00	26257.00	22.00	68.01
54	Putnam	40884.00	5225.00	40396.00	5088.00	28.00	64.31
55	Saint Johns	77026.00	4129.00	89511.00	4411.00	17.00	79.91
56	Saint Lucie	131222.00	15280.00	117785.00	12874.00	24.00	71.66
57	Santa Rosa	69817.00	2094.00	77778.00	2322.00	16.00	78.46
58	Sarasota	212438.00	5610.00	221945.00	5793.00	19.00	81.25
59	Seminole	183279.00	12533.00	190704.00	13060.00	14.00	84.64
60	Sumter	25604.00	2102.00	31549.00	2370.00	29.00	64.26
61	Suwanee	20972.00	2358.00	20617.00	2141.00	27.00	63.77
62	Taylor	12147.00	1804.00	12304.00	1787.00	25.00	62.05
63	Union	.	.	6752.00	811.00	29.00	67.74
64	volusia	250689.00	17709.00	260572.00	18180.00	21.00	75.42
65	Wakulla	12511.00	1144.00	13382.00	1204.00	17.00	71.62
66	Walton	23397.00	1284.00	28144.00	1293.00	22.00	66.55
67	Washington	13246.00	1476.00	14358.00	1535.00	28.00	60.90
Total	N 67	66	66	67	67	65	67

a. Limited to first 100 cases.



[Home](#)

Certified Voting Systems
Used in Florida

[Table of Methods](#)

Voting Systems

Certified Voting Systems Used in Florida

Election Systems & Software, Inc.

11208 John Galt Boulevard, Omaha, Nebraska 68137
Phone (800) AIS-VOTE (402) 593-0101

The ES&S Model 115 Voting System (release 2.1)

marksense; central tabulation

6 Counties

Bradford	Hamilton
Franklin	Lafayette
Gulf	Taylor

The ES&S Model 315 Voting System (release 2.1)

marksense; central tabulation

9 Counties

Charlotte	Jackson	Liberty
Gadsden	Lake	Okeechobee
Hendry	Levy	Suwannee

The ES&S OPTECH III-P Eagle & OPTECH IV-C Voting System (release 5)

marksense; precinct and central tabulation

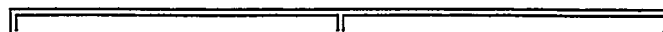
6 Counties

Bay	Orange
Clay	St. Johns
Escambia	Santa Rosa

The ES&S OPTECH III-P Eagle Voting System (release 5)

marksense; precinct and central tabulation

2 Counties



Holmes	Washington
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Election Resources Corporation

635 Plaza West, 415 N. McKinley, Little Rock, Arkansas 72205
Phone (501) 663-4678

***Election Tabulation Network (ETNet) Voting System
(version 2.51 or 2.62)***

punch card; Votomatic (VM) type; central tabulation

11 Counties

Broward	Lee	Pasco
Collier	Marion	Pinellas
Highlands	Osceola	Sarasota
Hillsborough	Palm Beach	

ETNet, Inc.

635 Plaza West, 415 N. McKinley, Little Rock, Arkansas 72205
Phone (501) 663-4678

***Election Tabulation Workshet and/or ETNet Voting
System (release 2.62)***

punch card; Votomatic (VM) type; central tabulation

1 County

Miami-Dade

Fidlar & Chambers Company

P.O. Box 6248, Rock Island, Illinois 61204-6248
Phone (800) 747-4600

***Fidlar & Chambers Election Management System
(version 1.1B and 4.37MR)***

punch card; Votomatic (VM) or DataVote (DV) type; central tabulation

2 Counties

Duval (VM)	Sumter (VM)
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**Mechanical Voting Machines & Punch Card Ballots
Fidlar & Chambers Election Management System
(version 1.1B and 4.3.7MR)**

DataVote (DV) type

1 County

Martin

Global Election Systems, Inc.

1611 Wilmeth Road, McKinney, Texas 75069
Phone (800) 433-8683

**Election System 2000 AccuVote Voting System
(release 1.92-14, version 1.94-w, VLR 13.9)**

marksense; precinct and/or central tabulation

17 Counties

Alachua (DV)	Hernando	Seminole
Brevard	Leon	St. Lucie
Calhoun	Manatee	Volusia
Citrus	Monroe	Walton
Columbia	Okaloosa	Polk
Flagler	Putnam	

Sequoia Pacific System, Corporation

1030 North Anderson Road, Exter, California 93221
Phone (209) 593-8365

**TeamWork Election Management System
(release 1.1B)**

punch card; DataVote (DV) type; central tabulation

2 Counties

Glades	Nassau
--------	--------

Optech IIIP Eagle Voting System

(release 5)

1 County

Baker

Triad Governmental Systems, Inc.

358 South Monroe Street, Xenia, Ohio 45385
Phone (513) 376-5446

***ElecTab Ballot Tabulation System
(version 1S)***

punch card; Votomatic (VM) or DataVote (DV) type, central tabulation

8 Counties

DeSoto (DV)	Hardee (DV)	Madison (DV)
Dixie (DV)	Indian River (VM)	Wakulla (DV)
Gilchrist (DV)	Jefferson (DV)	

**Mechanical Voting Machines and
Manually Tabulated Paper Ballots**

0 Counties

Manually Tabulated Paper Ballots

1 County

Union

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Case Summaries

	PREC DUV	REGVOT RS	VOTECAS T	DISCARD N	PRESUN DR	PRESOV ER	BLACKRE G
1	01	733.00	499.00	51.00	7.00	44.00	223.00
2	01A	1357.00	968.00	73.00	14.00	59.00	133.00
3	01B	1867.00	1351.00	101.00	37.00	64.00	224.00
4	01C	1903.00	1451.00	86.00	23.00	63.00	210.00
5	01D	1167.00	902.00	61.00	14.00	47.00	182.00
6	01E	782.00	551.00	68.00	15.00	53.00	92.00
7	01F	1182.00	843.00	62.00	6.00	56.00	110.00
8	01G	1971.00	1374.00	117.00	25.00	92.00	246.00
9	01H	2458.00	1859.00	133.00	29.00	104.00	359.00
10	01J	1080.00	605.00	79.00	6.00	73.00	463.00
11	01K	1465.00	1070.00	98.00	27.00	71.00	153.00
12	01L	928.00	717.00	45.00	7.00	38.00	187.00
13	01M	1692.00	1380.00	79.00	22.00	57.00	128.00
14	01N	1257.00	988.00	113.00	31.00	82.00	241.00
15	01P	1390.00	945.00	106.00	13.00	93.00	510.00
16	01R	1561.00	969.00	79.00	16.00	63.00	266.00
17	01S	2737.00	1943.00	151.00	26.00	125.00	377.00
18	01T	1651.00	1349.00	56.00	15.00	41.00	128.00
19	01V	1487.00	768.00	142.00	22.00	120.00	696.00
20	02	2698.00	1978.00	116.00	26.00	90.00	356.00
21	02A	2200.00	1526.00	125.00	32.00	93.00	269.00
22	02B	1313.00	1050.00	59.00	19.00	40.00	72.00
23	02C	3481.00	2464.00	208.00	60.00	148.00	419.00
24	02D	2189.00	1796.00	73.00	25.00	48.00	93.00
25	02E	1858.00	1191.00	156.00	41.00	115.00	326.00
26	02F	2260.00	1074.00	183.00	25.00	158.00	651.00
27	02G	2036.00	1419.00	139.00	45.00	94.00	189.00
28	02H	949.00	661.00	48.00	18.00	30.00	215.00
29	02J	2332.00	1316.00	164.00	23.00	141.00	207.00
30	02K	1090.00	736.00	71.00	19.00	52.00	104.00
31	02L	1834.00	1114.00	157.00	76.00	81.00	264.00
32	02M	2426.00	1677.00	109.00	29.00	80.00	185.00
33	02N	2693.00	1754.00	119.00	23.00	96.00	275.00
34	02P	2447.00	1917.00	87.00	22.00	65.00	200.00
35	02R	846.00	701.00	28.00	13.00	15.00	21.00
36	02S	925.00	732.00	34.00	10.00	24.00	44.00
37	02T	2129.00	1543.00	121.00	30.00	91.00	237.00
38	02V	2069.00	1378.00	137.00	31.00	106.00	305.00
39	02W	1086.00	928.00	22.00	7.00	15.00	21.00
40	03	3302.00	2048.00	152.00	30.00	122.00	415.00
41	03A	2744.00	2043.00	63.00	18.00	45.00	21.00
42	03B	1892.00	1454.00	57.00	10.00	47.00	11.00
43	03C	977.00	433.00	43.00	3.00	40.00	153.00
44	03D	2758.00	2170.00	78.00	15.00	63.00	102.00
45	03E	2536.00	1893.00	64.00	22.00	42.00	16.00
46	03F	1853.00	1326.00	49.00	17.00	32.00	37.00
47	03G	2379.00	1922.00	52.00	31.00	21.00	21.00
48	03H	2544.00	1945.00	139.00	55.00	84.00	247.00

Case Summaries

	PRECDUV	REGVOT RS	VOTECAS T	DISCARD N	PRESUN DR	PRESOV ER	BLACKRE G
49	03J	2755.00	1965.00	63.00	13.00	50.00	25.00
50	03K	3021.00	2172.00	99.00	20.00	79.00	86.00
51	03L	2448.00	1460.00	101.00	12.00	89.00	149.00
52	03M	1460.00	1214.00	57.00	18.00	39.00	70.00
53	03N	2488.00	1791.00	141.00	14.00	127.00	272.00
54	03P	2158.00	1474.00	76.00	11.00	65.00	22.00
55	03R	1977.00	1487.00	66.00	32.00	34.00	41.00
56	03S	2125.00	1022.00	127.00	15.00	112.00	492.00
57	03T	744.00	508.00	12.00	4.00	8.00	12.00
58	03V	661.00	490.00	31.00	4.00	27.00	.
59	04	533.00	81.00	15.00	4.00	11.00	240.00
60	04A	1622.00	1193.00	112.00	59.00	53.00	153.00
61	04B	2331.00	1266.00	85.00	10.00	75.00	168.00
62	04C	1212.00	807.00	61.00	15.00	46.00	164.00
63	04D	1322.00	1082.00	59.00	12.00	47.00	31.00
64	04E	1427.00	1156.00	77.00	32.00	45.00	37.00
65	04F	2220.00	1481.00	138.00	28.00	110.00	303.00
66	04G	1100.00	794.00	60.00	9.00	51.00	145.00
67	04H	3404.00	1879.00	196.00	26.00	170.00	990.00
68	04J	2143.00	1555.00	150.00	52.00	98.00	269.00
69	04K	1082.00	836.00	43.00	12.00	31.00	40.00
70	04L	2340.00	1648.00	132.00	38.00	94.00	299.00
71	04M	2024.00	1381.00	124.00	33.00	91.00	234.00
72	04N	2105.00	1373.00	117.00	37.00	80.00	297.00
73	04P	1398.00	974.00	105.00	18.00	87.00	286.00
74	04R	2034.00	1228.00	100.00	28.00	72.00	181.00
75	04S	542.00	391.00	34.00	4.00	30.00	90.00
76	04T	1395.00	711.00	75.00	9.00	66.00	69.00
77	04V	2207.00	1766.00	82.00	22.00	60.00	112.00
78	04W	558.00	387.00	22.00	2.00	20.00	25.00
79	04X	1030.00	695.00	35.00	4.00	31.00	85.00
80	04Y	1828.00	1518.00	30.00	10.00	20.00	.
81	05	1824.00	1493.00	62.00	27.00	35.00	42.00
82	05A	2230.00	1589.00	104.00	41.00	63.00	140.00
83	05B	2664.00	2066.00	86.00	41.00	45.00	53.00
84	05C	3057.00	1681.00	89.00	20.00	69.00	378.00
85	05D	687.00	551.00	13.00	5.00	8.00	11.00
86	05E	2253.00	1914.00	61.00	22.00	39.00	19.00
87	05F	1801.00	1435.00	72.00	27.00	45.00	25.00
88	05G	1610.00	1187.00	63.00	20.00	43.00	103.00
89	05H	1546.00	1114.00	79.00	26.00	53.00	108.00
90	05J	2570.00	1955.00	88.00	23.00	65.00	164.00
91	05K	1997.00	1675.00	75.00	26.00	49.00	44.00
92	05L	911.00	631.00	83.00	7.00	76.00	216.00
93	05M	1349.00	1111.00	44.00	13.00	31.00	49.00
94	05N	2154.00	1632.00	107.00	32.00	75.00	193.00
95	05P	3322.00	2551.00	131.00	65.00	66.00	37.00
96	05R	2069.00	1422.00	89.00	31.00	58.00	210.00

Case Summaries

	PRECDUV	REGVOT RS	VOTECAS T	DISCARD N	PRESUN DR	PRESOV ER	BLACKRE G
97	05S	1827.00	1250.00	55.00	18.00	37.00	149.00
98	05T	4026.00	3086.00	115.00	45.00	70.00	171.00
99	05V	2287.00	1418.00	83.00	18.00	65.00	242.00
100	05W	1836.00	1065.00	56.00	7.00	49.00	181.00
101	06	3276.00	2444.00	126.00	16.00	110.00	185.00
102	06A	2749.00	2216.00	90.00	33.00	57.00	108.00
103	06B	2581.00	1807.00	88.00	18.00	70.00	159.00
104	06C	1568.00	1256.00	42.00	19.00	23.00	41.00
105	06D	1941.00	1619.00	40.00	18.00	22.00	42.00
106	06E	1790.00	1430.00	32.00	4.00	28.00	32.00
107	06F	2485.00	2038.00	62.00	21.00	41.00	47.00
108	06G	2966.00	2363.00	95.00	26.00	69.00	91.00
109	06H	1835.00	1467.00	50.00	19.00	31.00	39.00
110	06J	2434.00	1762.00	92.00	20.00	72.00	146.00
111	06K	2767.00	2082.00	92.00	17.00	75.00	126.00
112	06L	1697.00	1161.00	71.00	13.00	58.00	109.00
113	06M	2261.00	1706.00	63.00	15.00	48.00	89.00
114	06N	2132.00	1693.00	70.00	13.00	57.00	53.00
115	06P	2434.00	1821.00	132.00	54.00	78.00	126.00
116	06R	2454.00	1693.00	130.00	43.00	87.00	194.00
117	06S	872.00	602.00	41.00	13.00	28.00	55.00
118	06T	2075.00	1534.00	77.00	17.00	60.00	85.00
119	07	1419.00	976.00	149.00	13.00	136.00	463.00
120	07A	906.00	562.00	83.00	11.00	72.00	224.00
121	07B	999.00	601.00	124.00	11.00	113.00	502.00
122	07C	1322.00	723.00	201.00	44.00	157.00	1246.00
123	07D	1125.00	640.00	105.00	12.00	93.00	819.00
124	07E	751.00	309.00	66.00	15.00	51.00	532.00
125	07F	1021.00	562.00	143.00	23.00	120.00	876.00
126	07G	1246.00	788.00	155.00	21.00	134.00	1235.00
127	07H	897.00	536.00	120.00	15.00	105.00	662.00
128	07J	1445.00	888.00	195.00	27.00	168.00	1172.00
129	07K	765.00	419.00	114.00	11.00	103.00	467.00
130	07L	398.00	227.00	43.00	8.00	35.00	343.00
131	07M	742.00	485.00	63.00	12.00	51.00	781.00
132	07N	1597.00	969.00	139.00	22.00	117.00	770.00
133	07P	2309.00	1729.00	298.00	53.00	245.00	1879.00
134	07R	927.00	517.00	121.00	18.00	103.00	907.00
135	07S	893.00	447.00	74.00	16.00	58.00	882.00
136	07T	2028.00	816.00	141.00	24.00	117.00	1418.00
137	07V	3683.00	925.00	83.00	29.00	54.00	1136.00
138	07W	327.00	164.00	24.00	3.00	21.00	158.00
139	07X	1486.00	1074.00	180.00	6.00	174.00	1013.00
140	08	806.00	542.00	134.00	15.00	119.00	841.00
141	08A	815.00	540.00	129.00	17.00	112.00	881.00
142	08B	1177.00	792.00	152.00	11.00	141.00	638.00
143	08C	1442.00	972.00	166.00	19.00	147.00	761.00
144	08D	1398.00	1012.00	168.00	17.00	151.00	1270.00

Case Summaries

	PREC DUV	REGVOT RS	VOTECAS T	DISCARD N	PRESUN DR	PRESOV ER	BLACKRE G
145	08E	968.00	583.00	100.00	9.00	91.00	613.00
146	08F	940.00	616.00	125.00	16.00	109.00	906.00
147	08G	1044.00	735.00	114.00	11.00	103.00	506.00
148	08H	919.00	707.00	151.00	29.00	122.00	820.00
149	08J	1427.00	1071.00	187.00	16.00	171.00	1260.00
150	08K	524.00	325.00	77.00	14.00	63.00	489.00
151	08L	1011.00	589.00	138.00	11.00	127.00	1038.00
152	08M	1318.00	788.00	159.00	21.00	138.00	1339.00
153	08N	1002.00	606.00	164.00	24.00	140.00	1005.00
154	08P	892.00	616.00	154.00	15.00	139.00	906.00
155	08Q	649.00	443.00	65.00	6.00	59.00	229.00
156	08R	1058.00	679.00	210.00	23.00	187.00	1012.00
157	08S	853.00	519.00	96.00	11.00	85.00	826.00
158	08T	591.00	375.00	54.00	5.00	49.00	602.00
159	08V	468.00	176.00	47.00	3.00	44.00	463.00
160	08W	455.00	284.00	73.00	7.00	66.00	.
161	08X	2540.00	1735.00	199.00	23.00	176.00	.
162	08Y	818.00	604.00	109.00	12.00	97.00	.
163	08Z	1873.00	1165.00	183.00	26.00	157.00	.
164	09	1720.00	942.00	121.00	16.00	105.00	.
165	09A	851.00	487.00	71.00	2.00	69.00	.
166	09B	1252.00	713.00	111.00	19.00	92.00	.
167	09C	1025.00	675.00	166.00	21.00	145.00	.
168	09D	1458.00	1010.00	245.00	34.00	211.00	.
169	09E	2010.00	1199.00	247.00	14.00	233.00	.
170	09F	876.00	511.00	116.00	11.00	105.00	.
171	09G	265.00	47.00	10.00	.00	10.00	245.00
172	09H	1666.00	1166.00	250.00	41.00	209.00	1700.00
173	09J	1164.00	795.00	183.00	26.00	157.00	1124.00
174	09K	518.00	329.00	69.00	7.00	62.00	519.00
175	09L	394.00	176.00	46.00	7.00	39.00	325.00
176	09M	436.00	255.00	47.00	5.00	42.00	282.00
177	09N	1067.00	524.00	143.00	5.00	138.00	601.00
178	09P	1181.00	644.00	169.00	15.00	154.00	1110.00
179	09R	678.00	422.00	130.00	10.00	120.00	686.00
180	09S	989.00	630.00	111.00	23.00	88.00	433.00
181	09T	141.00	48.00	5.00	1.00	4.00	182.00
182	09V	1007.00	556.00	86.00	9.00	77.00	506.00
183	09W	807.00	470.00	71.00	10.00	61.00	368.00
184	09X	1239.00	745.00	156.00	12.00	144.00	819.00
185	09Y	895.00	538.00	83.00	10.00	73.00	412.00
186	10	1528.00	1065.00	299.00	61.00	238.00	1414.00
187	10A	1868.00	1293.00	261.00	36.00	225.00	1808.00
188	10B	1936.00	1328.00	296.00	23.00	273.00	1735.00
189	10C	2281.00	1404.00	171.00	18.00	153.00	928.00
190	10D	1359.00	824.00	91.00	14.00	77.00	302.00
191	10E	1928.00	1191.00	199.00	18.00	181.00	1266.00
192	10F	849.00	625.00	103.00	17.00	86.00	839.00

Case Summaries

	PREC DUV	REGVOT RS	VOTECAS T	DISCARD N	PRESUN DR	PRESOV ER	BLACKRE G
193	10G	1843.00	1184.00	274.00	25.00	249.00	1873.00
194	10H	1666.00	1122.00	256.00	23.00	233.00	1690.00
195	10J	2689.00	1973.00	335.00	38.00	297.00	2620.00
196	10K	1107.00	845.00	180.00	22.00	158.00	1174.00
197	10L	706.00	369.00	40.00	12.00	28.00	94.00
198	10M	990.00	525.00	74.00	7.00	67.00	176.00
199	10N	2056.00	1339.00	224.00	27.00	197.00	946.00
200	10P	1177.00	849.00	121.00	19.00	102.00	346.00
201	11	904.00	434.00	30.00	2.00	28.00	191.00
202	11A	289.00	232.00	14.00	4.00	10.00	.00
203	11B	1071.00	799.00	80.00	32.00	48.00	72.00
204	11C	1506.00	1012.00	83.00	13.00	70.00	7.00
205	11D	1487.00	1143.00	87.00	14.00	73.00	11.00
206	11E	1865.00	1224.00	152.00	31.00	121.00	20.00
207	11F	1328.00	896.00	127.00	21.00	106.00	283.00
208	11G	1944.00	1462.00	127.00	27.00	100.00	184.00
209	11H	1747.00	1311.00	128.00	18.00	110.00	585.00
210	11J	1118.00	699.00	94.00	11.00	83.00	46.00
211	11K	1064.00	760.00	67.00	12.00	55.00	6.00
212	11L	3302.00	1870.00	171.00	29.00	142.00	507.00
213	11M	1545.00	1040.00	86.00	10.00	76.00	3.00
214	11N	422.00	326.00	37.00	13.00	24.00	.00
215	11P	205.00	142.00	23.00	5.00	18.00	.00
216	11R	1540.00	1215.00	57.00	13.00	44.00	12.00
217	12	1511.00	1156.00	70.00	10.00	60.00	125.00
218	12A	1650.00	1281.00	83.00	11.00	72.00	46.00
219	12B	1622.00	1221.00	100.00	19.00	81.00	155.00
220	12C	1838.00	1299.00	110.00	12.00	98.00	112.00
221	12D	1451.00	1038.00	72.00	22.00	50.00	89.00
222	12E	2013.00	1440.00	130.00	16.00	114.00	218.00
223	12F	677.00	518.00	54.00	25.00	29.00	37.00
224	12G	2216.00	1487.00	109.00	16.00	93.00	275.00
225	12H	1704.00	1127.00	94.00	27.00	67.00	217.00
226	12K	2377.00	1711.00	170.00	16.00	154.00	374.00
227	12L	1873.00	1278.00	117.00	14.00	103.00	110.00
228	12M	1667.00	1081.00	94.00	9.00	85.00	154.00
229	12N	1679.00	1059.00	91.00	21.00	70.00	294.00
230	12P	1907.00	1103.00	148.00	9.00	139.00	547.00
231	12R	2100.00	1750.00	88.00	1.00	87.00	58.00
232	13	1747.00	890.00	65.00	11.00	54.00	172.00
233	13A	415.00	258.00	18.00	2.00	16.00	4.00
234	13B	2239.00	1439.00	137.00	15.00	122.00	198.00
235	13C	2734.00	1686.00	154.00	22.00	132.00	372.00
236	13D	1339.00	798.00	75.00	10.00	65.00	322.00
237	13E	2577.00	1708.00	135.00	21.00	114.00	589.00
238	13F	1581.00	938.00	125.00	18.00	107.00	400.00
239	13G	1856.00	1292.00	84.00	8.00	76.00	140.00
240	13H	634.00	460.00	42.00	2.00	40.00	2.00

Case Summaries

	PRECDUV	REGVOT RS	VOTECAS T	DISCARD N	PRESUN DR	PRESOV ER	BLACKRE G
241	13J	1997.00	1348.00	106.00	19.00	87.00	287.00
242	13K	2824.00	2062.00	134.00	19.00	115.00	378.00
243	13L	2124.00	1578.00	84.00	18.00	66.00	300.00
244	13M	2110.00	1519.00	108.00	19.00	89.00	215.00
245	13N	1337.00	861.00	79.00	7.00	72.00	285.00
246	14	1050.00	701.00	60.00	13.00	47.00	34.00
247	14A	763.00	458.00	48.00	6.00	42.00	125.00
248	14B	1182.00	675.00	77.00	3.00	74.00	165.00
249	14C	1155.00	869.00	64.00	16.00	48.00	17.00
250	14D	1505.00	1022.00	110.00	11.00	99.00	201.00
251	14E	1293.00	1015.00	39.00	20.00	19.00	15.00
252	14F	1041.00	821.00	30.00	6.00	24.00	34.00
253	14G	1203.00	829.00	66.00	14.00	52.00	136.00
254	14H	1717.00	1391.00	37.00	12.00	25.00	30.00
255	14J	864.00	654.00	40.00	6.00	34.00	11.00
256	14K	2563.00	1706.00	145.00	19.00	126.00	285.00
257	14L	1349.00	1058.00	56.00	13.00	43.00	7.00
258	14M	937.00	793.00	25.00	8.00	17.00	1.00
259	14N	2310.00	1560.00	69.00	10.00	59.00	283.00
260	14P	1547.00	1369.00	38.00	18.00	20.00	2.00
261	14R	1005.00	875.00	28.00	17.00	11.00	3.00
262	14S	1004.00	724.00	55.00	5.00	50.00	30.00
263	14T	804.00	572.00	41.00	6.00	35.00	118.00
264	14V	944.00	703.00	51.00	15.00	36.00	33.00
265	14W	1085.00	719.00	42.00	11.00	31.00	131.00
266	14X	986.00	727.00	29.00	8.00	21.00	65.00
267	14Y	385.00	243.00	21.00	1.00	20.00	38.00
268	14Z	698.00	516.00	38.00	12.00	26.00	32.00
Total	N	229	229	229	229	229	220

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
1	0001	1648.00	1124.00	9.00	29.00	45.00
2	0002	903.00	611.00	20.00	17.00	2.00
3	0003	2397.00	1723.00	65.00	44.00	17.00
4	0004	729.00	447.00	15.00	8.00	22.00
5	0005	1630.00	1105.00	20.00	12.00	12.00
6	0006	1703.00	1151.00	15.00	27.00	18.00
7	0007	1369.00	1024.00	16.00	21.00	16.00
8	0008	1072.00	784.00	8.00	12.00	20.00
9	0009	958.00	670.00	17.00	13.00	10.00
10	0010	1606.00	1123.00	15.00	22.00	20.00
11	0011	1600.00	1031.00	20.00	19.00	39.00
12	0013	1702.00	1060.00	38.00	20.00	65.00
13	0014	1512.00	1020.00	32.00	26.00	33.00
14	0015	704.00	524.00	10.00	5.00	19.00
15	0016	800.00	525.00	6.00	11.00	20.00
16	0017	1534.00	1045.00	19.00	19.00	77.00
17	0018	1721.00	1086.00	37.00	16.00	82.00
18	0019	617.00	433.00	13.00	7.00	22.00
19	0021	1192.00	822.00	25.00	11.00	32.00
20	0023	1807.00	1254.00	22.00	29.00	8.00
21	0024	1281.00	934.00	4.00	9.00	5.00
22	0025	1196.00	784.00	11.00	8.00	9.00
23	0026	48.00	31.00	2.00	2.00	11.00
24	0027	878.00	496.00	22.00	14.00	.00
25	0028	1324.00	948.00	12.00	10.00	16.00
26	0029	1250.00	916.00	9.00	12.00	7.00
27	0030	2431.00	1709.00	12.00	16.00	13.00
28	0031	963.00	702.00	9.00	6.00	19.00
29	0032	1311.00	906.00	17.00	10.00	12.00
30	0033	1071.00	616.00	27.00	13.00	10.00
31	0034	504.00	291.00	14.00	4.00	25.00
32	0035	784.00	523.00	9.00	6.00	14.00
33	0036	1394.00	952.00	21.00	15.00	10.00
34	0037	439.00	292.00	2.00	5.00	32.00
35	0038	459.00	349.00	5.00	4.00	14.00
36	0039	1171.00	791.00	16.00	9.00	3.00
37	0040	1234.00	824.00	32.00	16.00	37.00
38	0041	1648.00	1125.00	34.00	10.00	45.00
39	0042	1330.00	871.00	14.00	15.00	44.00
40	0043	513.00	338.00	5.00	2.00	50.00
41	0044	478.00	303.00	12.00	8.00	22.00
42	0046	1571.00	921.00	33.00	15.00	19.00
43	0047	232.00	139.00	1.00	1.00	61.00
44	0048	1041.00	646.00	17.00	14.00	4.00
45	0049	1419.00	993.00	5.00	11.00	20.00
46	0050	1464.00	1055.00	8.00	10.00	9.00
47	0051	1799.00	1401.00	9.00	9.00	5.00
48	0052	43.00	27.00	.00	.00	3.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
49	0101	2015.00	1415.00	11.00	11.00	1.00
50	0102	1948.00	1344.00	13.00	17.00	49.00
51	0103	4369.00	3136.00	57.00	67.00	29.00
52	0104	1118.00	743.00	6.00	6.00	33.00
53	0105	1261.00	908.00	7.00	6.00	54.00
54	0106	575.00	394.00	20.00	7.00	46.00
55	0107	1069.00	650.00	16.00	17.00	38.00
56	0108	1831.00	1155.00	35.00	14.00	52.00
57	0109	2533.00	1755.00	18.00	31.00	107.00
58	0110	543.00	388.00	6.00	12.00	26.00
59	0111	2754.00	1961.00	33.00	64.00	39.00
60	0112	590.00	446.00	7.00	7.00	35.00
61	0113	937.00	662.00	17.00	22.00	4.00
62	0114	335.00	205.00	2.00	2.00	3.00
63	0115	1469.00	969.00	30.00	22.00	26.00
64	0116	667.00	437.00	11.00	10.00	197.00
65	0117	1571.00	1050.00	40.00	21.00	153.00
66	0118	829.00	541.00	26.00	13.00	776.00
67	0119	1245.00	849.00	19.00	15.00	186.00
68	0120	578.00	380.00	9.00	10.00	335.00
69	0121	739.00	468.00	25.00	6.00	35.00
70	0122	214.00	137.00	6.00	2.00	166.00
71	0123	2490.00	1678.00	67.00	53.00	136.00
72	0124	2530.00	1733.00	30.00	14.00	740.00
73	0125	326.00	197.00	7.00	6.00	29.00
74	0126	1240.00	832.00	44.00	14.00	47.00
75	0127	2193.00	1458.00	90.00	34.00	575.00
76	0128	1481.00	995.00	57.00	16.00	1416.00
77	0129	1251.00	891.00	34.00	22.00	816.00
78	0130	1914.00	1279.00	53.00	9.00	663.00
79	0131	1397.00	982.00	42.00	15.00	887.00
80	0132	244.00	167.00	11.00	1.00	575.00
81	0133	1769.00	1234.00	57.00	11.00	118.00
82	0134	81.00	55.00	3.00	4.00	992.00
83	0135	2478.00	1774.00	94.00	43.00	4.00
84	0136	1675.00	1223.00	46.00	24.00	1639.00
85	0137	681.00	499.00	14.00	6.00	958.00
86	0138	980.00	592.00	32.00	13.00	270.00
87	0139	1624.00	1085.00	61.00	28.00	602.00
88	0140	1740.00	1160.00	76.00	31.00	813.00
89	0141	1271.00	855.00	44.00	14.00	899.00
90	0142	2114.00	1347.00	58.00	42.00	807.00
91	0143	338.00	237.00	6.00	2.00	875.00
92	0144	2057.00	1438.00	48.00	27.00	196.00
93	0145	869.00	620.00	7.00	6.00	969.00
94	0146	1915.00	1389.00	17.00	7.00	23.00
95	0147	864.00	538.00	11.00	6.00	105.00
96	0148	1480.00	1003.00	20.00	16.00	125.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
97	0149	894.00	606.00	7.00	6.00	197.00
98	0150	1035.00	680.00	44.00	11.00	45.00
99	0151	775.00	575.00	6.00	7.00	570.00
100	0153	1861.00	1323.00	86.00	22.00	60.00
101	0154	985.00	700.00	15.00	10.00	330.00
102	0155	655.00	488.00	16.00	11.00	1162.00
103	0156	1454.00	1108.00	9.00	11.00	309.00
104	0157	1825.00	1351.00	8.00	10.00	305.00
105	0158	1237.00	888.00	14.00	13.00	153.00
106	0159	1314.00	998.00	42.00	20.00	89.00
107	0160	482.00	342.00	5.00	8.00	280.00
108	0161	1028.00	686.00	40.00	14.00	709.00
109	0164	389.00	265.00	14.00	3.00	45.00
110	0165	530.00	319.00	14.00	8.00	637.00
111	0166	216.00	149.00	9.00	3.00	644.00
112	0169	322.00	191.00	2.00	3.00	160.00
113	0201	1864.00	1044.00	51.00	25.00	142.00
114	0202	1537.00	1063.00	55.00	33.00	121.00
115	0203	1792.00	1277.00	102.00	48.00	99.00
116	0204	400.00	288.00	22.00	2.00	66.00
117	0205	865.00	565.00	47.00	17.00	303.00
118	0206	1809.00	1219.00	49.00	20.00	745.00
119	0207	2526.00	1686.00	37.00	38.00	1721.00
120	0208	2328.00	1653.00	27.00	29.00	391.00
121	0209	1803.00	1251.00	31.00	14.00	785.00
122	0210	1120.00	760.00	22.00	9.00	1353.00
123	0211	1156.00	804.00	38.00	12.00	698.00
124	0213	1678.00	1118.00	64.00	23.00	390.00
125	0214	1928.00	1382.00	70.00	21.00	582.00
126	0216	1824.00	1304.00	54.00	23.00	319.00
127	0234	2140.00	1458.00	104.00	56.00	756.00
128	0265	80.00	48.00	3.00	2.00	483.00
129	0266	213.00	131.00	5.00	5.00	1335.00
130	0269	220.00	140.00	11.00	3.00	1489.00
131	0271	247.00	142.00	5.00	6.00	996.00
132	0341	409.00	255.00	7.00	10.00	1488.00
133	0348	503.00	325.00	18.00	6.00	1494.00
134	0355	30.00	20.00	3.00	.00	1418.00
135	0356	7.00	3.00	.00	.00	1114.00
136	0022	688.00	495.00	1.00	5.00	1312.00
137	0152	784.00	548.00	29.00	6.00	1685.00
138	0162	818.00	559.00	36.00	13.00	2727.00
139	0163	453.00	324.00	7.00	3.00	1523.00
140	0212	938.00	603.00	28.00	16.00	1400.00
141	0215	1337.00	920.00	46.00	12.00	1835.00
142	0217	1684.00	1230.00	59.00	18.00	1527.00
143	0218	1460.00	1008.00	86.00	25.00	1492.00
144	0219	1158.00	806.00	67.00	34.00	1627.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
145	0220	1486.00	1057.00	77.00	27.00	1421.00
146	0221	1877.00	1313.00	55.00	29.00	637.00
147	0222	2984.00	2141.00	122.00	42.00	479.00
148	0223	1881.00	1285.00	79.00	24.00	1597.00
149	0224	1742.00	1206.00	75.00	22.00	789.00
150	0225	2185.00	1466.00	103.00	31.00	1927.00
151	0226	1716.00	1231.00	113.00	34.00	1249.00
152	0227	1782.00	1212.00	99.00	16.00	62.00
153	0228	1913.00	1354.00	80.00	35.00	985.00
154	0229	2861.00	1804.00	92.00	49.00	661.00
155	0230	2665.00	1755.00	54.00	25.00	2069.00
156	0231	1672.00	1160.00	54.00	21.00	1688.00
157	0232	2920.00	1968.00	114.00	69.00	1085.00
158	0233	1109.00	746.00	48.00	13.00	1132.00
159	0235	2280.00	1375.00	85.00	68.00	1112.00
160	0236	75.00	45.00	4.00	1.00	1217.00
161	0237	1145.00	756.00	55.00	40.00	1158.00
162	0238	698.00	476.00	33.00	19.00	383.00
163	0239	2997.00	1962.00	108.00	34.00	902.00
164	0240	1987.00	1408.00	99.00	29.00	1061.00
165	0241	1520.00	1008.00	47.00	31.00	1821.00
166	0242	1789.00	1249.00	104.00	21.00	1402.00
167	0243	1400.00	970.00	60.00	13.00	735.00
168	0244	1643.00	1025.00	60.00	11.00	2127.00
169	0245	1371.00	949.00	53.00	25.00	986.00
170	0246	1794.00	1155.00	58.00	22.00	1476.00
171	0247	1580.00	1121.00	87.00	27.00	1269.00
172	0248	1988.00	1279.00	97.00	38.00	524.00
173	0249	1973.00	1447.00	132.00	48.00	1124.00
174	0250	1470.00	998.00	101.00	21.00	1047.00
175	0251	843.00	606.00	40.00	13.00	1043.00
176	0252	2233.00	1562.00	127.00	49.00	1024.00
177	0253	1105.00	806.00	52.00	25.00	1539.00
178	0254	1614.00	1090.00	74.00	26.00	1392.00
179	0255	1323.00	868.00	91.00	22.00	1908.00
180	0256	811.00	579.00	18.00	23.00	1190.00
181	0257	1163.00	759.00	70.00	26.00	50.00
182	0258	1116.00	673.00	54.00	14.00	64.00
183	0259	1349.00	864.00	59.00	30.00	802.00
184	0260	1074.00	696.00	41.00	9.00	1150.00
185	0261	1613.00	971.00	68.00	21.00	213.00
186	0262	1455.00	894.00	69.00	24.00	1518.00
187	0263	2000.00	1302.00	90.00	46.00	240.00
188	0264	1286.00	802.00	60.00	28.00	11.00
189	0267	1318.00	845.00	71.00	33.00	6.00
190	0268	1584.00	1001.00	55.00	8.00	341.00
191	0270	1752.00	1207.00	81.00	18.00	458.00
192	0301	1395.00	1015.00	18.00	17.00	61.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
193	0302	1438.00	972.00	13.00	9.00	65.00
194	0303	2298.00	1683.00	24.00	21.00	20.00
195	0304	2701.00	1909.00	60.00	28.00	9.00
196	0305	2019.00	1493.00	13.00	16.00	15.00
197	0306	1302.00	944.00	16.00	9.00	12.00
198	0307	1788.00	1294.00	19.00	10.00	48.00
199	0308	1101.00	804.00	8.00	5.00	17.00
200	0309	2786.00	1866.00	49.00	37.00	674.00
201	0310	1836.00	1220.00	32.00	25.00	1.00
202	0311	2234.00	1581.00	52.00	24.00	4.00
203	0312	1446.00	959.00	30.00	19.00	3.00
204	0313	1044.00	628.00	42.00	18.00	2.00
205	0314	1369.00	1000.00	25.00	11.00	7.00
206	0315	1781.00	1315.00	32.00	19.00	7.00
207	0316	1503.00	1094.00	26.00	29.00	19.00
208	0317	1314.00	918.00	21.00	8.00	21.00
209	0318	1353.00	932.00	22.00	9.00	28.00
210	0319	1101.00	782.00	10.00	9.00	10.00
211	0320	2346.00	1635.00	40.00	29.00	10.00
212	0321	2738.00	1859.00	44.00	27.00	2.00
213	0322	2856.00	1883.00	50.00	49.00	14.00
214	0323	1589.00	1154.00	27.00	20.00	29.00
215	0324	1342.00	933.00	35.00	22.00	7.00
216	0325	1230.00	862.00	30.00	13.00	14.00
217	0326	3093.00	2206.00	55.00	43.00	9.00
218	0327	1628.00	966.00	29.00	26.00	8.00
219	0328	2222.00	1566.00	32.00	36.00	34.00
220	0329	2249.00	1722.00	42.00	26.00	9.00
221	0330	2127.00	1467.00	40.00	22.00	27.00
222	0331	2566.00	1846.00	48.00	50.00	219.00
223	0332	1860.00	1341.00	33.00	24.00	8.00
224	0333	2111.00	1496.00	52.00	48.00	3.00
225	0334	1492.00	1015.00	24.00	14.00	5.00
226	0335	1598.00	1088.00	33.00	6.00	19.00
227	0336	1840.00	1196.00	36.00	23.00	33.00
228	0337	1380.00	965.00	22.00	30.00	1.00
229	0338	2171.00	1502.00	56.00	18.00	6.00
230	0339	2954.00	1976.00	61.00	32.00	39.00
231	0340	2998.00	2080.00	75.00	42.00	16.00
232	0342	2254.00	1499.00	44.00	25.00	4.00
233	0343	1862.00	1240.00	18.00	15.00	10.00
234	0344	1735.00	1217.00	19.00	7.00	11.00
235	0345	1591.00	1195.00	22.00	11.00	8.00
236	0346	1449.00	1109.00	19.00	14.00	24.00
237	0347	1103.00	782.00	16.00	13.00	433.00
238	0349	3579.00	2550.00	76.00	44.00	621.00
239	0350	1137.00	844.00	13.00	5.00	104.00
240	0351	2550.00	1728.00	43.00	19.00	8.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
241	0352	4451.00	3334.00	36.00	39.00	1.00
242	0353	2693.00	1963.00	47.00	21.00	1.00
243	0354	924.00	659.00	13.00	11.00	.00
244	0357	1333.00	965.00	14.00	10.00	2.00
245	0358	2320.00	1658.00	42.00	28.00	520.00
246	0359	2784.00	1826.00	50.00	29.00	16.00
247	0360	1674.00	1176.00	20.00	20.00	6.00
248	0361	1094.00	763.00	17.00	17.00	6.00
249	0362	1628.00	1151.00	22.00	28.00	12.00
250	0363	1596.00	1040.00	28.00	12.00	15.00
251	0364	1211.00	849.00	21.00	15.00	136.00
252	0365	2741.00	1921.00	24.00	16.00	292.00
253	0366	424.00	310.00	2.00	2.00	12.00
254	0367	1284.00	903.00	20.00	10.00	2.00
255	0368	1961.00	1350.00	30.00	19.00	13.00
256	0401	2070.00	1310.00	12.00	7.00	97.00
257	0402	3400.00	2565.00	50.00	32.00	18.00
258	0403	2627.00	1770.00	49.00	19.00	45.00
259	0404	1970.00	1455.00	27.00	11.00	9.00
260	0405	1718.00	1159.00	21.00	15.00	7.00
261	0406	1520.00	979.00	29.00	19.00	27.00
262	0407	1329.00	944.00	24.00	11.00	6.00
263	0408	2500.00	1615.00	28.00	23.00	86.00
264	0409	1029.00	667.00	14.00	8.00	2.00
265	0410	3230.00	2080.00	69.00	24.00	7.00
266	0411	2931.00	1849.00	42.00	28.00	26.00
267	0412	3006.00	2172.00	24.00	22.00	12.00
268	0413	3281.00	2374.00	29.00	36.00	6.00
269	0414	3043.00	2144.00	40.00	25.00	15.00
270	0415	2461.00	1645.00	37.00	24.00	10.00
271	0416	2501.00	1665.00	28.00	30.00	12.00
272	0417	2398.00	1649.00	18.00	13.00	52.00
273	0418	1484.00	1072.00	20.00	14.00	7.00
274	0419	1163.00	862.00	17.00	5.00	1.00
275	0420	1931.00	1438.00	20.00	27.00	3.00
276	0421	2311.00	1680.00	23.00	19.00	3.00
277	0422	1492.00	1093.00	20.00	20.00	.00
278	0423	1695.00	1284.00	15.00	21.00	2.00
279	0424	1658.00	1195.00	31.00	22.00	2.00
280	0425	1932.00	1321.00	34.00	35.00	4.00
281	0426	1544.00	1082.00	19.00	24.00	8.00
282	0427	1473.00	1096.00	18.00	17.00	8.00
283	0428	1444.00	1005.00	36.00	18.00	2.00
284	0429	1365.00	995.00	8.00	9.00	8.00
285	0430	2044.00	1460.00	39.00	18.00	9.00
286	0431	1199.00	830.00	17.00	4.00	2.00
287	0432	1439.00	1012.00	16.00	7.00	3.00
288	0433	1660.00	1226.00	26.00	15.00	1.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
289	0434	1806.00	1319.00	25.00	17.00	5.00
290	0435	1983.00	1391.00	38.00	27.00	8.00
291	0436	1902.00	1366.00	34.00	22.00	4.00
292	0437	1603.00	1133.00	25.00	21.00	3.00
293	0438	2331.00	1681.00	47.00	32.00	9.00
294	0439	3159.00	2360.00	33.00	25.00	13.00
295	0440	1728.00	1265.00	21.00	14.00	2.00
296	0441	1376.00	968.00	9.00	6.00	9.00
297	0442	743.00	518.00	16.00	10.00	1.00
298	0443	868.00	643.00	14.00	7.00	4.00
299	0444	1763.00	1224.00	14.00	21.00	5.00
300	0445	134.00	85.00	1.00	1.00	.00
301	0446	324.00	234.00	6.00	4.00	2.00
302	0447	1508.00	987.00	16.00	23.00	20.00
303	0448	1383.00	918.00	17.00	15.00	11.00
304	0449	1119.00	804.00	9.00	10.00	3.00
305	0450	3096.00	2177.00	14.00	19.00	60.00
306	0451	1390.00	1052.00	11.00	13.00	6.00
307	0501	1842.00	1136.00	58.00	28.00	1386.00
308	0502	1628.00	1086.00	41.00	29.00	652.00
309	0503	834.00	600.00	22.00	14.00	40.00
310	0504	2329.00	1559.00	31.00	23.00	667.00
311	0505	2082.00	1290.00	76.00	47.00	1709.00
312	0506	228.00	150.00	6.00	1.00	77.00
313	0507	1131.00	744.00	57.00	25.00	1087.00
314	0508	1736.00	1079.00	95.00	25.00	1674.00
315	0509	1446.00	987.00	28.00	24.00	4.00
316	0510	800.00	582.00	18.00	7.00	1.00
317	0511	1545.00	1003.00	89.00	22.00	1477.00
318	0512	1135.00	788.00	60.00	22.00	1103.00
319	0513	677.00	469.00	36.00	14.00	652.00
320	0514	1015.00	697.00	55.00	19.00	853.00
321	0515	592.00	364.00	17.00	5.00	404.00
322	0516	1189.00	820.00	7.00	11.00	132.00
323	0517	1534.00	812.00	22.00	12.00	820.00
324	0518	1457.00	955.00	85.00	18.00	941.00
325	0519	1600.00	1094.00	86.00	19.00	1393.00
326	0520	1077.00	721.00	52.00	21.00	1038.00
327	0521	2001.00	1333.00	81.00	20.00	1898.00
328	0522	1694.00	1127.00	93.00	33.00	1592.00
329	0523	2037.00	1324.00	109.00	25.00	1795.00
330	0524	897.00	627.00	18.00	10.00	21.00
331	0525	1104.00	716.00	32.00	15.00	15.00
332	0526	2682.00	1666.00	52.00	27.00	240.00
333	0527	2054.00	1300.00	81.00	11.00	201.00
334	0528	526.00	318.00	13.00	7.00	82.00
335	0529	2011.00	1216.00	91.00	23.00	730.00
336	0530	1226.00	708.00	27.00	11.00	258.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
337	0531	1380.00	764.00	62.00	17.00	988.00
338	0532	448.00	297.00	18.00	7.00	238.00
339	0533	1395.00	858.00	63.00	24.00	1294.00
340	0534	780.00	383.00	20.00	7.00	369.00
341	0535	1259.00	820.00	90.00	15.00	1174.00
342	0536	288.00	174.00	10.00	2.00	204.00
343	0537	1401.00	850.00	51.00	17.00	215.00
344	0538	1760.00	1149.00	44.00	12.00	213.00
345	0539	538.00	381.00	2.00	7.00	7.00
346	0541	921.00	555.00	3.00	2.00	42.00
347	0542	1922.00	277.00	12.00	4.00	264.00
348	0543	2177.00	1358.00	63.00	41.00	58.00
349	0544	602.00	388.00	3.00	3.00	52.00
350	0545	2074.00	1391.00	57.00	17.00	14.00
351	0546	25.00	6.00	.00	.00	3.00
352	0547	2041.00	1372.00	57.00	14.00	14.00
353	0548	1521.00	1096.00	33.00	15.00	6.00
354	0549	1374.00	968.00	29.00	17.00	4.00
355	0550	1677.00	1184.00	31.00	16.00	8.00
356	0551	1368.00	924.00	27.00	8.00	22.00
357	0552	559.00	400.00	13.00	5.00	2.00
358	0553	1834.00	1222.00	25.00	10.00	4.00
359	0554	1990.00	1386.00	31.00	17.00	6.00
360	0555	2286.00	1622.00	48.00	22.00	8.00
361	0556	2891.00	1903.00	57.00	28.00	19.00
362	0557	1969.00	1355.00	31.00	27.00	4.00
363	0558	1703.00	1171.00	29.00	17.00	9.00
364	0559	1786.00	1291.00	19.00	28.00	8.00
365	0560	2240.00	1597.00	41.00	11.00	9.00
366	0561	811.00	551.00	10.00	2.00	6.00
367	0562	2662.00	1825.00	46.00	18.00	5.00
368	0563	1763.00	1158.00	46.00	19.00	5.00
369	0564	1756.00	1035.00	48.00	19.00	15.00
370	0565	2049.00	1293.00	44.00	15.00	15.00
371	0566	2506.00	1527.00	65.00	40.00	43.00
372	0567	1235.00	899.00	19.00	10.00	10.00
373	0568	365.00	245.00	3.00	2.00	4.00
374	0569	3628.00	2546.00	24.00	37.00	39.00
375	0570	1424.00	976.00	21.00	4.00	9.00
376	0571	2042.00	1445.00	32.00	18.00	8.00
377	0572	1255.00	881.00	21.00	11.00	5.00
378	0573	1683.00	1181.00	24.00	15.00	23.00
379	0574	1969.00	1381.00	30.00	13.00	12.00
380	0575	2675.00	1823.00	49.00	25.00	8.00
381	0576	2235.00	1569.00	48.00	17.00	8.00
382	0577	1512.00	1047.00	20.00	13.00	21.00
383	0578	2622.00	1697.00	43.00	21.00	12.00
384	0579	754.00	539.00	14.00	5.00	6.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
385	0580	1728.00	1211.00	30.00	7.00	10.00
386	0581	1876.00	1352.00	10.00	9.00	9.00
387	0582	1710.00	1203.00	8.00	11.00	25.00
388	0583	1621.00	1072.00	11.00	8.00	57.00
389	0584	1215.00	862.00	64.00	17.00	1018.00
390	0585	933.00	633.00	41.00	19.00	834.00
391	0586	1383.00	1020.00	5.00	9.00	16.00
392	0587	1019.00	716.00	2.00	1.00	23.00
393	0588	130.00	59.00	5.00	2.00	2.00
394	0589	87.00	53.00	1.00	.00	13.00
395	0590	114.00	65.00	2.00	4.00	38.00
396	0591	898.00	572.00	37.00	18.00	113.00
397	0592	35.00	19.00	1.00	.00	34.00
398	0593	1049.00	672.00	23.00	11.00	22.00
399	0594	145.00	114.00	4.00	2.00	2.00
400	0595	142.00	104.00	2.00	1.00	.00
401	0596	243.00	180.00	6.00	2.00	.00
402	0597	208.00	136.00	5.00	1.00	.00
403	0598	104.00	65.00	1.00	.00	3.00
404	0601	1558.00	1129.00	12.00	8.00	1.00
405	0602	1255.00	922.00	12.00	8.00	5.00
406	0603	1334.00	907.00	6.00	12.00	5.00
407	0604	1410.00	1072.00	14.00	7.00	11.00
408	0605	2000.00	1500.00	11.00	11.00	8.00
409	0606	1038.00	733.00	8.00	10.00	78.00
410	0607	1378.00	1013.00	5.00	6.00	6.00
411	0608	1748.00	1290.00	3.00	7.00	4.00
412	0609	1281.00	882.00	7.00	7.00	7.00
413	0610	134.00	93.00	1.00	.00	.00
414	0611	1708.00	1259.00	6.00	11.00	4.00
415	0612	1710.00	1080.00	6.00	2.00	37.00
416	0613	1235.00	932.00	3.00	10.00	8.00
417	0614	1215.00	928.00	.00	6.00	7.00
418	0615	1090.00	800.00	1.00	4.00	3.00
419	0616	703.00	537.00	3.00	4.00	6.00
420	0617	2280.00	1668.00	6.00	6.00	13.00
421	0618	639.00	447.00	1.00	5.00	4.00
422	0619	1905.00	1442.00	8.00	6.00	15.00
423	0620	1575.00	1095.00	15.00	12.00	9.00
424	0621	2215.00	1463.00	93.00	40.00	1569.00
425	0622	1356.00	1016.00	6.00	7.00	16.00
426	0623	1378.00	1004.00	7.00	5.00	21.00
427	0624	1177.00	886.00	4.00	2.00	12.00
428	0625	1616.00	1142.00	11.00	8.00	39.00
429	0626	1038.00	775.00	4.00	.00	11.00
430	0627	1602.00	1204.00	3.00	12.00	21.00
431	0628	1974.00	1507.00	5.00	5.00	8.00
432	0629	471.00	357.00	.00	2.00	2.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
433	0630	745.00	536.00	1.00	1.00	16.00
434	0631	1340.00	1016.00	4.00	3.00	15.00
435	0632	1484.00	1117.00	8.00	8.00	22.00
436	0633	1376.00	996.00	13.00	7.00	17.00
437	0634	404.00	303.00	23.00	7.00	283.00
438	0635	199.00	138.00	.00	2.00	1.00
439	0636	1.00	.00	.00	.00	.00
440	0637	47.00	37.00	.00	.00	.00
441	0638	17.00	14.00	.00	.00	3.00
442	0639	29.00	20.00	.00	1.00	.00
443	0640	42.00	34.00	.00	2.00	.00
444	0641	47.00	37.00	.00	.00	.00
445	0642	404.00	283.00	1.00	.00	14.00
446	0643	158.00	117.00	.00	.00	.00
447	0644	2.00	2.00	.00	.00	.00
448	0701	2057.00	1341.00	17.00	7.00	24.00
449	0702	3396.00	2412.00	22.00	23.00	77.00
450	0703	3029.00	2018.00	33.00	12.00	96.00
451	0704	2148.00	1452.00	31.00	12.00	32.00
452	0705	1872.00	1235.00	19.00	13.00	22.00
453	0706	2119.00	1482.00	19.00	17.00	9.00
454	0707	617.00	456.00	7.00	7.00	3.00
455	0708	128.00	90.00	3.00	.00	1.00
456	0709	2181.00	1561.00	49.00	17.00	7.00
457	0710	1643.00	1163.00	25.00	8.00	6.00
458	0711	2327.00	1530.00	23.00	19.00	58.00
459	0712	1878.00	1326.00	18.00	16.00	11.00
460	0713	2041.00	1422.00	30.00	19.00	7.00
461	0714	1760.00	1270.00	21.00	14.00	8.00
462	0715	1920.00	1400.00	20.00	21.00	.00
463	0716	1254.00	921.00	20.00	11.00	1.00
464	0717	2087.00	1470.00	20.00	15.00	32.00
465	0718	662.00	483.00	5.00	10.00	10.00
466	0719	1931.00	1297.00	22.00	20.00	68.00
467	0720	1623.00	1201.00	9.00	11.00	2.00
468	0721	2667.00	1956.00	22.00	23.00	62.00
469	0722	512.00	350.00	5.00	6.00	31.00
470	0723	1090.00	797.00	5.00	5.00	7.00
471	0724	1768.00	1294.00	12.00	19.00	40.00
472	0725	1846.00	1365.00	17.00	14.00	12.00
473	0726	2222.00	1623.00	19.00	13.00	14.00
474	0727	1142.00	846.00	7.00	13.00	22.00
475	0728	2216.00	1412.00	16.00	18.00	57.00
476	0729	1735.00	1088.00	14.00	18.00	16.00
477	0730	1824.00	1225.00	12.00	6.00	43.00
478	0731	1590.00	1159.00	10.00	18.00	7.00
479	0732	1512.00	999.00	18.00	11.00	10.00
480	0733	2593.00	1772.00	24.00	17.00	95.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
481	0734	1732.00	1238.00	19.00	13.00	54.00
482	0735	1257.00	895.00	6.00	8.00	30.00
483	0736	1719.00	1057.00	27.00	17.00	73.00
484	0737	1262.00	741.00	23.00	16.00	89.00
485	0738	3851.00	2660.00	36.00	22.00	242.00
486	0739	2584.00	1729.00	26.00	24.00	156.00
487	0740	2514.00	1641.00	18.00	14.00	169.00
488	0741	2293.00	1629.00	15.00	12.00	128.00
489	0742	1547.00	1104.00	14.00	12.00	120.00
490	0743	1160.00	815.00	11.00	6.00	61.00
491	0744	2841.00	1904.00	18.00	10.00	129.00
492	0745	2675.00	1929.00	24.00	28.00	91.00
493	0746	993.00	720.00	5.00	8.00	20.00
494	0747	2074.00	1395.00	17.00	19.00	85.00
495	0748	1584.00	1120.00	8.00	11.00	19.00
496	0749	1584.00	1159.00	9.00	8.00	49.00
497	0750	2002.00	1479.00	8.00	13.00	38.00
498	0751	1478.00	1109.00	8.00	6.00	24.00
499	0752	1547.00	1140.00	13.00	6.00	34.00
500	0753	3240.00	2291.00	16.00	13.00	252.00
501	0754	2494.00	1807.00	11.00	10.00	48.00
502	0755	387.00	285.00	.00	.00	10.00
503	0756	2311.00	1606.00	20.00	21.00	279.00
504	0757	3891.00	2748.00	37.00	25.00	428.00
505	0758	2588.00	1792.00	32.00	15.00	161.00
506	0759	4212.00	3007.00	53.00	33.00	429.00
507	0760	139.00	96.00	.00	.00	1.00
508	0761	11.00	8.00	.00	.00	.00
509	0762	3608.00	2281.00	39.00	29.00	224.00
510	0763	1657.00	1110.00	22.00	19.00	42.00
511	0764	2267.00	1566.00	27.00	20.00	59.00
512	0765	1239.00	755.00	11.00	14.00	95.00
513	0766	2548.00	1649.00	17.00	17.00	209.00
514	0767	2106.00	1258.00	16.00	10.00	190.00
515	0768	221.00	161.00	2.00	4.00	12.00
516	0769	1224.00	848.00	6.00	7.00	44.00
517	0770	1670.00	1173.00	48.00	12.00	19.00
518	0771	1700.00	1173.00	10.00	27.00	73.00
519	0772	1830.00	1143.00	29.00	8.00	29.00
520	0773	2156.00	1488.00	20.00	13.00	19.00
521	0774	1494.00	892.00	19.00	10.00	97.00
522	0775	3337.00	2275.00	33.00	29.00	150.00
523	0776	3251.00	2202.00	54.00	21.00	282.00
524	0801	1567.00	1089.00	51.00	42.00	1468.00
525	0802	1756.00	1249.00	46.00	31.00	1707.00
526	0803	1695.00	1225.00	75.00	44.00	1620.00
527	0804	1783.00	1256.00	9.00	8.00	106.00
528	0805	719.00	473.00	5.00	3.00	112.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
529	0806	1211.00	864.00	6.00	7.00	26.00
530	0807	1184.00	875.00	8.00	7.00	51.00
531	0808	1647.00	1211.00	3.00	4.00	29.00
532	0809	503.00	372.00	1.00	1.00	6.00
533	0810	1904.00	1409.00	8.00	6.00	16.00
534	0811	1066.00	739.00	9.00	6.00	216.00
535	0812	1739.00	1131.00	33.00	17.00	629.00
536	0813	2127.00	1509.00	58.00	18.00	1132.00
537	0814	2314.00	1471.00	20.00	13.00	407.00
538	0815	1357.00	897.00	31.00	8.00	262.00
539	0816	1610.00	1056.00	38.00	16.00	998.00
540	0817	2196.00	1458.00	50.00	24.00	1304.00
541	0818	1424.00	957.00	87.00	33.00	1343.00
542	0819	1205.00	836.00	9.00	10.00	96.00
543	0820	2703.00	1867.00	6.00	11.00	193.00
544	0821	2226.00	1537.00	15.00	11.00	184.00
545	0822	1980.00	1362.00	29.00	18.00	113.00
546	0823	2030.00	1294.00	21.00	13.00	201.00
547	0824	2049.00	1321.00	23.00	13.00	173.00
548	0825	2425.00	1555.00	27.00	24.00	307.00
549	0826	673.00	448.00	34.00	3.00	626.00
550	0827	2752.00	1621.00	92.00	46.00	1126.00
551	0828	1894.00	1159.00	42.00	21.00	860.00
552	0829	2260.00	1405.00	51.00	12.00	443.00
553	0830	579.00	439.00	7.00	4.00	85.00
554	0831	2042.00	1187.00	55.00	19.00	586.00
555	0832	1268.00	834.00	10.00	15.00	195.00
556	0833	1766.00	1107.00	103.00	31.00	1624.00
557	0834	1540.00	920.00	68.00	13.00	1349.00
558	0835	275.00	186.00	4.00	1.00	43.00
559	0836	2297.00	1434.00	31.00	18.00	44.00
560	0837	1828.00	1295.00	7.00	16.00	86.00
561	0838	735.00	441.00	20.00	10.00	192.00
562	0839	1518.00	895.00	31.00	19.00	384.00
563	0840	352.00	246.00	2.00	1.00	37.00
564	0841	1363.00	758.00	29.00	12.00	305.00
565	0842	225.00	158.00	6.00	1.00	50.00
566	0843	413.00	288.00	6.00	2.00	99.00
567	0844	25.00	15.00	.00	.00	2.00
568	0845	587.00	412.00	5.00	5.00	141.00
569	0846	146.00	83.00	4.00	2.00	64.00
570	0847	1590.00	1031.00	10.00	7.00	191.00
571	0848	203.00	121.00	2.00	1.00	3.00
572	0849	74.00	48.00	1.00	3.00	10.00
573	0850	22.00	14.00	1.00	.00	.00
574	0851	195.00	151.00	.00	3.00	2.00
575	0901	1471.00	965.00	10.00	10.00	19.00
576	0902	1923.00	1332.00	6.00	7.00	27.00

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
577	0903	854.00	478.00	44.00	12.00	558.00
578	0904	1319.00	783.00	30.00	12.00	198.00
579	0905	2003.00	1183.00	60.00	31.00	934.00
580	0906	316.00	171.00	6.00	.00	99.00
581	0907	2043.00	1192.00	16.00	14.00	246.00
582	0908	214.00	125.00	5.00	1.00	41.00
583	0909	1339.00	687.00	21.00	9.00	387.00
584	0910	2775.00	1562.00	75.00	23.00	500.00
585	0911	1144.00	577.00	25.00	9.00	143.00
586	0912	1605.00	1028.00	27.00	14.00	120.00
587	0913	1602.00	1059.00	14.00	16.00	51.00
588	0914	498.00	343.00	2.00	4.00	13.00
589	0915	806.00	549.00	8.00	6.00	43.00
590	0916	999.00	533.00	14.00	5.00	117.00
591	0917	238.00	104.00	4.00	1.00	41.00
592	0918	1683.00	767.00	29.00	12.00	328.00
593	0919	778.00	481.00	4.00	6.00	44.00
594	0920	1214.00	606.00	17.00	10.00	841.00
595	0921	133.00	83.00	1.00	3.00	10.00
596	0922	1949.00	1137.00	65.00	34.00	1630.00
597	0923	779.00	384.00	11.00	5.00	129.00
598	0924	121.00	72.00	.00	2.00	5.00
599	0925	244.00	156.00	2.00	1.00	29.00
600	0926	403.00	262.00	2.00	1.00	13.00
601	0927	284.00	177.00	3.00	3.00	14.00
602	0928	896.00	490.00	15.00	9.00	283.00
603	0929	417.00	229.00	11.00	2.00	139.00
604	0930	5.00	3.00	.00	1.00	5.00
605	0931	326.00	183.00	15.00	2.00	45.00
606	0932	90.00	65.00	.00	2.00	1.00
607	0933	194.00	82.00	4.00	2.00	51.00
608	0934	191.00	101.00	3.00	2.00	55.00
609	0935	234.00	120.00	5.00	2.00	93.00
610	0936	468.00	279.00	9.00	4.00	58.00
611	0937	112.00	80.00	2.00	1.00	9.00
612	0938	757.00	369.00	26.00	8.00	54.00
613	0939	5.00	3.00	.00	.00	.00
614	0940	1292.00	642.00	21.00	8.00	151.00
615	N401	.00	42.00	.00	2.00	.
616	N402	.00	.00	.00	.00	.
617	N403	.00	13.00	.00	.00	.
618	N404	.00	50.00	.00	5.00	.
619	N405	.00	151.00	.00	4.00	.
620	N406	.00	9.00	.00	.00	.
621	N407	.00	1.00	.00	.00	.
622	N408	.00	1.00	.00	.00	.
623	N409	.00	5.00	.00	1.00	.
624	N410	.00	2.00	.00	.00	.

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
625	N411	.00	3.00	.00	.00	.
626	N412	.00	.00	.00	.00	.
627	N413	.00	12.00	.00	.00	.
628	N414	.00	.00	.00	.00	.
629	N415	.00	3.00	.00	.00	.
630	N416	.00	.00	.00	.00	.
631	N417	.00	.00	.00	.00	.
632	N418	.00	7.00	.00	.00	.
633	N419	.00	1.00	.00	.00	.
634	N420	.00	.00	.00	.00	.
635	N421	.00	12.00	.00	.00	.
636	N422	.00	15.00	.00	.00	.
637	N423	.00	1.00	.00	.00	.
638	N424	.00	.00	.00	.00	.
639	N425	.00	2.00	.00	.00	.
640	N426	.00	11.00	.00	1.00	.
641	N427	.00	.00	.00	.00	.
642	N428	.00	.00	.00	.00	.
643	N429	.00	3.00	.00	1.00	.
644	N430	.00	1.00	.00	.00	.
645	N431	.00	.00	.00	.00	.
646	N432	.00	3.00	.00	.00	.
647	N433	.00	11.00	.00	.00	.
648	N434	.00	6.00	.00	.00	.
649	N435	.00	.00	.00	.00	.
650	N436	.00	5.00	.00	.00	.
651	N437	.00	.00	.00	.00	.
652	N438	.00	1.00	.00	.00	.
653	N439	.00	1.00	.00	.00	.
654	N440	.00	3.00	.00	1.00	.
655	N441	.00	2.00	.00	.00	.
656	N442	.00	2.00	.00	.00	.
657	N443	.00	1.00	.00	.00	.
658	N444	.00	.00	.00	.00	.
659	N445	.00	5.00	.00	.00	.
660	N446	.00	.00	.00	.00	.
661	N447	.00	4.00	.00	.00	.
662	N448	.00	3.00	.00	.00	.
663	N449	.00	2.00	.00	.00	.
664	N450	.00	.00	.00	.00	.
665	N451	.00	2.00	.00	.00	.
666	N452	.00	7.00	.00	.00	.
667	N453	.00	.00	.00	.00	.
668	N454	.00	.00	.00	.00	.
669	N455	.00	.00	.00	.00	.
670	N456	.00	.00	.00	.00	.
671	N457	.00	2.00	.00	.00	.
672	N458	.00	1.00	.00	.00	.

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
673	N459	.00	.00	.00	.00	.
674	N460	.00	.00	.00	.00	.
675	N461	.00	.00	.00	.00	.
676	N462	.00	.00	.00	.00	.
677	N463	.00	.00	.00	.00	.
678	N464	.00	1.00	.00	.00	.
679	N465	.00	.00	.00	.00	.
680	N466	.00	.00	.00	.00	.
681	N001	.00	2662.00	14.00	115.00	.
682	N002	.00	95.00	.00	5.00	.
683	N003	.00	824.00	4.00	33.00	.
684	N004	.00	3.00	.00	.00	.
685	N005	.00	1238.00	8.00	61.00	.
686	N006	.00	2813.00	13.00	86.00	.
687	N007	.00	398.00	.00	12.00	.
688	N008	.00	1281.00	4.00	51.00	.
689	N508	.00	857.00	17.00	30.00	.
690	N009	.00	2551.00	55.00	113.00	.
691	N010	.00	265.00	6.00	14.00	.
692	N011	.00	114.00	3.00	3.00	.
693	N012	.00	418.00	8.00	17.00	.
694	N013	.00	238.00	3.00	8.00	.
695	N014	.00	184.00	1.00	4.00	.
696	N015	.00	754.00	4.00	15.00	.
697	N016	.00	357.00	4.00	10.00	.
698	N017	.00	255.00	8.00	9.00	.
699	N018	.00	119.00	2.00	4.00	.
700	N019	.00	2.00	.00	.00	.
701	N020	.00	481.00	15.00	40.00	.
702	N021	.00	6.00	.00	.00	.
703	N022	.00	2229.00	5.00	61.00	.
704	N023	.00	3149.00	23.00	71.00	.
705	N024	.00	67.00	.00	.00	.
706	N025	.00	94.00	.00	2.00	.
707	N026	.00	141.00	.00	1.00	.
708	N027	.00	76.00	1.00	3.00	.
709	N028	.00	25.00	1.00	.00	.
710	N029	.00	1629.00	6.00	43.00	.
711	N030	.00	442.00	1.00	12.00	.
712	N031	.00	1096.00	3.00	30.00	.
713	N032	.00	113.00	.00	3.00	.
714	N033	.00	1643.00	7.00	50.00	.
715	N034	.00	1578.00	7.00	41.00	.
716	N035	.00	20.00	.00	.00	.
717	N036	.00	328.00	3.00	20.00	.
718	N037	.00	46.00	.00	.00	.
719	N038	.00	188.00	1.00	5.00	.
720	N039	.00	208.00	7.00	24.00	.

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
721	N040	.00	71.00	.00	4.00	.
722	N041	.00	1283.00	10.00	40.00	.
723	N042	.00	80.00	.00	5.00	.
724	N043	.00	19.00	.00	.00	.
725	N044	.00	25.00	2.00	1.00	.
726	N045	.00	22.00	.00	1.00	.
727	N046	.00	57.00	.00	7.00	.
728	N047	.00	63.00	.00	1.00	.
729	N048	.00	9.00	1.00	.00	.
730	N536	.00	362.00	17.00	11.00	.
731	N537	.00	39.00	.00	2.00	.
732	N538	.00	1119.00	8.00	37.00	.
733	N539	.00	362.00	16.00	16.00	.
734	N540	.00	92.00	1.00	.00	.
735	N541	.00	796.00	7.00	18.00	.
736	N542	.00	76.00	1.00	3.00	.
737	N543	.00	14.00	.00	.00	.
738	N544	.00	35.00	3.00	.00	.
739	N545	.00	29.00	.00	.00	.
740	N546	.00	28.00	1.00	3.00	.
741	N547	.00	34.00	.00	1.00	.
742	N548	.00	11.00	.00	.00	.
743	N049	.00	136.00	1.00	2.00	.
744	N050	.00	266.00	.00	3.00	.
745	N051	.00	129.00	.00	2.00	.
746	N052	.00	111.00	.00	1.00	.
747	N053	.00	783.00	6.00	19.00	.
748	N054	.00	1149.00	3.00	23.00	.
749	N055	.00	17.00	.00	1.00	.
750	N056	.00	1303.00	5.00	26.00	.
751	N057	.00	10.00	.00	.00	.
752	N058	.00	464.00	1.00	12.00	.
753	N059	.00	25.00	.00	.00	.
754	N060	.00	248.00	.00	4.00	.
755	N061	.00	119.00	2.00	5.00	.
756	N062	.00	164.00	.00	4.00	.
757	N063	.00	235.00	2.00	6.00	.
758	N064	.00	385.00	1.00	5.00	.
759	N065	.00	343.00	3.00	10.00	.
760	N066	.00	180.00	.00	4.00	.
761	N067	.00	513.00	2.00	6.00	.
762	N068	.00	18.00	.00	.00	.
763	N069	.00	115.00	.00	3.00	.
764	N070	.00	303.00	2.00	6.00	.
765	N071	.00	292.00	3.00	10.00	.
766	N072	.00	51.00	.00	2.00	.
767	N073	.00	218.00	2.00	6.00	.
768	N074	.00	515.00	9.00	12.00	.

Case Summaries

	PRECDA DE	registered	ballots cast	OVERVO TE	undervote	BLACK
769	N075	.00	120.00	1.00	5.00	.
770	N076	.00	38.00	.00	.00	.
771	N077	.00	127.00	.00	.00	.
772	N078	.00	13.00	.00	.00	.
773	N079	.00	197.00	3.00	2.00	.
774	N080	.00	55.00	2.00	4.00	.
775	N081	.00	176.00	1.00	7.00	.
776	N082	.00	41.00	.00	.00	.
777	N083	.00	9.00	.00	.00	.
778	N084	.00	72.00	.00	4.00	.
779	N085	.00	10.00	.00	.00	.
780	N086	.00	13.00	.00	.00	.
781	N087	.00	2.00	.00	.00	.
782	N088	.00	11.00	1.00	1.00	.
783	N089	.00	57.00	.00	.00	.
784	N090	.00	22.00	2.00	1.00	.
785	N091	.00	24.00	.00	.00	.
786	N092	.00	39.00	.00	1.00	.
787	N093	.00	4.00	.00	.00	.
788	N094	.00	25.00	1.00	.00	.
789	N095	.00	19.00	.00	.00	.
790	N096	.00	.00	.00	.00	.
Total	N 790	790	790	790	790	614

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
1	1	15.00	47.00	131.00	1767.00	1118.00	62.00
2	1A	15.00	20.00	1.00	1503.00	996.00	35.00
3	1B	13.00	32.00	196.00	1644.00	1080.00	45.00
4	1C	9.00	24.00	6.00	1572.00	1060.00	33.00
5	2	15.00	41.00	4.00	2504.00	1566.00	56.00
6	3	18.00	49.00	19.00	2557.00	1487.00	67.00
7	3A	6.00	15.00	1.00	877.00	556.00	21.00
8	3B	5.00	10.00	14.00	1060.00	595.00	15.00
9	3C	12.00	20.00	3.00	1712.00	1234.00	32.00
10	4	13.00	23.00	5.00	1477.00	849.00	36.00
11	4A	24.00	24.00	3.00	1534.00	872.00	48.00
12	4B	13.00	32.00	6.00	2101.00	1158.00	45.00
13	4C	3.00	12.00	.00	849.00	582.00	15.00
14	4D	16.00	41.00	2.00	1916.00	1230.00	57.00
15	4E	11.00	17.00	1.00	1091.00	676.00	28.00
16	4F	.00	.00	.00	.00	.00	.00
17	5	12.00	22.00	10.00	1146.00	595.00	34.00
18	5A	8.00	51.00	18.00	2031.00	1270.00	59.00
19	5B	12.00	72.00	18.00	2388.00	1727.00	84.00
20	5C	4.00	13.00	1.00	897.00	636.00	17.00
21	5D	9.00	35.00	21.00	1793.00	1055.00	44.00
22	5E	5.00	7.00	10.00	632.00	495.00	12.00
23	6	20.00	20.00	40.00	2112.00	1374.00	40.00
24	6A	16.00	22.00	5.00	1447.00	883.00	38.00
25	6B	4.00	19.00	8.00	567.00	349.00	23.00
26	6C	20.00	9.00	4.00	1417.00	955.00	29.00
27	7	11.00	36.00	7.00	1741.00	1159.00	47.00
28	7A	.00	.00	.00	41.00	33.00	.00
29	8	5.00	26.00	2.00	1626.00	992.00	31.00
30	8A	3.00	31.00	5.00	844.00	533.00	34.00
31	12	3.00	8.00	3.00	818.00	566.00	11.00
32	12A	5.00	21.00	25.00	2010.00	1331.00	26.00
33	12B	5.00	8.00	12.00	552.00	395.00	13.00
34	12C	12.00	26.00	22.00	2470.00	1554.00	38.00
35	12D	7.00	28.00	8.00	1759.00	1133.00	35.00
36	12E	.00	.00	.00	2.00	.00	.00
37	13	18.00	75.00	46.00	2148.00	1279.00	93.00
38	13A	.00	14.00	7.00	352.00	217.00	14.00
39	13B	2.00	13.00	20.00	273.00	149.00	15.00
40	13C	14.00	19.00	51.00	584.00	329.00	33.00
41	13D	.00	.00	3.00	88.00	50.00	.00
42	14	.00	16.00	3.00	1376.00	965.00	16.00
43	16	10.00	28.00	33.00	2161.00	1480.00	38.00
44	16A	14.00	41.00	3.00	1271.00	999.00	55.00
45	17	5.00	25.00	24.00	903.00	514.00	30.00
46	17B	2.00	3.00	3.00	322.00	188.00	5.00
47	18	9.00	60.00	58.00	1140.00	723.00	69.00
48	18A	39.00	107.00	51.00	2387.00	1332.00	146.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
49	18B	22.00	64.00	191.00	2181.00	1242.00	86.00
50	18C	20.00	74.00	51.00	2347.00	1448.00	94.00
51	18D	63.00	56.00	85.00	2539.00	1764.00	119.00
52	18E	4.00	10.00	23.00	522.00	274.00	14.00
53	18F	7.00	23.00	1.00	523.00	346.00	30.00
54	18G	.00	1.00	3.00	59.00	45.00	1.00
55	18H	2.00	2.00	.00	67.00	43.00	4.00
56	18I	3.00	13.00	19.00	350.00	254.00	16.00
57	18J	21.00	56.00	34.00	2014.00	1411.00	77.00
58	19	22.00	129.00	8.00	2588.00	1745.00	151.00
59	19A	12.00	38.00	20.00	1833.00	1334.00	50.00
60	20	12.00	55.00	5.00	984.00	561.00	67.00
61	21	3.00	55.00	2.00	899.00	532.00	58.00
62	21A	.00	9.00	.00	128.00	75.00	9.00
63	22	23.00	100.00	2.00	1407.00	898.00	123.00
64	23	22.00	57.00	4.00	1079.00	658.00	79.00
65	24	24.00	113.00	5.00	2041.00	1459.00	137.00
66	25	3.00	20.00	12.00	773.00	498.00	23.00
67	25A	1.00	10.00	3.00	489.00	361.00	11.00
68	25B	9.00	25.00	11.00	799.00	491.00	34.00
69	26	5.00	19.00	74.00	895.00	547.00	24.00
70	26A	11.00	61.00	99.00	1423.00	795.00	72.00
71	26B	9.00	22.00	38.00	1093.00	577.00	31.00
72	26C	3.00	10.00	6.00	-810.00	574.00	13.00
73	27	31.00	88.00	11.00	1626.00	1059.00	119.00
74	28	25.00	24.00	1.00	1561.00	1102.00	49.00
75	29	27.00	92.00	7.00	1967.00	1414.00	119.00
76	29A	6.00	37.00	14.00	1397.00	989.00	43.00
77	29B	25.00	37.00	2.00	1135.00	845.00	62.00
78	29C	5.00	18.00	40.00	961.00	724.00	23.00
79	29D	4.00	29.00	31.00	1523.00	891.00	33.00
80	29E	1.00	11.00	.00	521.00	412.00	12.00
81	29F	.00	7.00	5.00	100.00	60.00	7.00
82	30	19.00	45.00	139.00	1557.00	908.00	64.00
83	30A	25.00	70.00	12.00	1373.00	1012.00	95.00
84	30B	9.00	88.00	308.00	2511.00	1427.00	97.00
85	31	8.00	24.00	33.00	2097.00	1287.00	32.00
86	31A	16.00	33.00	23.00	2118.00	1212.00	49.00
87	31B	2.00	12.00	.00	630.00	454.00	14.00
88	31C	3.00	15.00	13.00	1035.00	615.00	18.00
89	31D	8.00	41.00	7.00	1678.00	973.00	49.00
90	31E	.00	4.00	2.00	330.00	226.00	4.00
91	31F	.00	.00	.00	.00	.00	.00
92	31G	.00	.00	.00	.00	.00	.00
93	31H	.00	.00	.00	2.00	2.00	.00
94	32	9.00	33.00	56.00	1976.00	1286.00	42.00
95	32A	8.00	33.00	59.00	1849.00	1119.00	41.00
96	33	1.00	4.00	.00	615.00	344.00	5.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
97	34	2.00	15.00	1.00	690.00	421.00	17.00
98	35	.00	10.00	36.00	48.00	29.00	10.00
99	36	11.00	14.00	23.00	284.00	169.00	25.00
100	37	15.00	40.00	299.00	1113.00	627.00	55.00
101	38	.00	23.00	389.00	439.00	159.00	23.00
102	38A	.00	.00	.00	4.00	2.00	.00
103	39	2.00	18.00	8.00	1136.00	549.00	20.00
104	40	5.00	51.00	1.00	838.00	516.00	56.00
105	41	20.00	74.00	94.00	2795.00	1617.00	94.00
106	41A	4.00	30.00	26.00	1193.00	772.00	34.00
107	41B	24.00	65.00	182.00	2479.00	1664.00	89.00
108	41C	20.00	23.00	113.00	1493.00	948.00	43.00
109	41D	15.00	38.00	112.00	1856.00	1215.00	53.00
110	42	5.00	39.00	27.00	2010.00	1263.00	44.00
111	42A	3.00	7.00	38.00	1133.00	753.00	10.00
112	43	1.00	7.00	3.00	133.00	83.00	8.00
113	44	2.00	23.00	1.00	427.00	273.00	25.00
114	44A	6.00	32.00	241.00	390.00	245.00	38.00
115	44B	2.00	41.00	226.00	411.00	274.00	43.00
116	44C	1.00	14.00	1.00	133.00	82.00	15.00
117	44D	.00	.00	.00	.00	.00	.00
118	44E	.00	.00	.00	.00	.00	.00
119	45	10.00	35.00	21.00	1960.00	1265.00	45.00
120	45A	19.00	28.00	17.00	1648.00	970.00	47.00
121	46	.00	12.00	6.00	532.00	286.00	12.00
122	46A	9.00	10.00	10.00	666.00	331.00	19.00
123	46B	.00	5.00	3.00	71.00	45.00	5.00
124	47	11.00	33.00	65.00	2128.00	1106.00	44.00
125	47A	5.00	16.00	18.00	2279.00	1448.00	21.00
126	47B	10.00	19.00	11.00	1527.00	955.00	29.00
127	47C	34.00	42.00	21.00	2322.00	1444.00	76.00
128	47D	10.00	11.00	12.00	1625.00	1123.00	21.00
129	48	6.00	24.00	12.00	1741.00	1190.00	30.00
130	49	8.00	28.00	8.00	2155.00	1300.00	36.00
131	50	9.00	23.00	5.00	1201.00	741.00	32.00
132	51	42.00	86.00	736.00	1713.00	854.00	128.00
133	52	36.00	52.00	10.00	2429.00	1360.00	88.00
134	52A	1.00	1.00	2.00	176.00	105.00	2.00
135	53	5.00	18.00	19.00	1072.00	679.00	23.00
136	54	8.00	47.00	685.00	733.00	341.00	55.00
137	55	12.00	32.00	767.00	856.00	324.00	44.00
138	56	3.00	31.00	140.00	721.00	399.00	34.00
139	56A	2.00	14.00	116.00	198.00	107.00	16.00
140	56B	2.00	16.00	115.00	451.00	270.00	18.00
141	56C	2.00	23.00	328.00	558.00	269.00	25.00
142	57	19.00	61.00	288.00	1918.00	1045.00	80.00
143	58	8.00	26.00	14.00	1309.00	819.00	34.00
144	58A	6.00	35.00	2.00	1526.00	952.00	41.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
145	59	12.00	237.00	2620.00	2743.00	1491.00	249.00
146	59A	.00	.00	.00	1.00	.00	.00
147	60	19.00	58.00	7.00	1080.00	696.00	77.00
148	61	12.00	128.00	8.00	1991.00	1391.00	140.00
149	61A	2.00	17.00	5.00	628.00	434.00	19.00
150	61B	3.00	31.00	347.00	1471.00	624.00	34.00
151	61C	.00	.00	.00	27.00	16.00	.00
152	62	19.00	123.00	1524.00	1959.00	1074.00	142.00
153	63	11.00	19.00	8.00	959.00	580.00	30.00
154	64	8.00	116.00	1233.00	1530.00	834.00	124.00
155	65	.00	1.00	.00	2.00	48.00	1.00
156	65A	6.00	37.00	144.00	1414.00	751.00	43.00
157	65B	5.00	24.00	193.00	575.00	419.00	29.00
158	65C	.00	1.00	.00	143.00	19.00	1.00
159	66	60.00	240.00	2493.00	2648.00	1563.00	300.00
160	67	16.00	171.00	1899.00	1994.00	1096.00	187.00
161	68	.00	21.00	129.00	824.00	382.00	21.00
162	69	4.00	63.00	862.00	1068.00	724.00	67.00
163	69A	2.00	29.00	297.00	450.00	282.00	31.00
164	70	4.00	34.00	398.00	567.00	331.00	38.00
165	71	19.00	122.00	1280.00	2323.00	1131.00	141.00
166	71A	3.00	11.00	10.00	599.00	370.00	14.00
167	73	.00	1.00	17.00	35.00	23.00	1.00
168	73A	4.00	15.00	97.00	751.00	497.00	19.00
169	73B	13.00	5.00	6.00	753.00	546.00	18.00
170	73C	1.00	2.00	29.00	258.00	99.00	3.00
171	73D	.00	7.00	54.00	287.00	189.00	7.00
172	73E	10.00	26.00	189.00	776.00	496.00	36.00
173	73F	.00	2.00	.00	187.00	131.00	2.00
174	73H	8.00	55.00	35.00	2085.00	1692.00	63.00
175	73I	.00	1.00	.00	27.00	18.00	1.00
176	74	23.00	62.00	356.00	2441.00	1408.00	85.00
177	74A	4.00	63.00	591.00	855.00	588.00	67.00
178	74B	5.00	18.00	136.00	1830.00	891.00	23.00
179	74C	22.00	60.00	461.00	1654.00	719.00	82.00
180	74D	2.00	20.00	155.00	202.00	115.00	22.00
181	74E	3.00	28.00	67.00	1535.00	977.00	31.00
182	74F	9.00	15.00	77.00	965.00	665.00	24.00
183	74G	6.00	37.00	202.00	1959.00	1038.00	43.00
184	75	15.00	104.00	1328.00	1748.00	956.00	119.00
185	76	.00	17.00	93.00	697.00	354.00	17.00
186	76A	7.00	52.00	473.00	1369.00	655.00	59.00
187	77	90.00	24.00	6.00	1996.00	1252.00	114.00
188	77A	8.00	25.00	8.00	1638.00	802.00	33.00
189	78	3.00	20.00	52.00	761.00	533.00	23.00
190	79	12.00	52.00	509.00	1724.00	741.00	64.00
191	81	14.00	52.00	964.00	1023.00	446.00	66.00
192	81A	1.00	2.00	1.00	193.00	95.00	3.00

Case Summaries

	PRPLMB CH	Undervotes	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
193	82	12.00	150.00	2050.00	2179.00	1365.00	162.00
194	83	3.00	11.00	88.00	710.00	185.00	14.00
195	83A	.00	3.00	102.00	311.00	44.00	3.00
196	84	.00	13.00	576.00	632.00	270.00	13.00
197	85	1.00	32.00	441.00	473.00	171.00	33.00
198	86	3.00	1.00	12.00	439.00	183.00	4.00
199	86A	1.00	12.00	45.00	215.00	125.00	13.00
200	86B	3.00	11.00	68.00	329.00	173.00	14.00
201	87	.00	.00	36.00	124.00	9.00	.00
202	87A	11.00	21.00	26.00	517.00	307.00	32.00
203	87B	4.00	3.00	5.00	169.00	55.00	7.00
204	87C	.00	.00	.00	14.00	.00	.00
205	88	8.00	18.00	16.00	1057.00	602.00	26.00
206	88A	.00	.00	3.00	110.00	65.00	.00
207	88B	.00	13.00	9.00	366.00	247.00	13.00
208	89	8.00	31.00	30.00	1723.00	1055.00	39.00
209	90	7.00	22.00	3.00	1675.00	781.00	29.00
210	91	5.00	45.00	349.00	1617.00	759.00	50.00
211	92	3.00	39.00	84.00	1373.00	687.00	42.00
212	92A	.00	.00	.00	18.00	2.00	.00
213	93	10.00	36.00	118.00	1962.00	1283.00	46.00
214	93A	2.00	18.00	16.00	1345.00	800.00	20.00
215	93B	16.00	37.00	145.00	2366.00	1476.00	53.00
216	94	7.00	102.00	304.00	2649.00	1496.00	109.00
217	95	5.00	36.00	127.00	1452.00	735.00	41.00
218	95A	4.00	34.00	247.00	968.00	399.00	38.00
219	96	9.00	29.00	42.00	855.00	483.00	38.00
220	96A	1.00	11.00	39.00	461.00	293.00	12.00
221	97	14.00	70.00	171.00	1609.00	953.00	84.00
222	97A	2.00	13.00	134.00	374.00	177.00	15.00
223	97B	17.00	63.00	885.00	1244.00	510.00	80.00
224	99	15.00	49.00	633.00	663.00	283.00	64.00
225	100	27.00	107.00	1247.00	1308.00	714.00	134.00
226	101	14.00	42.00	34.00	1185.00	764.00	56.00
227	101A	.00	6.00	.00	209.00	155.00	6.00
228	102	16.00	60.00	72.00	1778.00	1059.00	76.00
229	103	4.00	13.00	27.00	519.00	264.00	17.00
230	104	10.00	34.00	64.00	891.00	463.00	44.00
231	104A	.00	1.00	1.00	97.00	67.00	1.00
232	104B	28.00	54.00	216.00	2443.00	1538.00	82.00
233	104C	4.00	8.00	42.00	139.00	52.00	12.00
234	105	10.00	24.00	16.00	1516.00	1097.00	34.00
235	106	41.00	47.00	63.00	1969.00	1209.00	88.00
236	107	18.00	46.00	26.00	1441.00	848.00	64.00
237	108	7.00	33.00	73.00	1475.00	772.00	40.00
238	108A	4.00	24.00	34.00	627.00	297.00	28.00
239	108B	.00	3.00	7.00	122.00	64.00	3.00
240	109	52.00	102.00	886.00	1152.00	632.00	154.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
241	110	18.00	26.00	11.00	1618.00	1146.00	44.00
242	111	26.00	61.00	4.00	1757.00	1005.00	87.00
243	112	41.00	53.00	21.00	2441.00	1771.00	94.00
244	113	10.00	40.00	48.00	1716.00	1113.00	50.00
245	113A	10.00	31.00	49.00	1036.00	631.00	41.00
246	114	7.00	15.00	203.00	324.00	157.00	22.00
247	114A	3.00	22.00	196.00	280.00	157.00	25.00
248	114B	5.00	20.00	236.00	337.00	153.00	25.00
249	114C	.00	.00	2.00	11.00	6.00	.00
250	114D	.00	.00	.00	8.00	7.00	.00
251	115	17.00	39.00	3.00	1017.00	633.00	56.00
252	116	1.00	12.00	81.00	184.00	95.00	13.00
253	117	4.00	59.00	148.00	2144.00	1107.00	63.00
254	117A	10.00	92.00	309.00	2643.00	1368.00	102.00
255	118	12.00	69.00	119.00	2636.00	1229.00	81.00
256	119	10.00	26.00	2.00	830.00	562.00	36.00
257	119A	5.00	21.00	13.00	732.00	458.00	26.00
258	120	8.00	39.00	67.00	1571.00	798.00	47.00
259	121	6.00	31.00	72.00	974.00	589.00	37.00
260	121A	.00	3.00	4.00	202.00	132.00	3.00
261	121B	.00	2.00	1.00	55.00	20.00	2.00
262	121C	.00	1.00	1.00	22.00	6.00	1.00
263	121D	3.00	24.00	75.00	790.00	425.00	27.00
264	122	5.00	42.00	74.00	787.00	412.00	47.00
265	122A	1.00	6.00	9.00	149.00	73.00	7.00
266	123	7.00	26.00	21.00	1272.00	642.00	33.00
267	124	6.00	49.00	266.00	1275.00	516.00	55.00
268	124A	1.00	2.00	39.00	307.00	134.00	3.00
269	124B	1.00	6.00	18.00	166.00	80.00	7.00
270	124C	4.00	16.00	8.00	569.00	269.00	20.00
271	125	14.00	37.00	1.00	1208.00	703.00	51.00
272	126	7.00	17.00	14.00	617.00	325.00	24.00
273	127	75.00	61.00	70.00	2601.00	1431.00	136.00
274	127A	1.00	17.00	2.00	901.00	553.00	18.00
275	128	54.00	90.00	281.00	2620.00	1528.00	144.00
276	128A	8.00	24.00	70.00	1554.00	954.00	32.00
277	128B	9.00	31.00	13.00	1036.00	693.00	40.00
278	128C	9.00	28.00	19.00	1500.00	1068.00	37.00
279	128D	6.00	48.00	29.00	1175.00	644.00	54.00
280	128E	24.00	39.00	113.00	2679.00	1927.00	63.00
281	128F	5.00	11.00	33.00	800.00	395.00	16.00
282	128G	8.00	43.00	81.00	1565.00	958.00	51.00
283	128H	14.00	50.00	95.00	2085.00	1599.00	64.00
284	128I	7.00	28.00	95.00	1893.00	1509.00	35.00
285	128J	12.00	33.00	75.00	1547.00	1156.00	45.00
286	128K	.00	1.00	.00	20.00	15.00	1.00
287	129	4.00	35.00	66.00	1142.00	530.00	39.00
288	129A	1.00	10.00	81.00	487.00	229.00	11.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
289	130	6.00	43.00	41.00	1389.00	677.00	49.00
290	130A	21.00	20.00	5.00	1142.00	686.00	41.00
291	130B	.00	4.00	19.00	174.00	83.00	4.00
292	130C	2.00	2.00	8.00	100.00	42.00	4.00
293	131	2.00	16.00	4.00	575.00	377.00	18.00
294	131A	2.00	10.00	18.00	344.00	214.00	12.00
295	132	2.00	38.00	143.00	824.00	423.00	40.00
296	132A	21.00	80.00	64.00	1720.00	1174.00	101.00
297	132B	10.00	26.00	36.00	464.00	254.00	36.00
298	132C	73.00	51.00	143.00	2469.00	1642.00	124.00
299	132D	16.00	39.00	61.00	1407.00	1037.00	55.00
300	133	34.00	110.00	782.00	1947.00	945.00	144.00
301	134	5.00	43.00	1.00	1345.00	760.00	48.00
302	135	4.00	9.00	4.00	577.00	375.00	13.00
303	135A	.00	.00	1.00	28.00	10.00	.00
304	135B	44.00	39.00	7.00	1358.00	1126.00	83.00
305	135C	.00	.00	2.00	68.00	48.00	.00
306	135D	.00	.00	.00	7.00	.00	.00
307	136	67.00	56.00	136.00	2179.00	1281.00	123.00
308	137	60.00	103.00	13.00	1963.00	1054.00	163.00
309	138	7.00	30.00	204.00	1356.00	544.00	37.00
310	140	16.00	47.00	101.00	1385.00	779.00	63.00
311	140A	8.00	55.00	59.00	1661.00	1015.00	63.00
312	141	8.00	40.00	15.00	1341.00	679.00	48.00
313	141A	3.00	17.00	56.00	504.00	272.00	20.00
314	142	6.00	20.00	11.00	1099.00	695.00	26.00
315	142A	1.00	6.00	16.00	176.00	122.00	7.00
316	142B	.00	.00	.00	1.00	.00	.00
317	143	.00	.00	.00	39.00	24.00	.00
318	144	16.00	48.00	148.00	1579.00	1174.00	64.00
319	144A	30.00	32.00	185.00	1607.00	954.00	62.00
320	144B	58.00	34.00	218.00	1978.00	1245.00	92.00
321	144C	125.00	121.00	214.00	2670.00	1686.00	246.00
322	144D	64.00	100.00	241.00	2471.00	1741.00	164.00
323	144E	87.00	53.00	308.00	1955.00	1308.00	140.00
324	144F	.00	.00	.00	16.00	9.00	.00
325	145	3.00	17.00	9.00	783.00	517.00	20.00
326	146	27.00	71.00	1325.00	1487.00	791.00	98.00
327	147	5.00	40.00	168.00	1508.00	894.00	45.00
328	147A	2.00	9.00	55.00	251.00	137.00	11.00
329	148	90.00	63.00	26.00	2709.00	1684.00	153.00
330	148A	6.00	32.00	28.00	949.00	602.00	38.00
331	148B	4.00	35.00	1.00	713.00	474.00	39.00
332	148C	12.00	30.00	57.00	1632.00	1135.00	42.00
333	148D	175.00	50.00	69.00	2459.00	1649.00	225.00
334	148E	1.00	4.00	20.00	187.00	69.00	5.00
335	148F	5.00	3.00	10.00	333.00	277.00	8.00
336	148G	12.00	67.00	275.00	1594.00	1156.00	79.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
337	148H	.00	.00	.00	8.00	4.00	.00
338	148J	18.00	23.00	45.00	1473.00	1056.00	41.00
339	148K	43.00	73.00	1.00	1786.00	1441.00	116.00
340	148L	16.00	65.00	3.00	1766.00	1379.00	81.00
341	148M	23.00	50.00	13.00	1424.00	1046.00	73.00
342	148N	17.00	84.00	1.00	1708.00	1364.00	101.00
343	148O	47.00	46.00	57.00	2116.00	1316.00	93.00
344	148P	31.00	52.00	1.00	1225.00	960.00	83.00
345	148Q	8.00	45.00	.00	867.00	699.00	53.00
346	149	16.00	61.00	1.00	1610.00	1085.00	77.00
347	150	8.00	9.00	1.00	1339.00	836.00	17.00
348	150A	4.00	10.00	.00	294.00	153.00	14.00
349	150B	.00	2.00	.00	124.00	71.00	.2.00
350	151	2.00	6.00	9.00	287.00	170.00	8.00
351	152	8.00	45.00	45.00	1250.00	810.00	53.00
352	153	41.00	68.00	122.00	1985.00	1182.00	109.00
353	153A	11.00	20.00	77.00	1651.00	1123.00	31.00
354	153B	12.00	31.00	77.00	1572.00	1081.00	43.00
355	154	53.00	100.00	8.00	2939.00	1952.00	153.00
356	154A	93.00	64.00	24.00	2817.00	2032.00	157.00
357	154B	6.00	12.00	1.00	804.00	568.00	18.00
358	154C	6.00	1.00	.00	194.00	134.00	7.00
359	154D	15.00	47.00	97.00	1928.00	1312.00	62.00
360	154E	29.00	81.00	85.00	2548.00	1728.00	110.00
361	154F	13.00	26.00	2.00	784.00	602.00	39.00
362	154G	55.00	119.00	3.00	2934.00	2434.00	174.00
363	155	8.00	36.00	94.00	1280.00	847.00	44.00
364	155A	26.00	78.00	3.00	1524.00	1002.00	104.00
365	155B	14.00	51.00	184.00	2024.00	1187.00	65.00
366	156	17.00	32.00	96.00	800.00	528.00	49.00
367	156A	10.00	26.00	14.00	850.00	449.00	36.00
368	156B	4.00	15.00	19.00	592.00	265.00	19.00
369	156C	1.00	2.00	7.00	91.00	59.00	3.00
370	157	25.00	100.00	1120.00	1964.00	1052.00	125.00
371	157A	11.00	31.00	3.00	806.00	476.00	42.00
372	157B	24.00	51.00	576.00	1481.00	886.00	75.00
373	158	8.00	17.00	1.00	515.00	285.00	25.00
374	159	11.00	44.00	98.00	2087.00	1361.00	55.00
375	159A	4.00	29.00	46.00	1936.00	1338.00	33.00
376	159B	8.00	20.00	38.00	1641.00	1076.00	28.00
377	159C	7.00	40.00	54.00	1792.00	1255.00	47.00
378	159D	1.00	6.00	3.00	329.00	223.00	7.00
379	159E	24.00	40.00	71.00	2123.00	1346.00	64.00
380	159F	9.00	28.00	52.00	1722.00	1156.00	37.00
381	159G	.00	.00	5.00	120.00	70.00	.00
382	159H	.00	.00	.00	36.00	19.00	.00
383	159I	17.00	43.00	94.00	2799.00	1975.00	60.00
384	159J	8.00	26.00	105.00	1568.00	842.00	34.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
385	159K	8.00	34.00	77.00	1377.00	1065.00	42.00
386	159L	9.00	19.00	75.00	1567.00	970.00	28.00
387	159M	.00	.00	.00	.00	.00	.00
388	159N	.00	.00	.00	.00	.00	.00
389	159O	.00	.00	.00	.00	.00	.00
390	159P	3.00	4.00	19.00	953.00	682.00	7.00
391	159Q	6.00	23.00	44.00	1300.00	878.00	29.00
392	160	9.00	55.00	1.00	1829.00	1317.00	64.00
393	161	8.00	17.00	32.00	1180.00	779.00	25.00
394	161A	.00	2.00	6.00	235.00	154.00	2.00
395	161B	.00	.00	.00	2.00	.00	.00
396	162	4.00	19.00	28.00	816.00	524.00	23.00
397	162A	15.00	84.00	3.00	1660.00	1203.00	99.00
398	162B	79.00	73.00	17.00	2317.00	1744.00	152.00
399	162C	17.00	71.00	2.00	1303.00	886.00	88.00
400	162D	14.00	19.00	.00	975.00	754.00	33.00
401	162E	185.00	73.00	8.00	2083.00	1589.00	258.00
402	162F	6.00	58.00	26.00	1853.00	1375.00	64.00
403	162G	90.00	168.00	6.00	2605.00	1981.00	258.00
404	162H	.00	4.00	.00	208.00	159.00	4.00
405	162I	5.00	9.00	.00	285.00	207.00	14.00
406	162J	78.00	108.00	4.00	2734.00	2181.00	186.00
407	162K	65.00	102.00	43.00	2073.00	1576.00	167.00
408	162L	17.00	20.00	1.00	750.00	630.00	37.00
409	163	3.00	9.00	5.00	311.00	183.00	12.00
410	164	14.00	37.00	55.00	1282.00	808.00	51.00
411	165	12.00	29.00	9.00	671.00	361.00	41.00
412	166	2.00	31.00	13.00	1230.00	897.00	33.00
413	166A	1.00	4.00	17.00	585.00	382.00	5.00
414	166B	7.00	49.00	5.00	788.00	498.00	56.00
415	166C	5.00	37.00	1.00	559.00	397.00	42.00
416	167	2.00	4.00	1.00	564.00	365.00	6.00
417	168	23.00	83.00	1.00	1766.00	1294.00	106.00
418	168A	23.00	77.00	.00	1293.00	910.00	100.00
419	168B	8.00	8.00	.00	420.00	320.00	16.00
420	169	3.00	31.00	1.00	512.00	359.00	34.00
421	170	2.00	17.00	100.00	808.00	412.00	19.00
422	171	44.00	90.00	41.00	2508.00	1501.00	134.00
423	171A	73.00	127.00	102.00	2939.00	2102.00	200.00
424	171B	9.00	40.00	487.00	712.00	470.00	49.00
425	171C	7.00	32.00	329.00	881.00	545.00	39.00
426	171D	.00	.00	1.00	86.00	65.00	.00
427	172	15.00	42.00	1077.00	1251.00	761.00	57.00
428	172A	.00	1.00	2.00	38.00	24.00	1.00
429	172B	1.00	.00	4.00	63.00	20.00	1.00
430	172C	.00	1.00	.00	7.00	3.00	1.00
431	172D	.00	.00	.00	2.00	2.00	.00
432	173	25.00	63.00	1367.00	1469.00	860.00	88.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
433	174	99.00	49.00	19.00	2687.00	1529.00	148.00
434	174A	115.00	50.00	63.00	2845.00	1738.00	165.00
435	174B	1.00	19.00	145.00	599.00	277.00	20.00
436	174C	15.00	28.00	45.00	1727.00	976.00	43.00
437	175	26.00	76.00	1105.00	1680.00	1012.00	102.00
438	175A	1.00	1.00	19.00	117.00	49.00	2.00
439	176	3.00	20.00	198.00	988.00	441.00	23.00
440	176A	68.00	25.00	27.00	1840.00	1243.00	93.00
441	176B	38.00	22.00	27.00	1172.00	771.00	60.00
442	177	.00	.00	.00	.00	.00	.00
443	178	22.00	32.00	80.00	1764.00	937.00	54.00
444	178A	6.00	26.00	42.00	745.00	410.00	32.00
445	179	13.00	54.00	.00	1039.00	643.00	67.00
446	180	19.00	64.00	.00	1506.00	1061.00	83.00
447	182	3.00	40.00	.00	452.00	367.00	43.00
448	183	7.00	36.00	.00	1104.00	704.00	43.00
449	184	9.00	31.00	.00	643.00	422.00	40.00
450	185	39.00	105.00	2.00	1336.00	932.00	144.00
451	186	20.00	79.00	1.00	1646.00	1146.00	99.00
452	187	22.00	81.00	.00	1542.00	1042.00	103.00
453	188	17.00	61.00	1.00	1088.00	773.00	78.00
454	189	47.00	21.00	23.00	2062.00	1108.00	68.00
455	190	93.00	35.00	7.00	2246.00	1328.00	128.00
456	191	186.00	52.00	8.00	2879.00	1877.00	238.00
457	193	180.00	25.00	26.00	2142.00	1298.00	205.00
458	193A	69.00	71.00	5.00	2733.00	1829.00	140.00
459	193B	35.00	48.00	24.00	2758.00	1853.00	83.00
460	193C	32.00	63.00	5.00	2531.00	1817.00	95.00
461	193D	139.00	56.00	28.00	2532.00	1456.00	195.00
462	193E	127.00	39.00	14.00	2034.00	1459.00	166.00
463	193F	63.00	31.00	29.00	1996.00	1111.00	94.00
464	194	79.00	43.00	33.00	2594.00	1814.00	122.00
465	194A	77.00	71.00	27.00	2053.00	1414.00	148.00
466	194B	59.00	57.00	11.00	2776.00	1898.00	116.00
467	194C	6.00	18.00	4.00	714.00	526.00	24.00
468	194D	78.00	104.00	1.00	2042.00	1619.00	182.00
469	194E	23.00	50.00	25.00	1717.00	1219.00	73.00
470	194F	8.00	22.00	.00	597.00	470.00	30.00
471	194G	75.00	39.00	27.00	1932.00	1339.00	114.00
472	195	33.00	58.00	30.00	2347.00	1566.00	91.00
473	196	6.00	31.00	37.00	1746.00	1143.00	37.00
474	196A	5.00	16.00	19.00	983.00	607.00	21.00
475	196B	.00	.00	.00	18.00	7.00	.00
476	197	7.00	11.00	11.00	1620.00	1034.00	18.00
477	198	27.00	70.00	66.00	2019.00	1082.00	97.00
478	198A	13.00	35.00	65.00	1637.00	1143.00	48.00
479	199	104.00	29.00	9.00	2258.00	1348.00	133.00
480	199A	4.00	19.00	67.00	729.00	396.00	23.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
481	200	6.00	35.00	41.00	1436.00	809.00	41.00
482	201	10.00	30.00	39.00	1681.00	1000.00	40.00
483	201A	1.00	8.00	.00	681.00	410.00	9.00
484	202	4.00	13.00	7.00	1039.00	728.00	17.00
485	202A	4.00	24.00	8.00	1344.00	888.00	28.00
486	203	1.00	5.00	.00	328.00	241.00	6.00
487	204	73.00	40.00	5.00	2118.00	1237.00	113.00
488	205	27.00	69.00	71.00	2308.00	1216.00	96.00
489	205A	8.00	29.00	35.00	1728.00	1153.00	37.00
490	205B	79.00	67.00	67.00	2444.00	1735.00	146.00
491	205C	76.00	68.00	56.00	2539.00	1794.00	144.00
492	205D	8.00	26.00	8.00	1660.00	1198.00	34.00
493	205E	9.00	10.00	9.00	966.00	626.00	19.00
494	205F	49.00	36.00	68.00	2766.00	2026.00	85.00
495	205G	41.00	46.00	44.00	2910.00	2208.00	87.00
496	205H	5.00	25.00	39.00	1643.00	1149.00	30.00
497	206	25.00	76.00	8.00	2071.00	1447.00	101.00
498	206A	43.00	45.00	63.00	2468.00	1681.00	88.00
499	206B	58.00	68.00	10.00	2718.00	1925.00	126.00
500	206C	25.00	39.00	14.00	1971.00	1271.00	64.00
501	206D	95.00	103.00	13.00	2218.00	1539.00	198.00
502	207	7.00	21.00	116.00	527.00	326.00	28.00
503	207A	7.00	32.00	44.00	1492.00	992.00	39.00
504	208	9.00	27.00	5.00	1209.00	722.00	36.00
505	209	4.00	14.00	1.00	1073.00	732.00	18.00
506	210	2.00	25.00	56.00	1155.00	632.00	27.00
507	211	73.00	49.00	26.00	2726.00	1524.00	122.00
508	212	8.00	22.00	6.00	1464.00	1027.00	30.00
509	213	19.00	24.00	76.00	1781.00	942.00	43.00
510	213A	.00	5.00	71.00	630.00	269.00	5.00
511	214	51.00	44.00	20.00	2146.00	1491.00	95.00
512	214A	1.00	7.00	9.00	694.00	467.00	8.00
513	215	8.00	22.00	3.00	1502.00	881.00	30.00
514	216	27.00	51.00	66.00	2673.00	1507.00	78.00
515	217	10.00	28.00	5.00	1589.00	1034.00	38.00
516	218	30.00	55.00	12.00	1585.00	1032.00	85.00
517	219	3.00	7.00	2.00	1059.00	697.00	10.00
518	219A	8.00	23.00	6.00	1384.00	1055.00	31.00
519	219B	5.00	12.00	10.00	1656.00	1215.00	17.00
520	219C	78.00	34.00	13.00	2429.00	1707.00	112.00
521	219D	5.00	8.00	15.00	1411.00	1004.00	13.00
522	219E	1.00	14.00	2.00	587.00	457.00	15.00
523	220	62.00	81.00	25.00	2158.00	1277.00	143.00
524	220A	43.00	38.00	34.00	1931.00	1100.00	81.00
525	220B	31.00	44.00	28.00	1700.00	1240.00	75.00
526	221	83.00	102.00	2.00	1797.00	1226.00	185.00
527	222	25.00	141.00	2.00	1982.00	1314.00	166.00
528	223	50.00	118.00	1.00	1938.00	1370.00	168.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
529	224	20.00	34.00	14.00	1698.00	1085.00	54.00
530	225	53.00	28.00	33.00	2115.00	1278.00	81.00
531	226	7.00	13.00	6.00	1323.00	919.00	20.00
532	A001	.00	1.00	.	.	36.00	1.00
533	A002	.00	.00	.	.	.00	.00
534	A003	.00	.00	.	.	.00	.00
535	A004	11.00	5.00	.	.	687.00	16.00
536	A005	14.00	2.00	.	.	529.00	16.00
537	A006	.00	.00	.	.	53.00	.00
538	A007	1.00	2.00	.	.	70.00	3.00
539	A008	4.00	4.00	.	.	289.00	8.00
540	A009	10.00	3.00	.	.	439.00	13.00
541	A010	1.00	.00	.	.	113.00	1.00
542	A011	5.00	3.00	.	.	184.00	8.00
543	A012	1.00	2.00	.	.	141.00	3.00
544	A013	.00	.00	.	.	46.00	.00
545	A014	3.00	.00	.	.	146.00	3.00
546	A015	1.00	.00	.	.	21.00	1.00
547	A016	46.00	10.00	.	.	2424.00	56.00
548	A017	20.00	5.00	.	.	1316.00	25.00
549	A018	46.00	5.00	.	.	1576.00	51.00
550	A019	1.00	.00	.	.	31.00	1.00
551	A020	30.00	8.00	.	.	986.00	38.00
552	A021	8.00	1.00	.	.	222.00	9.00
553	A022	.00	.00	.	.	.00	.00
554	A023	.00	.00	.	.	109.00	.00
555	A024	14.00	1.00	.	.	460.00	15.00
556	A025	33.00	5.00	.	.	1079.00	38.00
557	A026	29.00	1.00	.	.	651.00	30.00
558	A027	7.00	3.00	.	.	355.00	10.00
559	A028	38.00	6.00	.	.	1032.00	44.00
560	A029	29.00	9.00	.	.	897.00	38.00
561	A030	7.00	1.00	.	.	203.00	8.00
562	A031	54.00	14.00	.	.	1841.00	68.00
563	A032	10.00	4.00	.	.	315.00	14.00
564	A033	46.00	10.00	.	.	2052.00	56.00
565	A034	18.00	2.00	.	.	818.00	20.00
566	A035	122.00	31.00	.	.	4902.00	153.00
567	A036	.00	.00	.	.	.00	.00
568	A037	12.00	2.00	.	.	274.00	14.00
569	A038	179.00	33.00	.	.	7253.00	212.00
570	A039	25.00	3.00	.	.	882.00	28.00
571	A040	3.00	.00	.	.	69.00	3.00
572	A041	12.00	5.00	.	.	768.00	17.00
573	A042	2.00	.00	.	.	115.00	2.00
574	A043	5.00	1.00	.	.	404.00	6.00
575	A044	1.00	.00	.	.	14.00	1.00
576	A045	8.00	4.00	.	.	191.00	12.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
577	A046	11.00	.00	.	.	152.00	11.00
578	A047	.00	.00	.	.	.00	.00
579	A048	11.00	1.00	.	.	450.00	12.00
580	A049	1.00	.00	.	.	61.00	1.00
581	A050	8.00	.00	.	.	145.00	8.00
582	A051	.00	2.00	.	.	43.00	2.00
583	A052	.00	.00	.	.	.00	.00
584	A053	8.00	1.00	.	.	282.00	9.00
585	A054	1.00	1.00	.	.	111.00	2.00
586	A055	11.00	.00	.	.	570.00	11.00
587	A056	5.00	.00	.	.	169.00	5.00
588	A057	22.00	.00	.	.	792.00	22.00
589	A058	58.00	9.00	.	.	2363.00	67.00
590	A059	1.00	.00	.	.	69.00	1.00
591	A060	6.00	1.00	.	.	145.00	7.00
592	A061	11.00	.00	.	.	498.00	11.00
593	A062	3.00	1.00	.	.	75.00	4.00
594	A063	1.00	.00	.	.	72.00	1.00
595	A064	33.00	10.00	.	.	1694.00	43.00
596	A065	1.00	.00	.	.	64.00	1.00
597	A066	21.00	1.00	.	.	1142.00	22.00
598	A067	8.00	2.00	.	.	100.00	10.00
599	A068	2.00	1.00	.	.	99.00	3.00
600	A069	2.00	.00	.	.	29.00	2.00
601	A070	15.00	4.00	.	.	416.00	19.00
602	A071	.00	.00	.	.	25.00	.00
603	A072	1.00	.00	.	.	77.00	1.00
604	A073	6.00	3.00	.	.	214.00	9.00
605	A074	5.00	1.00	.	.	302.00	6.00
606	A075	.00	.00	.	.	5.00	.00
607	A076	.00	.00	.	.	2.00	.00
608	A077	1.00	1.00	.	.	24.00	2.00
609	A078	40.00	26.00	.	.	1002.00	66.00
610	A079	.00	.00	.	.	14.00	.00
611	A080	3.00	3.00	.	.	96.00	6.00
612	A081	2.00	.00	.	.	55.00	2.00
613	A082	.00	.00	.	.	48.00	.00
614	A083	.00	.00	.	.	23.00	.00
615	A084	14.00	9.00	.	.	275.00	23.00
616	A085	5.00	.00	.	.	90.00	5.00
617	A086	1.00	.00	.	.	26.00	1.00
618	A087	.00	.00	.	.	10.00	.00
619	A088	.00	.00	.	.	3.00	.00
620	A089	2.00	3.00	.	.	224.00	5.00
621	A090	.00	.00	.	.	27.00	.00
622	A091	5.00	1.00	.	.	246.00	6.00
623	A092	1.00	.00	.	.	56.00	1.00
624	A093	3.00	2.00	.	.	82.00	5.00

Case Summaries

	PRPLMB CH	Undervote s	Overvotes	BLACK	TOTALRE G	BALLOTS	NOVOTES
625	A094	13.00	2.00	.	.	402.00	15.00
626	A095	.00	.00	.	.	6.00	.00
627	A096	2.00	2.00	.	.	243.00	4.00
628	A097	.00	1.00	.	.	21.00	1.00
629	A098	.00	.00	.	.	30.00	.00
630	A099	1.00	.00	.	.	10.00	1.00
631	A100	2.00	1.00	.	.	49.00	3.00
632	A101	.00	.00	.	.	5.00	.00
633	A102	.00	.00	.	.	5.00	.00
634	A103	.00	.00	.	.	4.00	.00
635	A104	1.00	.00	.	.	5.00	1.00
636	A105	.00	.00	.	.	10.00	.00
637	A106	3.00	.00	.	.	27.00	3.00
Total	N 637	637	637	531	531	637	637

APPENDIX VIII

**Chairperson Mary Frances Berry's Supplemental Statement to
the U.S. Senate Committee on Rules and Administration on
Commission Procedures Pertaining to the Florida Voting
Rights Report and Other Related Documents**



**SUPPLEMENTAL STATEMENT ON USCCR PROCEDURES PERTAINING TO THE
FLORIDA VOTING RIGHTS REPORT**

**THE HONORABLE MARY FRANCES BERRY, CHAIRPERSON
U.S. COMMISSION ON CIVIL RIGHTS
BEFORE THE COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE**

June 27, 2001

While the Florida voting rights report was being prepared by the civil service staff at the Commission, two of the eight commissioners, Abigail Thornstrom and Russell Redenbaugh, tried to draw attention away from the documented disenfranchisement that occurred in Florida by claiming the process by which the report was produced was unfair. Because all Americans deeply believe in fairness, and I do not want these two Commissioners' mis-statements to detract from the serious issues before us of electoral reform, I will use this supplemental statement to outline the process the Commission actually followed in preparing this report. I have a set of documents validating the factual accuracy of my statements that I request be included in the record. These include portions of transcripts from the Commission's public meetings where the relevant discussions took place.

In November 2000, the Commission's Staff Director sent staff attorneys to Florida for a preliminary investigation of complaints of possible voting rights violations, as we are required to do under our statute. Thereafter, the Commission voted unanimously to hold such hearings that our General Counsel's office concluded was necessary in Florida. We also asked the staff to set aside other work and to expedite internal management steps to conclude the hearings and prepare a report in six months. Commission reports usually take over a year to complete.

The Commission traveled to Tallahassee, specifically, to hear testimony and collect documents from state government witnesses. Governor Jeb Bush's staff had great difficulty accommodating our need for him to testify by insisting that his duties would permit only a brief period of time with us. Given the shortness of available time, our staff agreed to simply place his opening statement in the record and to proceed with questions. Ordinarily, we subpoena witnesses for as much time as needed. However, in this instance, the Commission accommodated what we were told was Governor Bush's schedule.

As the Florida legislature opened its session in March, the Governor and other officials did not appear to place a high priority on addressing the issues we had investigated. I shared with the Commission a sketch of my preliminary assessment of what was needed, based on the hearings and discussions with staff. The Commission endorsed the statement officially. We hoped the statement would encourage action during the eight-week legislative session. When the Florida

legislature passed positive legislation during the session, we officially commended the Governor and the legislature for their actions.

As the staff prepared the report, Commissioners were reminded of the longstanding staff consultation process available to them. Through the Staff Director, any of the eight Commissioners may arrange meetings or discussions, at their convenience, with the staff about any Commission work. In response to a question from Commissioner Thernstrom during the April Commission meeting, the process was outlined again as a reminder. Despite their misstatements reported as fact in the media, neither Commissioner Redenbaugh nor Commissioner Thernstrom ever asked the Staff Director for a meeting or discussion with the staff about this report. A letter we sent to media asking for a correction of their misstatements is included in the documents and I have asked to have it included in the record.

Further, no memos from Commissioners Redenbaugh and Thernstrom to the Staff Director have gone unanswered. All Commissioners know that the Staff Director will answer routine queries orally or through his special assistant contacting a Commissioner's assistant since we are part time Commissioners and do not physically work at the Commission's headquarters. Also, that if Commissioners have any problems with receiving a satisfactory response they should tell the Staff Director and the Chair and I will see to it that they receive answers. I have received no such complaints from either of them. This subject was discussed at a Commission meeting on April 13, 2001 and I have included copies of the transcript of that portion of the meeting in the documents I have asked be included in the record.

When the staff finished drafting the report they followed the Commission's internal management procedures that suggest the completion of affected agency review within about four weeks time. This means that the staff sends portions of the document that relate specifically to officials who testified to them for review, collects their responses and incorporates them in the report, all within that time frame. The staff uses discretion to determine how much time an affected agency should be given to respond. In this case, given the volume and their own internal deadlines, the staff gave each recipient thirteen days to respond.

Contrary to the complaints by Commissioners Thernstrom and Redenbaugh about the short time allotted to review the report, every Commissioner knew when they would receive the report and they all received it at the same time. At the Commission meeting on April 13th Commissioner Redenbaugh asked when the report would be given to Commissioners for review before a vote on whether to approve it. He was told the date, and no Commissioner objected. The Commissioners received the report on the date promised.

The staff selected our consultant, Professor Lichtman because he is a scholar and an acknowledged expert in voting rights statistical analysis. At the June Commission meeting, he volunteered that he has done consulting for any number of persons Republicans and Democrats, including Mayor Guiliani of New York. I also understand that he did some consulting for former Vice President Al Gore about six years ago. Dr. Lichtman's report is available to the public with citations to all of the materials he used in his research.

No Commissioner, including Thernstrom and Redenbaugh was denied any materials by the Commission staff. Despite this fact, they have filed Freedom of Information requests to receive materials they either already had or were given within twenty-four hours of a request to the Staff Director. The only apparent purpose was to convey to the public the impression that they as Commissioners could not obtain any information otherwise. Commissioners Thernstrom and Redenbaugh asked for Professor Lichtman's report and within 24 hours they had it. They asked for disks and were given the one disk in existence. They were not given a disk of data prepared by Dr. Lichtman because he used publicly available data from the Internet that anyone can retrieve. There was no disk. The sources are cited with specificity in Dr. Lichtman's report, which they have. The documents I am submitting for inclusion in the record include correspondence between Commissioners Thernstrom and Redenbaugh, and the General Counsel and staff on these matters. The appearance of their mis-statements in the media prompted the Staff Director to respond in writing.

Someone leaked the report, apparently, at the same time that it was sent to the Commissioners. This has happened before when hearings attracted great public attention. When it happened with the New York police report the Staff Director convened a task force and asked the Inspector General for guidance but no guaranteed leak-proofing suggestions were forthcoming. We will take up the matter again at our upcoming July meeting. However, the problem may force us to simply release drafts to the public as the staff completes writing sections.

Index of Documents Referenced in the Supplemental Statement

1. December 28, 2001 letter to Governor Bush from USCCR General Counsel Edward Hailes notifying the Governor that he was selected to participate in the Commission's hearing.
2. January 3, 2001 letter to General Counsel Hailes from Charles Canady, Governor Bush's General Counsel requesting a change to the Governor's scheduled appearance before the Commission.
3. January 4, 2001 letter to General Counsel Hailes from Charles Canady regarding Governor Bush's appearance before the Commission.
4. March 8, 2001 letter to Governor Bush from Chairperson Berry discussing Florida's plans for election reform.
5. April 13, 2001 USCCR meeting transcript, pages 4-16, 21-29.
6. June 11, 2001 letter to the editor of the New York Times from Staff Director Jin regarding the Florida Report.
7. June 18, 2001 New York Times letter to the editor from General Counsel Hailes.
8. June 11, 2001 correspondence to Staff Director Jin from Commissioner Thernstrom requesting materials on the Florida Report.
9. June 11, 2001 memorandum to Staff Director Jin from Special Assistant Charlie Ponticelli requesting materials on the Florida Report.
10. June 12, 2001 memorandum to Commissioner Thernstrom from Staff Director Jin regarding her request for materials.
11. June 12, 2001 memorandum to Special Assistant Charlie Ponticelli from Staff Director Jin regarding her request for materials.
12. June 12, 2001 memorandum to General Counsel Hailes from Commissioner Redenbaugh requesting documents on the Florida Report pursuant to the Freedom of Information Act.
13. June 12, 2001 memorandum to Commissioner Redenbaugh from General Counsel Hailes regarding his request made pursuant to the Freedom of Information Act.
14. June 18, 2001 memorandum to General Counsel Hailes from Commissioner Thernstrom requesting data pursuant to the Freedom of Information Act.
15. June 19, 2001 memorandum to Commissioner Thernstrom from Staff Director Jin regarding her request for materials.
16. June 19, 2001 memorandum to Commissioner Thernstrom from Staff Director Jin and General Counsel Hailes regarding the data for the Lichtman study.
17. June 20, 2001 memorandum to Staff Director Jin from Commissioner Thernstrom on data for the Lichtman study.
18. June 20, 2001 memorandum to Commissioner Thernstrom from Staff Director Jin and General Counsel Hailes on data for the Lichtman study.
19. June 20, 2001 memorandum to Commissioner Redenbaugh from Staff Director Jin regarding his request for materials on the Florida Report.
20. Minutes from the USCCR May 12, 2000 meeting discussing the issue of leaked reports.



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

624 Ninth Street, N.W.
Washington, D.C. 20425

December 28, 2000

Honorable John Ellis Bush
Governor
The Florida Capitol
Tallahassee, FL 32399-0001

Dear Governor Bush:

In furtherance of its statutory obligations, the Commission on Civil Rights will be conducting a hearing in Tallahassee, Florida, on January 11-12, 2001, to investigate whether the rights of voters were violated by discrimination, fraud or other alleged improprieties surrounding the November 7th election process.

The hearing will take place at the Holiday Inn Select Hotel, 316 West Tennessee Street, Tallahassee, Florida 32301.

As a matter of practice, the Commission issues subpoenas to all witnesses within its jurisdiction. In addition to testimony, this office has identified several documents that will further assist the Commission in its investigation. Accordingly, within the next several days, a U.S. Marshal will serve you with a subpoena issued by the Commission for your testimony and the production of specified documents. Your testimony and documents will supplement the hearing record and be used to draft the hearing report. Subpoenaed documents and any other non-testimonial submissions may be produced at any time before the hearing record closes, usually no less than thirty days from the conclusion of the hearing. Your testimony, however, must be given on the date and time noted in the subpoena duces tecum. If you have any questions or concerns about the subpoena, you may call this office at (202) 376-8351 and speak directly to me.

During the two-day hearing, the Commission will hear sworn testimony. Due to your experience in issues relevant to the Commission's investigation, you have been selected to testify before the Commission on January 12, 2001, at 4:00 p.m.. You should plan to arrive at the hearing site no later than 3:30 p.m.. If you desire, you may bring counsel or staff to assist you during your testimony. Any person who accompanies you, however, must be sworn if he or she will deliver testimony.

The Commission will provide travel expenses to and from the hearing site, and a witness fee, to be tendered at the conclusion of your testimony. A member of the Office of General Counsel staff will be available to coordinate your arrangements with the appropriate official within the agency.

If you have not already done so, please fax a copy of your biographical sketch to Peter Reilly, the Voting Rights Team Leader, by Tuesday, January 2, 2001. The fax number is (202) 376-1163. We extend our thanks for your cooperation in the Commission's Voting Rights Project. Should you have any questions or comments about your participation in the hearing, please contact Peter Reilly, Voting Rights Team Leader, at (202) 376-8351 as soon as possible.

Sincerely yours,

A handwritten signature in cursive script that reads "Edward A. Hailes, Jr." The signature is written in black ink and is positioned above the printed name.

EDWARD A. HAILES, JR.
Acting General Counsel



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL OGC RECEIVED
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com 01 JAN -8 24:11
850-488-7146
850-487-0801 fax

January 3, 2001

Edward A. Hailes, Jr.
Acting General Counsel
United States Commission on Civil Rights
624 Ninth Street, N.W.
Washington, D.C. 20425

Dear Mr. Hailes,

Thank you for your letter of December 22, 2000 regarding a hearing of the United States Commission on Civil Rights to be held in Tallahassee, Florida on January 11 and 12, 2001. Governor Jeb Bush is committed to ensuring that no Floridian is deprived of the right to vote on account of discrimination or fraud, and he is willing to assist the Commission in its efforts. To that end, Governor Bush would be pleased to appear and testify at the Commission's hearing.

In anticipation of the hearing, however, I must address one matter raised in your letter, *i.e.*, the Governor's "statutory authority over election and voter related issues." Through our state's Election Code, the Florida Legislature has designated the Secretary of State of Florida, not the Governor, as the "chief election officer of the state." See § 97.012, Fla. Stat. Consistent with that designation, the Legislature has entrusted the Secretary of State with the comprehensive obligation to "[o]btain and maintain uniformity in the application, operation and interpretation of the election laws." See § 97.012(1), Fla. Stat. The Legislature has assigned the Governor the responsibility of serving on the Elections Canvassing Commission, *see* § 97.012(1), Fla. Stat., but, as you know, Governor Bush recused himself from that position for purposes of the November 7 election.

The Governor has a long-standing obligation to be in Jacksonville, Florida on January 12 (in part to attend a breakfast commemorating the Rev. Martin Luther King, Jr. holiday) and other commitments in St. Petersburg, Florida that afternoon. In addition, the Governor has numerous scheduled commitments in Tallahassee on January 11. Accordingly, due to his official responsibilities, the Governor will need to make his presentation to the Commission between 10:00 a.m. and 11:00 a.m. on January 11. I look forward to discussing the hearing at a meeting that I have scheduled for tomorrow with Commission representatives Michael Foreman and Audrey Wiggins. If you have any questions, please contact me at the number listed above.

Sincerely yours,

A handwritten signature in black ink that reads "Charles T. Canady".

Charles T. Canady
General Counsel

CTC/cm



Governor's Mentoring Initiative
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JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

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January 4, 2001

Edward A. Hailes, Jr.
Acting General Counsel
United States Commission on Civil Rights
624 Ninth Street, N.W.
Washington, D.C. 20425

Dear Mr. Hailes:

It was good to talk with you today concerning Governor Bush's appearance at the Commission's hearing in Tallahassee.

As we discussed, the Governor will be pleased to testify during the time you suggested, i.e. 10:45 a.m. – 11:15 a.m., Thursday, January 11, 2001.

Please let me know if I can assist you in any way as you prepare for the hearing.

Sincerely yours,

A handwritten signature in cursive script that reads "Charles T. Canady".

Charles T. Canady
General Counsel

CTC/lj



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UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

March 8, 2001

Via Facsimile and U.S. Mail

The Honorable John Ellis Bush
Governor
Office of the Governor
The Florida Capitol
Tallahassee, FL 32399-0001

Dear Governor Bush:

I am writing to express my deep disappointment with your statement of priorities that was presented during the opening of the Florida legislative session, in which you did not address the most serious problems that occurred in Florida during the 2000 elections. My disappointment is based on my preliminary assessment that these problems would not be resolved even if the legislature approved your request that new technology for recording votes be acquired and put into place. Voting technology reforms are necessary and your support of them is a step in the right direction. These measures standing alone, however, are insufficient to address the significant and distressing issues and barriers that prevented qualified voters from participating in the recent Presidential election.

As you know, the Commission has undertaken a formal investigation into allegations by Floridians of voting irregularities arising out of the November 7, 2000 Presidential election. The Commission has held two fact-finding hearings in Florida to examine whether eligible voters faced avoidable barriers that undermined their ability to cast ballots and have their ballots counted in this closely contested election.

In total, over 100 witnesses testified under oath before the Commission, including approximately 65 scheduled witnesses who were selected for the two hearings due to their knowledge of and/or experience with the issues under investigation. The Commission heard testimony from top elected and appointed state officials, including your own testimony, that of the Secretary of State, the Attorney General, the Director of the Florida Division of Elections and other Florida state and county officials. A representative of Database Technologies, Inc. [Choicepoint], a firm involved in the controversial, state-sponsored removal of felons from the voter registration rolls also testified.

We also heard the sworn testimony of registered voters and experts on election reform issues, election laws and procedures and voting rights. Also, the Chair and Executive

Director of the Select Task Force on Election Reforms that you established testified before the Commission. Testimony was also received from the supervisors of elections for several counties, county commission officials, law enforcement personnel, and a states attorney. In addition to the scheduled witnesses, the Commission extended an opportunity for concerned persons, including Members of Congress and members of the Florida State Legislature, to submit testimony under oath that was germane to the issues under investigation. Significantly, the Commission subpoenaed scores of relevant documents to assist with this investigation.

The evidence points to an array of problems. These problems cry out for solutions, for example, a process for insuring the equitable allocation of resources to insure that poor and or people of color areas are not disproportionately affected. They also include a better process for identifying felons who are ineligible to vote, insuring coordination between the DMV and election boards to make sure registrations are actually filed and on a timely basis, funds for better training of poll workers, improved and updated communication systems, funds for voter education, and clarifications in the law to permit provisional ballots to be cast, when appropriate. As you know, counties have uneven funding bases and priorities.

Because I believe the need to address these problems is serious, I have determined that the Commission should hold additional hearings in Florida after the conclusion of the legislative session to bring state and local officials before us to assess what changes have been legislated or enacted at the state and local level and to report to the public on what progress has been made.

I expect the Commission to formally endorse the new hearings at our meeting on March 9, 2001. We intend to keep a steady focus on these developments to ensure that the voting rights of all eligible persons are protected.

Respectfully,



Mary Frances Berry
Chairperson

U.S. COMMISSION ON CIVIL RIGHTS

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COMMISSION MEETING

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FRIDAY

APRIL 13, 2001

+++++

WASHINGTON, D.C.

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The Commission convened at 9:28 a.m., in
Hearing Room 540 at 624 9th Street, N.W., Washington,
D.C., Mary Frances Berry, Chairperson, presiding.

PRESENT

MARY FRANCES BERRY	Chairperson
CRUZ REYNOSO	Vice Chairperson
YVONNE Y. LEE	Commissioner
ELSIE M. MEEKS	Commissioner
RUSSELL G. REDENBAUGH	Commissioner
ABIGAIL THERNSTROM	Commissioner
VICTORIA WILSON	Commissioner
LESLIE R. JIN	Staff Director

1 regulations.

2 We had a hearing once before -- not a hearing, this is going to be a
3 briefing not a hearing. We had a State Advisory report from Louisiana about toxic
4 waste dumps. We may have had some other State Advisory Committee briefings. It
5 was Commissioner Wilson who asked for the briefing. I assume that the scope of it,
6 from the discussion we had, was to look at the civil rights implications of these issues,
7 not just to look at whether there ought to be environmental regulations or something like
8 that, or what do the experts say.

9 Is that what you had in mind?

10 COMMISSIONER WILSON: That was correct. Thank you.

11 CHAIRPERSON BERRY: So does that help you some?

12 COMMISSIONER THERNSTROM: It does. Federal civil rights
13 implications. Good, thank you.

14 CHAIRPERSON BERRY: Okay. Anyone else have an
15 announcement or a question?

16 IV. Staff Director's Report

17 Okay. Let's go to the staff director's report. I have three comments I
18 want to make on the staff director's report before we open up the discussion.

19 The first is there has been some concern on the part of some
20 Commissioners expressed about various matters about the way in which the staff
21 director's office operates and the way we relate to the staff director. So I want to just
22 repeat some things that some of you heard already before. Just bear with me.

23 The first is that the Commissioners only have two -- one employee
24 as individual Commissioners. That one employee is your assistant, if you have one. We
25 collectively have one employee that we supervise. That is the Staff Director. The

1 Commissioners collectively do not supervise the staff. The Staff Director supervises the
2 staff, but we supervise the Staff Director collectively, not one by one.

3 What that means is that the Staff Director is not responsible for
4 responding to any individual Commissioner's direction. The Staff Director will of
5 course respond to factual inquiries on matters made by Commissioners, but the Staff
6 Director does not routinely -- does not take direction from any individual Commissioner.
7 The Staff Director does take direction from the Commission as a whole. That is the
8 way the statute is set up. That is the way the regulations are set up.

9 The Staff Director does have a close working relationship with the
10 Chair of the Commission, whoever that is, primarily because the Chair of the
11 Commission is responsible for setting the Commission's agenda each month, and has to
12 determine whether or not, for example, materials are ready to go on the agenda, the
13 status of issues, and whether or not things should go forward. The Commissioners have
14 expressed orally in meetings and in other ways that that is the way they understand the
15 relationship to go.

16 The Staff Director has not routinely responded in writing to
17 inquiries from individual Commissioners. First of all, it would be too time consuming.
18 Secondly, the Staff Director does not report to any individual Commissioner, but to the
19 Commission as a whole.

20 Although the Staff Director or his assistant will respond orally to
21 anything anybody wants to know -- any Commissioner wants to know, to their special
22 assistant if they have one. If not, to them if they prefer.

23 The other thing to point out, there have been some issues raised
24 about when Commissioners and their assistants can review materials concerning things
25 like hearings and other matters. The way we operate on that is that if any individual

1 Commissioner wishes to be briefed on any matter having to do with the ongoing work of
2 the Commission, whether it is a hearing or a project that the staff is working on, that
3 Commissioner can ask the Staff Director to meet with them and any relevant staff to go
4 over whatever it is they are interested in discussing. If there are materials or documents
5 they should identify what they are, and then specifically they can sit down.

6 As far as individual, the hearing is concerned, this is true of the ones
7 we had in Florida as well as other hearings, the Commissioners will of course be given
8 the report before they obviously vote on it. If Commissioners at that time wish to sit
9 down with the Staff Director and any relevant staff to go over some aspect of that, they
10 can do that before they vote even, if they wish to do so.

11 They can, for example, say the staff has concluded hypothetically
12 that no election took place in Florida. I made that up hypothetically. On some page in
13 the report, and it has five footnotes from documents, and they would like to meet with
14 the staff, see the five documents, reach their own conclusion about whether or not they
15 agree or disagree. So all of that is the way in which the responses will have been going
16 forward in the past and the way we expect them to go forward in the future.

17 If a Commissioner is not satisfied with the Staff Director, they
18 should inform me, and then I will put a consideration of that relationship on the agenda
19 for the Commissioners to discuss at a meeting in an Executive Session so that we can
20 sort it all out. So you should let me know if you have some problem operating with the
21 Staff Director. I would hope that you don't, and that we would move on.

22 The other point that I wanted to make, the last one about
23 relationships within the agency, is the relationships, the protocol between
24 Commissioners and assistants. Assistants to Commissioners are not Commissioners,
25 which means that assistants to Commissioners, and in that I include my own assistant,

1 do not tell Commissioners what to do or comment to Commissioners on Commissioners'
2 behavior or make criticisms of Commissioners or intervene when Commissioners are
3 trying to have a discussion among themselves about an issue.

4 It is not up to a Special Assistant to a Commissioner to pass
5 judgement to a Commissioner on what a Commissioner is doing or not doing. If they
6 wish to do that, they should tell their principal, and their Commissioner can have some
7 conversation with the other Commissioner. That's just a matter of protocol.

8 Now does anyone want to say anything about any of that before we
9 ask if there are other questions about a Staff Director's report? Yes, Commissioner
10 Redenbaugh?

11 COMMISSIONER REDENBAUGH: Yes. I am glad that you
12 raised this issue because I am unclear, and I think your producing that is something
13 useful for me. The whole question of the relationship between getting factual things
14 from the Staff Director. I understand the point you are making about policy being set by
15 the Commission.

16 For example, not this Staff Director, but a prior Staff Director
17 wouldn't give me a copy of a transcript of a hearing. I had to use the Freedom of
18 Information Act request, a FOIA, to get it. Clearly that was inappropriate for that prior
19 Staff Director to decline that request.

20 That is the kind of request we can and should be able to make to a
21 Staff Director?

22 CHAIRPERSON BERRY: Well I would assume, yes. I would
23 assume you could make that request. It would be a matter of timing.

24 In the case of transcripts, what the Commission has done in the past,
25 and I don't know the facts concerning that previous -- I don't remember the facts, if I

1 ever knew them. I probably did. Is that we used to say that Commissioners didn't get
2 the transcript until it was verified. Isn't that right?

3 Ed, is that correct? He is saying yes.

4 That used to be the case, that in the days when things weren't
5 leaked, and in the days when it might not be on television or made public, for the benefit
6 of the witnesses who had testified and who had a right to verify their own testimony, we
7 used to not give the transcripts to Commissioners even until verification.

8 COMMISSIONER REDENBAUGH: Yes, well this was post-
9 verification.

10 CHAIRPERSON BERRY: Yes. Then after verification, then of
11 course anyone who wanted them in the Commission could look at them.

12 COMMISSIONER REDENBAUGH: Yes.

13 CHAIRPERSON BERRY: I would assume that if you asked the
14 Staff Director for a transcript, if it had been public, because it was a public hearing and
15 people were there and it was on t.v. or something, you could have it. But if
16 understanding it's not verified --

17 COMMISSIONER REDENBAUGH: Yes. No, this had been
18 verified. But that is the kind of information request?

19 CHAIRPERSON BERRY: Those are information requests.

20 COMMISSIONER REDENBAUGH: Right. Those are appropriate
21 when will something be available, kinds of requests?

22 CHAIRPERSON BERRY: Right.

23 COMMISSIONER REDENBAUGH: Non-policy.

24 CHAIRPERSON BERRY: Right, and it doesn't require the Staff
25 Director to write you a memo. He can just say yes, you can have that, or no, and it

1 doesn't require that kind of formality.

2 COMMISSIONER REDENBAUGH: Right.

3 CHAIRPERSON BERRY: Yes, Commissioner Thernstrom?

4 COMMISSIONER THERNSTROM: Well I also thank you for
5 reviewing this. I am confused by the first point that you made, which is that
6 Commissioners have one employee, that is their special assistant, and that the Staff
7 Director works for us collectively.

8 Now I am not sure what the distinction is. That is, my
9 understanding, perhaps erroneously before this, was that the Staff Director worked for
10 the Commissioners. That is, each and every one of us. The alternative seems to me that
11 the Staff Director works for the Chair. I wouldn't think that as Staff Director of the
12 entire Commission that the Staff Director would simply work for the Chair, but would
13 work for all of the Commissioners.

14 So I would appreciate just a further clarification on that matter.

15 CHAIRPERSON BERRY: The Staff Director is delegated
16 authority by the Commission, which means the majority of the Commission, to run the
17 day-to-day affairs of the Commission. That delegation flows from the Commission as a
18 body. Okay?

19 Which means the Staff Director runs the agency by his own rights,
20 that is, however he thinks he should run it and run the staff. As we can supervise him in
21 the sense that if we collectively decide that we don't like what he is doing, we can either
22 take back the delegation, we can take back part of the delegation, but so long as he is
23 delegated the authority to run it -- or we can review him or discuss him or whatever we
24 want to do.

25 But so long as we have delegated the authority to him to run it, he

1 has the authority to run it. Okay? He does not get day-to-day supervision by anybody.
2 Okay? We supervise him in the sense that collectively as a body we can make a
3 judgement about what we think.

4 His working closely with the Chair, whoever the Chair is, is because
5 the Chair has about two responsibilities more than other Commissioners. They are very
6 you know, unimportant, but there are responsibilities, like setting the agenda for the
7 meeting and deciding what should go out and whether things are ready to go on the
8 agenda, which requires the Chair to be in close touch with the Staff Director.

9 That doesn't mean the Chair is bossing the Staff Director, if that's
10 what your point is. That means that the Staff Director and the Chair have a consultative
11 relationship. Okay? Which is why I guess the Chair is supposed to, under the statute,
12 work no more than 150 days or some doggone thing, 125 -- what is it, George? -- And
13 other Commissioners less days than that. It's understood that at least that would take
14 some energy.

15 So there are matters that the Chair has to do which requires more
16 consultation, but that is not a supervisor-employee relationship. That is the point.

17 COMMISSIONER THERNSTROM: I was not thinking of any of
18 us being in a supervisory relationship. I guess my analogy is for instance I'm on a State
19 Board of Education. We do have a Commissioner of Education in the State that is
20 appointed by the State Board of Education.

21 Now the Commissioner who is in effect the Chief of Staff is
22 available to each and every member of the State Board for answering questions,
23 discussions, consultations. What you are saying, I'm not talking about supervision at all
24 -- what you are saying is that that is not the case?

25 CHAIRPERSON BERRY: I didn't say that, ma'am.

1 COMMISSIONER THERNSTROM: Okay. Then I'm just again
2 trying to clarify.

3 CHAIRPERSON BERRY: I think I need to go and learn the
4 English language. Let me try again.

5 There is a consultative relationship between the Staff Director and
6 the Chair. Commissioners may make an appointment or a call to the Staff Director
7 about anything they wish to call the Staff Director about. They may go and meet with
8 the Staff Director and any staff who they wish to discuss a matter.

9 The point is that the Staff Director does not take direction from any
10 Commissioner on their own because that isn't who he works for.

11 COMMISSIONER THERNSTROM: No, of course not.

12 CHAIRPERSON BERRY: That is my only point.

13 COMMISSIONER THERNSTROM: That was understood from
14 the beginning.

15 VICE CHAIRPERSON REYNOSO: Madam Chair?

16 CHAIRPERSON BERRY: Help me out here.

17 VICE CHAIRPERSON REYNOSO: I just want to share an element
18 of some frustration, but not that much, that's a little bit different in this Commission as
19 compared to other commissions that I have been on. That is, that we have a practice that
20 even inquiries of the staff and so on should go through the Staff Director, or if we are
21 going to meet with staff, we should let the Staff Director know and presumably he can
22 be there to know what is going on. That has to do with the reality that one, we are part-
23 time, and two, the Staff Director needs to know what is going on.

24 So in other commissions, I will just call a staff person directly and
25 get the information. We have the practice here that we always go through the Staff

1 Director. So I did want to clarify that aspect that is a little bit different than other
2 commissions.

3 CHAIRPERSON BERRY: Right. Just so everyone understands
4 this, this is not some rule that Berry made. This has been the consistent policy and
5 practice of the Commission, and was explained to me by a grand old man, Arthur
6 Fleming, who was Chair of the Commission when I came on. He explained all these
7 things to me in my new detail. I came to understand over the years, even when I was
8 frustrated, because I thought I should be able to tell somebody what to do or get them to
9 do this and that, that he probably was right.

10 But these are not Berry rules. These are things that have been going
11 on a long time.

12 Does anyone else have any? Of course if the Commission wishes to
13 change it, it could have a policy discussion and decide that it wants to change working
14 relationships in another way if that pleases the Commission.

15 Yes, Commissioner Wilson?

16 COMMISSIONER WILSON: Thanks, Madam Chair. Perhaps
17 Commissioner Thernstrom could elaborate on what it is that she was trying to get at
18 with your question? What it is that you want from the Staff Director that you are not
19 getting?

20 COMMISSIONER THERNSTROM: Well, sure. I did pose a
21 number of questions to the Staff Director and didn't -- I certainly wasn't trying to direct
22 the Staff Director, to supervise the Staff Director or anything like that. I wouldn't
23 presume to do so. But was a little frustrated.

24 But I am not sure that this is the forum in which --

25 CHAIRPERSON BERRY: I would hope so. Thank you.

1 COMMISSIONER THERNSTROM: -- to sort this out.

2 CHAIRPERSON BERRY: It was not just Commissioner
3 Thernstrom who had a question, so I do not want to personalize this. That is why I
4 made the general discussion about how we relate, and hope we can just move on in a
5 collegial fashion.

6 I said that one time at a Commission meeting when I first came on,
7 that I thought it was a collegial body. One Commissioner, who I won't name, laughed
8 out loud and said he didn't know this was a college. But anyway, I just meant as
9 colleagues.

10 Okay. Does anybody have anything they want to ask about the Staff
11 Director's report? Yes, Commissioner Redenbaugh?

12 COMMISSIONER REDENBAUGH: Do we have a project plan for
13 the Florida voting project? If we don't, when might we?

14 CHAIRPERSON BERRY: Do you want me to answer that or do
15 you want to answer? He wants me to answer.

16 COMMISSIONER REDENBAUGH: All right. I was directing it to
17 the Staff Director.

18 CHAIRPERSON BERRY: You can get the same answer. You can
19 go ahead and answer.

20 STAFF DIRECTOR JIN: Yes, Commissioner Redenbaugh. My
21 understanding was that, and you know I think I have it right, but if I don't I'll certainly be
22 happy to stand corrected. The impression I got was in December when the
23 Commissioners voted seven to nothing to proceed with the examination of Florida, that
24 the Commissioners kind of put us on a fairly clear and expeditious timeline for the
25 hearings, as well as for the generation of the report.

1 In fact, of course every meeting since then has been either almost
2 exclusively or certainly significantly involved with the hearings, with the Florida
3 situation, whether it be the hearings or discussions and stuff like that.

4 So my impression was that that superseded anything that was
5 required in writing in terms of project plan. I think that it seemed like that was much
6 more detailed and specific and a more alive document or alive information than the
7 traditional project plan. So that was my understanding.

8 CHAIRPERSON BERRY: So in other words, we gave you the
9 timelines?

10 STAFF DIRECTOR JIN: Yes. That was my understanding.

11 CHAIRPERSON BERRY: So you figured that that's what we were
12 operating on.

13 STAFF DIRECTOR JIN: Right.

14 COMMISSIONER REDENBAUGH: Well, I can see why you
15 could have that understanding. I would think though that the project planning drill has
16 two purposes. One is to keep us informed. Perhaps the more important purpose is
17 particularly on important and high velocity projects, that the project can be better
18 managed using the project planning tools.

19 So I would think it would be even more of a benefit in using those in
20 this case because it is a short timeline and high intensity project.

21 So what you are saying is you haven't used those project
22 management tools. How are we doing against the schedule that you think we gave you?

23 STAFF DIRECTOR JIN: I think the understanding that I think I
24 and the General Counsel and the staff took from the December meeting was that we
25 should work expeditious as we possibly could have to have one or more hearings down

1 in Florida, and that we should try to get a finished report by the summer, hopefully by
2 June. We of course have had two hearings in Florida, the first one within a month after
3 the December 8 meeting, and the second one the following month. We are on target to
4 have that report done I believe in June.

5 COMMISSIONER REDENBAUGH: Okay.

6 CHAIRPERSON BERRY: Are you finished, Russ?

7 COMMISSIONER REDENBAUGH: Yes.

8 CHAIRPERSON BERRY: Okay. Commissioner Thernstrom?

9 COMMISSIONER THERNSTROM: I am also confused on this
10 question because as I understood it, we were going to actually by today have a draft of
11 an interim report. Then I understood that in fact such a draft did exist. I have of course
12 not seen it. Maybe other Commissioners have. But in any case, what happened to that
13 timeline? Does such a report, interim report in draft form now exist?

14 STAFF DIRECTOR JIN: Maybe I would like to have the General
15 Counsel, Eddie Hailes, perhaps speak to that. Is that okay?

16 VICE CHAIRPERSON REYNOSO: I have one question in that
17 regard.

18 CHAIRPERSON BERRY: About the same subject?

19 VICE CHAIRPERSON REYNOSO: The timeline, yes. About the
20 same subject. After an original vote, we voted at the last meeting to have another
21 hearing in Florida. I just wondered how that affected the time schedule?

22 CHAIRPERSON BERRY: We said we would do it after they
23 finished.

24 VICE CHAIRPERSON REYNOSO: Right. We hadn't planned to
25 do that originally. So I just want to maybe -- we can be advised as to that, because I

1 would think that that might affect the time schedule.

2 STAFF DIRECTOR JIN: I don't believe so. My understanding was
3 that the Commissioners voted to have a follow-up hearing down in Florida, not in
4 anticipation of the report but after the report was finished. The purpose of that report, I
5 mean the purpose of that hearing was to find out what Florida did in terms of the
6 legislative session.

7 VICE CHAIRPERSON REYNOSO: Okay.

8 STAFF DIRECTOR JIN: So that would not interfere with or
9 impede the report.

10 CHAIRPERSON BERRY: Well, Eddie is going to give a report.
11 When he starts doing the discussion of Florida, he is going to -- he is on the agenda
12 under number five, when we finish this. Could we let him answer these questions about
13 that and finish the Staff Director's report first?

14 COMMISSIONER THERNSTROM: Of course.

15 CHAIRPERSON BERRY: So when you come up to do that, Eddie,
16 you can answer any questions anybody has. All right?

17 COMMISSIONER THERNSTROM: That's fine.

18 CHAIRPERSON BERRY: Okay. Under the Staff Director's report
19 too, we have some unfinished business. Last time, and we always put unfinished
20 business that was taken up under the Staff Director's report under that for the next time.

21 We had, since the last time, this issue of the Native American Indian
22 names and the mascot issue. Commissioner Thernstrom produced a draft which she
23 circulated. Then an edited version of that, a slightly edited version of that, which she
24 circulated.

25 Commissioner Meeks had originally submitted a draft and in the

1 saying aye.

2 Opposed?

3 Two noes, the rest aye. The motion passes. The motion in general,
4 I'm not going to read it, it will be on our website. In general disavows any intention to
5 interfere with the First Amendment, but says that the Commission believes that and
6 encourages people not to use these names and mascots that are offensive to not only
7 American Indians, but to people who also believe they are, even if they are not
8 American Indians.

9 I would point out that the Commission has made similar statements
10 concerning Asian Americans in the past, concerning African Americans, concerning
11 people with disabilities, and that in none of those cases did the Commission believe that
12 that was the only thing we should do about the major problems that those communities
13 have, but felt that it was important to encourage people not to use such stereotypes.

14 **V. Alleged Voting Irregularities in Florida:**

15 **Discussion of Outline of The Final Document**

16 Okay. We will go onto the item number five, the alleged voting
17 irregularities in Florida, a discussion of the outline of the final document.

18 Eddie, when you come up, could you please address the question
19 that Commissioner Thernstrom asked? I'm sure she will remind you if you forget. Do
20 you remember?

21 MR. HAILES: I believe I remember the question. I will say that the
22 staff has prepared a working draft in progress that we are satisfied that a lot of progress
23 has been made towards the final completion of the report. But of course there is much
24 work to be done. We are still conducting a systematic review of the numerous
25 documents we subpoenaed and received. There are approximately 118,000 pages,

1 including information on CD-ROM and a number of diskettes that we have received.

2 So we don't have a final report yet, but we certainly have made a lot
3 of progress. We believe it's important not to confuse the public with the release of a
4 document that is still in a preliminary phase with what will ultimately be a final report.

5 But we certainly are confident that we are on target towards
6 completing this report within the timeframes established by Commissioners.

7 We have sent to the Commissioners a draft outline of those items we
8 believe should be addressed in the final report based on our preliminary review of the
9 testimony and the documents that we have received and we have reviewed. Of course
10 this draft outline is subject to change based on our continued review of those documents
11 and the discussion that the Commissioners will have today.

12 If I can just direct your attention to that outline, and in summary
13 form tell you what we hope to present under each item identified in the outline, I think
14 that my objective will be satisfied this morning.

15 We do intend in the very beginning to present a full description of
16 all of the allegations of voting irregularities in Florida arising out of the 2000
17 Presidential election, and to describe with specificity the authority of the Commission to
18 investigate these allegations.

19 We intend to identify all of the witnesses and to summarize their
20 testimony, and to point out specifically what the clear objectives of our investigation
21 will be. That will be of course in the beginning of the report.

22 We hope to have a chapter that will probably be called "Voting
23 System Controls and Failures." In that chapter, as you see in your outline, we will begin
24 to discuss evidence of voter disenfranchisement and how this disenfranchisement
25 affected the rights of people of color to be heard in the 2000 Presidential election.

1 We want to move from that chapter and a discussion of the Voting
2 Rights Act of 1965 and voter dilution claims, looking again specifically at the spoiled
3 ballots and state-sponsored purging practices, and talk about the firsthand accounts we
4 heard of voter disenfranchisement. In that chapter, we will provide summaries of the
5 testimony of people who witnessed what occurred at the polling places on November 7,
6 and actually those persons who told us under oath that they simply were not afforded
7 their right to participate in the election and have their voices heard.

8 We will move from that chapter and talk about responsibility and
9 accountability. This will focus on state election accountability and responsibility issues,
10 including a discussion of who has the ultimate authority for ensuring full participation in
11 the Florida election process. This chapter also discussed requirements, and list
12 maintenance responsibilities.

13 The next chapter will talk about resource allocation and will
14 examine the following election topics: financial election resources for the State of
15 Florida; the State's allocation of financial resources; counties' allocation of financial
16 resources; the State's efforts to establish election uniformity throughout Florida;
17 Election Day preparations, and Election Day resources.

18 Then we will have a discussion, again unless we find something
19 different in our continued systematic review of the documents, what we will call list
20 maintenance in reality. We'll talk about how the Florida list maintenance obligations
21 were implemented and how these impacted the voters.

22 We'll move from there to talk about accessibility issues. There, we
23 will discuss directly the special needs assistance and how individuals with disabilities
24 and those with language needs were impacted during the November 7 election.

25 Following that, we'll move to all of the authorized means of casting

1 ballots. There was a lot of discussion during both hearings about the lack of authority to
2 use provisional ballots during the election.

3 We'll talk about Florida election law procedures for voting in two
4 broad categories, the use of affidavits to resolve problems arising at the polling place,
5 and the use of absentee ballots.

6 Then we will talk about the machinery of elections. This will be a
7 full discussion on the types of equipment used on Election Day, the effectiveness of this
8 voting machinery, the contextual framework for election technology improvements, and
9 the impact of voting technology on specific communities.

10 Following that discussion, we will present the findings and
11 recommendations for the approval of the Commission.

12 That's basically a summary of what we expect at this point to be
13 presented in a final report.

14 CHAIRPERSON BERRY: I'll recognize other Commissioners. But
15 I only had just one quick question. Where in here will you discuss some kind of
16 statistical analysis that will help us to figure out in one of these chapters whether there
17 was discrimination or not? We know of course that even if there wasn't discrimination,
18 that still there can be concerns. But I just wondered if there's a chapter or something?

19 MR. HAILES: Yes. We will begin that discussion in the voting
20 systems controls and failures. We'll talk about the voter dilution claims. We will by
21 using a complete review of the record and employing the appropriate statistical analysis,
22 attempt to determine whether looking at the spoiled ballots and looking at the way in
23 which former offenders were removed from the voting rolls, in addition to those persons
24 who were not former offenders being removed from the voting rolls at a specific and
25 disproportionate impact on certain communities.

1 So it will begin in that chapter. Then near the last chapter, where
2 we talk about the machinery of elections, there will be an additional discussion, the
3 impact of voter technology on specific communities.

4 VICE CHAIRPERSON REYNOSO: Madam Chair, I received and
5 went over the report of the Governor's Select Task Force on the Election, the
6 recommendations. I found it very impressive. It includes, among other things, a
7 suggestion that Florida have provisional ballots, which I think would take care of many
8 of the problems. It suggests the legislature take a second look at the law that prohibits
9 folk who have served their time in prison from voting, among many other suggestions.

10 So I am just suggesting that we take a careful look at that report for
11 the final chapter of the recommendations. I'm sure you have.

12 MR. HAILES: We have.

13 VICE CHAIRPERSON REYNOSO: I thought it was a good report.

14 CHAIRPERSON BERRY: And someone has introduced a bill in
15 the Florida legislature in this session to have provisional ballots. But I understand it is
16 still in the committee, so I don't know whether it is going to pass or not.

17 Do other Commissioners have comments or questions? Yes,
18 Commissioner Thernstrom?

19 COMMISSIONER THERNSTROM: I thank you very much for
20 this outline.

21 MR. HAILES: You're welcome.

22 COMMISSIONER THERNSTROM: It seems to me that in the
23 wording of it, that there are some kind of very straight-forward headings, responsibilities
24 of States and county officials, Voting Rights Act of 1965, vote dilution claims, and
25 national registration and so forth. But there are some that are in effect, that could be

1 more neutrally stated. So that, for instance, I would have a preference, at least instead of
2 lack of accurate registration lists, posing it as a question. Were registration lists
3 accurate? You know, was there an opportunity to appeal? So that at a number of points
4 though, it's not the majority of -- this does not -- I do not refer to the majority of
5 headings. It seems to me you could state the question in more neutral fashion.

6 Two other points. I am interested in what the scope of the record
7 will be upon which the final report relies. Also, under A, coworkers confirm
8 widespread voter disenfranchisement. Again, I prefer to see it more neutrally stated, and
9 then to have the evidence under it.

10 I would like to also cover the question of voter fraud, if indeed we
11 have any evidence on that issue.

12 CHAIRPERSON BERRY: Okay. Other comments? Questions?

13 Eddie, I see no reason why you can't under chapter 3, the two
14 headings that Ms. Thernstrom, Commissioner Thernstrom referred to, simply say
15 accuracy of registration lists.

16 COMMISSIONER THERNSTROM: That would be fine.

17 CHAIRPERSON BERRY: -- polling places.

18 COMMISSIONER THERNSTROM: That would be fine.

19 MR. HAILES: We can certainly do that.

20 CHAIRPERSON BERRY: Yes. Okay. Anybody else have a
21 question about -- yes? No questions? Okay.

22 All right then, Eddie, thank you very much.

23 Yes?

24 VICE CHAIRPERSON REYNOSO: I am encouraged by the Staff
25 Director's report that we seem to be on time on this report because we emphasized that

1 this really is a time important report. So I hope that as the staff continues to work on it,
2 that report doesn't change.

3 MR. HAILES: I certainly would like to commend the staff working
4 with me and our staff director. We have met on a weekly basis. Everybody is very
5 excited about the project and working very hard to complete it on time.

6 CHAIRPERSON BERRY: Commissioner Redenbaugh?

7 COMMISSIONER REDENBAUGH: When do you think you will
8 have a draft for us then? Do you have some sense of that now?

9 MR. HAILES: For the Commission, it will be no later than the first
10 week of June.

11 CHAIRPERSON BERRY: When is our meeting in June? Does
12 anybody know?

13 COMMISSIONER THERNSTROM: Madam Chair, one question
14 you did not answer which was the scope of the record being relied upon.

15 MR. HAILES: Sure. It will be the testimony presented before the
16 Commissioners and the documents that we have subpoenaed. Additionally, research
17 that has been performed by the staff and the statistical analysis that will be performed.

18 COMMISSIONER THERNSTROM: Will we have access to the
19 documents upon which the research was based or at least citations or you know
20 something to have some sense of -- because that was a huge topic in there, potentially,
21 you could, you know.

22 MR. HAILES: At the appropriate time, access will be given, yes.

23 CHAIRPERSON BERRY: Do you want me to repeat the same
24 thing I said earlier about access?

25 If Commissioners wish to see specific documents in connection with

1 their review, they can tell the Staff Director and the documents will be cited in the
2 footnotes that you get. You may see the documents. You can come to the Staff
3 Director, have your assistants, sit down, look at these documents, and do anything you
4 wish at that point. Because at that point, the staff will be finished, ostensibly. So the
5 answer to the question is yes. If you identify what it is you wish to see or what topics
6 you wish to discuss.

7 COMMISSIONER THERNSTROM: My question was really, and I
8 guess it's answered by the footnotes, will there be built into the report very clear
9 indications of the material external to the hearings and to the subpoenaed materials that
10 have been relied upon.

11 CHAIRPERSON BERRY: Absolutely. Remind people in terms of
12 the process to remind you when the report is finished, it is given to affected agencies
13 and people. That means the Governor of Florida, the Secretary of State, all of those
14 people, supervisors, all of them will review the document before you are asked to
15 approve it. They will be given opportunity to submit whatever they would like to
16 submit.

17 In fact, isn't it right, General Counsel, they can if they want to have
18 something attached to the back of the report or whatever, they can do that?

19 MR. HAILES: With the approval of the Commission.

20 CHAIRPERSON BERRY: Right. So it's not that we are going to
21 approve the document without anybody ever seeing it or anything like that. So I just
22 want to be clear that everybody understands that.

23 Yes, Commissioner Redenbaugh?

24 COMMISSIONER REDENBAUGH: The June meeting, I just
25 didn't hear what you said the date is.

1 CHAIRPERSON BERRY: When is the June meeting?

2 STAFF DIRECTOR JIN: June 8th, I think.

3 CHAIRPERSON BERRY: So, Eddie, we have to have that at some
4 point before then if we are going to act on it at the June meeting.

5 MR. HAILES: Yes.

6 CHAIRPERSON BERRY: Okay. Enough time.

7 All right. Does anybody have any other questions about this
8 subject? Okay, thank you very much, General Counsel.

9 MR. HAILES: Very welcome.

10 **V. State Advisory Committee Report**

11 CHAIRPERSON BERRY: The next item is a State Advisory
12 Committee report, Reconciliation at a Crossroads: The Implications of Rice v. Cayetano
13 on Programs for Native Hawaiians.

14 Rice v. Cayetano was a forum held by the Hawaii SAC to which
15 Commissioner Lee, Commissioner Meeks, and the Vice Chair Reynoso went. You
16 attended that. As a result of that, this advisory committee came up with this report.

17 It has been before us before. I forgot what we did with it last time. I
18 guess we sent it to have -- oh, what happened the last time?

19 STAFF DIRECTOR JIN: Yes, Madam Chair. A couple things
20 happened. One was I think the main thing that happened was that it was decided that the
21 report could be fortified to include the 1998 forum to have more discussion of 1998
22 forum that the Hawaii SAC had. I think the couple of SAC members working with the
23 rest of the members in Hawaii wanted a little more opportunity to put their own
24 handprints on the document. That has been happening since the last time, which they
25 have done.



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

June 11, 2001

Letters to the Editor
The New York Times
229 West 43rd Street
New York, N.Y. 10036-3959

Dear Editor:

I am writing to ask that you correct the misinformation contained in your June 5, 2001 article titled, "Divided Civil Rights Panel Criticizes Florida Election," and your June 11, 2001 editorial. Those accounts criticize the US Commission on Civil Rights for failing to consult with the two Republican appointed members of the Commission before finishing the Florida voting rights report and for not providing Florida Governor Jeb Bush with a full copy of the report prior to the Commission vote.

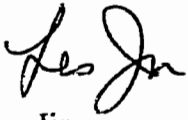
The premise appears to be that some of the Commissioners were consulted and others were not. This is untrue. In accordance with Commission rules and practice, the Office of General Counsel is responsible for gathering the evidence and writing the report. None of the Commissioners have a role in fact gathering or report writing, nor are any of the Commissioners routinely consulted before a copy is sent to them. However, as staff director, I am available to discuss with any interested Commissioner the progress of a report while it is being written, and to attempt to address any concerns the Commissioners may have if they ask me. Commissioners were reminded of this policy as recently as our April 2001 Commission meeting. Neither of the two Commissioners cited in your stories took advantage of that opportunity to meet with staff regarding the Florida report.

As for the suggestion that the Commission should have provided routinely a full copy of the draft Florida report to Governor Bush, or to anyone else, prior to sending the report to the Commissioners, such action would be completely contrary to our rules, practices, and customs and, in our view, would be contrary to sound policy and managerial principles. At the same time, affected agencies and officials should, and do, have a reasonable opportunity to contest our work- to the extent it affects them. There is no requirement to provide 30 days for this review.

In short, the Commission has followed its rules and practices in our handling of the Florida voting rights report. Moreover, we completely agree with the view that the discussion should now be centered fully on the Commission's analysis, findings and recommendations. The sooner that occurs, the quicker we can address the critical question of how to remedy the serious

shortcomings we found in Florida, which resulted in countless Floridians being needlessly disenfranchised.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Jin". The signature is written in a cursive style with a large, looped initial "L".

Les Jin
Staff Director

New York Times
Section A28
June 18, 2001

The Election in Florida

To the Editor:

Your June 11 editorial about the United States Commission on Civil Rights report "Voting Irregularities in the Florida Election" criticized the commission for failing to consult with the two Republican-appointed commissioners. The fact is that as part of the usual process of producing reports, all commission members were urged to arrange meetings with the staff director and staff to provide input. Neither of the two commissioners ever asked or took advantage of that opportunity.

Your suggestion that the commission should have provided a full copy of the draft report to Gov. Jeb Bush before the commissioners' vote would be contrary to our policies. The governor's office and other agencies referred to in the document had an opportunity to review and comment on our work in those areas that addressed their responsibilities and activities.

EDWARD A. HAILES JR.
General Counsel, United States
Commission on Civil Rights
Washington, June 14, 2001



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

U.S.C.C.R.
OSD 624 Ninth Street, N.W.
RECEIVED Washington, D.C. 20425

'01 JUN 11 A11:23

June 11, 2001

Mr. Les Jin, Staff Director
U.S. Commission on Civil Rights
624 9th Street NW
Washington, D.C. 20001

Dear Les:

This is a formal request that you provide me with a copy of all the statistical data that the Commission staff provided to Professor Alan Lichtman in order that he could prepare his analysis of the Florida voting in the 2000 election.

I am also requesting a copy of the actual report that Prof. Lichtman gave you, as well as any additional data that he utilized in writing his report.

I intend to review this material in writing my dissent. Since the deadline for submitting dissents to the Commission's report is fast approaching, you will appreciate my need for this information immediately.

I will be in Washington on Tuesday, in part on Commission business, and will be glad to pick it up from you personally. Otherwise, Kristina Arriaga can get it from you and bring it to me. I am sure that you recall that the Chair specifically invited Commissioners to contact you directly.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Thornstrom", written over a horizontal line.

Abigail Thornstrom
Commissioner



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

URGENT -- TIME SENSITIVE

June 11, 2001

MEMORANDUM FOR LES JIN
Staff Director

FROM: CHARLIE PONTICELLI *CMP*
Special Assistant to Commissioner Redenbaugh

SUBJECT: Request for Materials on Florida Report

As you know, Commissioner Redenbaugh will be submitting a written dissent to the Florida report. In order to assist his efforts, he has asked me to request the following materials:

- (1) A copy of Chairperson Berry's statement which was read to the Commission at the June 8 meeting.
- (2) A copy of the entire June 8, 2001, transcript. (We understand that the Commission usually receives an "unverified" transcript within 3 to 5 days following a Commission meeting. Commissioner Redenbaugh is asking that he be given a copy of the transcript at the earliest possible opportunity so that he, too, may have the chance to (a) "verify" remarks and (b) refer to the transcript as he writes his dissent. Since separate statements are due on June 29, it will not be possible to wait the usual 30 days for the transcript.)
- (3) A copy of Professor Allan Lichtman's analysis which was submitted and discussed on June 8.
- (4) A copy of the amended report on the Florida election. (We realize it may take the staff a few days to incorporate all of the changes made on Friday.)

We would appreciate your assistance in providing these documents. Should you consider that any or some of these materials might require a Freedom of Information Act (FOIA) request, please let me know so that I may assist Commissioner Redenbaugh in making that request.



UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

June 12, 2001

MEMORANDUM FOR COMMISSIONER ABIGAIL THERNSTROM

FROM:

LES JIN 
Staff Director

SUBJECT:

Request for Materials on the Florida Report

In response to your June 11, 2001 letter to me, please find enclosed a copy of Professor Lichtman's report. Due to today's absence of an OGC staff member, I was not able to obtain the statistical data that the staff provided to Professor Lichtman. However, I will give this information to you tomorrow once the staffer returns to the office. The additional data that Professor Lichtman utilized in preparing his report are subsumed or referenced within his document.

Please feel free to contact me if you have any questions.

Thank you.

Enclosures



UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

June 12, 2001

MEMORANDUM FOR CHARLIE PONTICELLI

Special Assistant to Commissioner Redenbaugh

FROM:

LES JIN 
Staff Director

SUBJECT:

Request for Materials on the Florida Report

In response to your June 11, 2001 letter to me, please find enclosed an unverified copy of the entire June 8, 2001 meeting transcript and Professor Lichtman's report. The statement made by Chairperson Berry is included in the enclosed transcript.

As you know, the deadline for Commissioners to submit editorial changes to the report is Friday, June 15th. The Office of the General Counsel will complete the revisions shortly after that date. Thus, you will receive the amended report by the middle of next week.

Please feel free to contact me if you have any questions.

Thank you.

Enclosures



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

June 12, 2001

VIA FAX – URGENT AND TIME-SENSITIVE

MEMORANDUM FOR EDWARD HAILES
General Counsel

FROM: RUSSELL G. REDENBAUGH *Russell*
Commissioner

SUBJECT: FOIA Request for Documents on Florida Report

Yesterday, my Special Assistant delivered a memorandum to the Staff Director, on my behalf, requesting the following documents to assist me in writing my dissent to the Commission's report on alleged voting improprieties in Florida.

The documents I have requested include:

- (1) A copy of Professor Allan Lichtman's analysis submitted to and discussed by the Commission on June 8, 2001.
- (2) A copy of the transcript of the Commission's meeting of June 8, 2001.
- (3) A copy of the Commission's report on the Florida election, as amended by the Commission on June 8, 2001.

Since I have received no response to my request, and in light of the fact that the Commission has set a deadline of June 29, 2001, for submitting dissents, I hereby request that these documents be provided to me, as soon as possible, under the Freedom of Information Act. Under the Freedom of Information Act, I also ask that you provide me with copies of all communications between the Commission and affected agencies and individuals pursuant to the "affected agency" review, as well as copies of all responses and documents received thereto.

I look forward to receiving these documents at the earliest possible opportunity.



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

624 Ninth Street, N.W.
Washington, D.C. 20425

June 12, 2001

**MEMORANDUM FOR RUSSELL G. REDENBAUGH
Commissioner**

FROM:

EDWARD A. HAILES, JR.
General Counsel

A handwritten signature in black ink, appearing to read "E. Hailes, Jr.", written over the printed name.

SUBJECT:

Request for Documents on Florida Documents

This is in response to your request for documents relating to the Commission-approved report on "Voting Irregularities in Florida During the 2000 Presidential Election." You submitted a similar request to the Staff Director on yesterday, June 11, 2001. The Office of Staff Director had already made arrangements to collect and deliver materials to you, before I received your request.

Today, the Staff Director forwarded to your Special Assistant, Charlie Ponticelli, an unverified copy of the entire June 8, 2001 meeting transcript and Professor Lichtman's report. A revised report, which will include the editorial changes that are submitted by Commissioners on or before Friday, July 15, 2001, will be forwarded to Ms. Ponticelli by the middle of next week.

You are also requesting "copies of all communications between the Commission and affected agencies and individuals pursuant to the "affected agency" review, as well as copies of all responses and documents received thereto." I will gladly compile this information and arrange for it to be delivered to you through Ms. Ponticelli.

I will be out of the office tomorrow, June 13, 2001, but I will leave directions for these materials to be sent to Ms. Ponticelli.

If you have a need for further assistance, please let me know.

Attachments



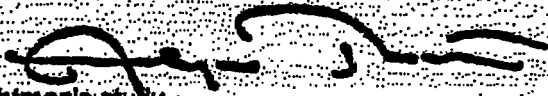
UNITED STATES
COMMISSION ON
CIVIL RIGHTS

USCCR
OGC RECEIVED
E-3091

624 Ninth Street, N.W.
Washington, D.C. 20425

01 JUN 18 AM 11:37

June 18, 2001

TO: Edward Hailes, General Counsel
From: Commissioner Abigail Thernstrom 
Re: Disk containing data for Professor Lichtman's study

Pursuant to the Freedom of Information Act, please give my assistant a copy of the disk (or disks) containing any data Professor Allan Jay Lichtman used to issue his report on the Florida election.

I understand from Kim Alton that OGC does not have the data in disk form. However, I am sure you will agree that the report Professor Lichtman issued was funded by taxpayers. Therefore, the disks he used should also be available to the Commission and its Commissioners.

Also, please provide me with a copy of the contract (or contracts) issued to hire Professor Lichtman or any other statistician, social scientist or professional associated with the Florida report.

Please provide this information as soon as possible.



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

Via Facsimile and Federal Express

June 19, 2001

MEMORANDUM FOR COMMISSIONER ABIGAIL THERNSTROM

FROM:

LES JIN 
Staff Director

SUBJECT:

Request for Materials on the Florida Report

I recently learned of your Freedom of Information Act request for data pertaining to the Florida Report. Frankly, the request surprised me. I do recognize that time is of the essence as it pertains to this matter and that is why the staff responded by providing you with the materials you requested in your June 11th correspondence as soon as each item was available. We spoke with your special assistant shortly after we received your correspondence and provided the materials on June 12th and 13th, explaining why the materials provided on the 13th were not available on the 12th. Given our responsiveness to your requests, I do not believe that the use of the FOIA is necessary or appropriate. The staff has worked diligently and in a cooperative spirit in order to respond to your requests in a timely manner, and will continue to do so. In the future, if you think there is a problem that is not being handled properly, I urge you to contact me to discuss the problem as an alternative to filing a FOIA request.

As for the information that is the subject of your FOIA request, see the attached letter from General Counsel Edward Hailes. It is fully responsive to your concerns.

Additionally, I understand that late last week your special assistant called Professor Lichtman and that earlier today you sent him an e-mail requesting the data you are seeking. As the Commission rules provide, and I believe Chairperson Berry has stated in a recent meeting, Commission requests of that nature must be directed to the Staff Director. Commission staff, including someone in Professor Lichtman's status, works for the Commission and under the direction and supervision of the Staff Director or one of his managers. As the Staff Director, I serve as the liaison between the staff and the Commissioners. As I am sure you can understand, circumventing this organizational structure can only create confusion and disorder within the agency.

Please feel free to contact me if you have any questions.

**cc: Mary Frances Berry, Chairperson
Cruz Reynoso, Vice Chairperson
Christopher Edley, Jr., Commissioner
Yvonne Y. Lee, Commissioner
Elsie M. Meeks, Commissioner
Russell G. Redenbaugh, Commissioner
Victoria Wilson, Commissioner**



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

624 Ninth Street, N.W.
Washington, D.C. 20425

Via Facsimile and Federal Express

June 19, 2001

MEMORANDUM FOR ABIGAIL THERNSTROM
Commissioner

THROUGH:

LES R. JIN *LJ*
Staff Director

FROM:

EDWARD A. HAILES, JR. *E. Hailes, Jr.*
General Counsel

SUBJECT:

Data for Lichtman Study

This is in response to your request for "a copy of the disk (or disks) containing any data Professor Allan Jay Lichtman used to issue his report on the Florida election." I understand that you were correctly informed that the Office of General Counsel does not possess any disk or disks that you are seeking. In attempting to comply with your request, however, the staff promptly contacted Professor Lichtman to ask him to release to us any disk or disks containing the data he used to issue his report. Professor Lichtman told us that he did not and does not possess any disk or disks containing data that he used to prepare his report. The publicly available sources of data that he used to prepare his analysis are cited throughout the report, a copy of which was provided to you.

Apart from your specific request, there is a copy of a disk containing data that was used by former Commission staff member, Dr. Rebecca Kraus, who briefly provided assistance to our office until she left the agency for a promotional opportunity. The disk was forwarded to Professor Lichtman. He possesses it, but he did not use these data to issue his report. I will make that disk available to your special assistant, if you believe that it would be helpful.

You have also requested, "a copy of the contract (or contracts) issued to hire Professor Lichtman or any other statistician, social scientist or professional associated with the Florida report." Professor Lichtman was not hired under a contract for his services. He was appointed to serve in an expert position under agency personnel procedures. He is an intermittent appointee of the Commission. No other statistician, social scientist or other professional has been hired to assist with this project. Thus, there are no existing contracts to provide pursuant to your request.

Memorandum for Commissioner Abigail Thernstrom
RE: Data for Lichtman Study
June 19, 2001
page two

If you need further information or assistance, please direct your inquiries to the staff director.

cc: *Mary Frances Berry, Chairperson*
Cruz Reynoso, Vice Chairperson
Christopher Edley, Jr.
Yvonne Y. Lee
Elsie M. Meeks
Russell G. Redenbaugh
Victoria Wilson



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

624 Ninth Street, N.W.
Washington, D.C. 20425

U.S. CIVIL RIGHTS
COMMISSION
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I-232

June 20, 2001

MEMORANDUM FOR LES JIN
Staff Director

From: Abigail Thernstrom *A. Thernstrom/ks*
Subject: Data for Lichtman Study

Via facsimile

I was puzzled by your memorandum dated June 19, 2001 in which you state "circumventing this organizational structure can only create confusion and disorder within the agency." You "urge me to contact you." However, my attempts to direct questions to you so far have proved most unsuccessful. (See several memoranda in April regarding access to materials). And, you have refused to respond in writing to my memoranda.

Guidelines about the relationship between individual Commissioners and the staff director are indeed confusing. Last time I asked for information you said my questions addressed policy issues and that I had to ask the Chair. Furthermore, you indicated you work for the Commission as a body and not for individual Commissioners.

Take the Lichtman information request, for example. As of June 8th, you and your staff knew that I would be writing a dissent and should have understood that I would need the machine-readable data that Lichtman used to run his correlations and regressions. That is what I have requested. But instead of immediately providing it, you provided, after a five-day delay some woefully incomplete information in the form of hard copy only that it took my assistant 10 minutes to photocopy. Bear in mind I have 20 days to respond to a study it took the entire Commission six months and almost a hundred employees to draft.

As of last Friday, June 15th at 1:30 pm the information I received from your office was that OGC did not have the disks with the machine-readable data Lichtman used. My special assistant called your office and asked if she needed to file a FOIA request in order to get the essential disks that contain taxpayer-funded information that should be in the public domain. Ms. Alton replied that to invoke FOIA was not appropriate since I merely wanted the same information I had requested in a different format. My assistant

explained that it was not a matter of convenience, the disk was simply what was needed to run the statistical analysis. She waited all weekend and all day Monday for the courtesy of a reply to her requests for the disks and Professor Lichtman's contact information. At 3pm on Tuesday June 19th she again called your office. Kim Alton said again that OGC did not have a disk.

Responsible scholars routinely make all their data available in the machine-readable form in which they used it. I have never before encountered any resistance to the request I am now making. In addition, under FOIA I am entitled to receive the information in any form that I ask for. As you may know FOIA was amended in 1996 to include a section requiring agencies to provide information "in any form or format requested," including in electronic form.

I agree with you that it is sad that I had to file a FOIA request to receive the information I needed and am entitled to have. But, I waited 10 days before doing so.

As to my contacting Professor Lichtman, any Commissioner should be free to contact any expert in their field for professional consultation. This is particularly true in the case of an academic who serves "in an expert position under agency personnel procedures" and who will be reviewing the statistical analysis in my dissent.

Dr. Lichtman sent me an e-mail saying he was forwarding the disks to you today. My assistant will pick them up this afternoon.

**Cc: Mary Frances Berry, Chairperson
Cruz Reynoso, Vice Chairperson
Christopher Edley, Jr., Commissioner
Yvonne Y. Lee, Commissioner
Elsie M. Meeks, Commissioner
Russell G. Redenbaugh, Commissioner
Victoria Wilson, Commissioner**



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

Via Facsimile and Mail

June 20, 2001

MEMORANDUM FOR ABIGAIL THERNSTROM
Commissioner

THROUGH: **LES R. JIN** 
Staff Director

FROM: **EDWARD A. HAILES, JR.** 
General Counsel

SUBJECT: **Data for Lichtman Study**

Today, Professor Lichtman provided a copy of the disk containing data that was used by former Commission staff member, Dr. Rebecca Kraus. I referred to this same disk in my memorandum to you on yesterday. I was told that Professor Lichtman informed you that he would pass this disk back to the staff with the understanding that it would be passed on to you. Just so it is abundantly clear, I am reminding you that Professor Lichtman indicated to the staff that he did not use these data to issue his report. Pursuant to your request, however, the disk is available for your special assistant to pick up today.

Please let me know if you need further information or assistance.

cc: Mary Frances Berry, *Chairperson*
Cruz Reynoso, *Vice Chairperson*
Christopher Edley, Jr.
Yvonne Y. Lee
Elsie M. Meeks
Russell G. Redenbaugh
Victoria Wilson



UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

June 20, 2001

MEMORANDUM FOR COMMISSIONER RUSSELL G. REDENBAUGH

FROM:

LES JIN 
Staff Director

SUBJECT:

Request for Materials on the Florida Report

I recently learned of your Freedom of Information Act request for information on the Florida Report. Apparently, it was filed on June 12th, one day after you provided us with a letter delineating the materials you wanted. I do recognize that time is of the essence as it pertains to this matter and that is why the staff forwarded you the materials you requested in your June 11th correspondence on the very next day, June 12th. The staff has worked diligently and in a cooperative spirit in order to respond to your requests in a timely manner, and will continue to do so. In the future, if you think there is a problem that is not being handled properly, I urge you to contact me to discuss the problem as an alternative to filing a FOIA request.

Please feel free to contact me if you have any questions.

cc: Mary Frances Berry, Chairperson
Cruz Reynoso, Vice Chairperson
Christopher Edley, Jr., Commissioner
Yvonne Y. Lee, Commissioner
Elsie M. Meeks, Commissioner
Abigail Thornstrom, Commissioner
Victoria Wilson, Commissioner

(FOR OFFICIAL USE ONLY AFTER APPROVED)

U.S. COMMISSION ON CIVIL RIGHTS

-- MINUTES

May 12, 2000

The monthly meeting of the U.S. Commission on Civil Rights was convened at 9:39 a.m., EDT, Chairperson Mary Frances Berry presiding. Vice Chairperson Cruz Reynoso and Commissioners Carl A. Anderson, Yvonne Y. Lee, Elsie M. Meeks, Russell G. Redenbaugh, and Victoria Wilson were present. Commissioner Christopher Edley, Jr., participated via telephone.

Also in attendance were: Staff Director Ruby G. Moy, Kimberley Alton, David Aronson, Kim Ball, Ki-Taek Chun, Pamela A. Dunston, Michael Foreman, M. Catherine Gates, George M. Harbison, Edward A. Hailes, Jr., Myrna Hernandez, Lisa M. Kelly, Marc Pentino, Peter Reilly, Kwana Royal, Joyce Smith, Marcia Tyler, and Audrey Wright.

Commissioners' Special Assistants in attendance included: Charlotte Ponticelli, Krishna Toolsie, and Effie Turnbull.

APPROVAL OF THE AGENDA

Commissioner Edley requested that the New York Police Practices report be considered in two parts, procedural and substantive. Vice Chairperson Reynoso moved the approval of the agenda as modified. Commissioner Anderson seconded the motion. The agenda, as modified, was approved unanimously.

APPROVAL OF THE MINUTES

Vice Chairperson Reynoso moved the approval of the minutes of the April 14, 2000, meeting. Commissioner Meeks seconded the motion. The minutes were approved unanimously.

ANNOUNCEMENT

Commissioner Meeks pointed out errors in the transcript of the April 14, 2000, meeting. Commissioner Meeks statement on page 73 of the transcript should read "It could be an attack on the Native American right," the word Native is not in the transcript.

Chairperson Berry announced that maintenance was repairing the air conditioning in the building which was not working.

Chairperson Berry also announced the addition of two new attorney advisors to the General Counsel's staff.

Chairperson Berry announced there will be a briefing following the June meeting. The briefing will aid in updating "Who's Guarding the Guardians? Police Practices and Civil Rights." Commissioners are to submit their recommendations for panelists to the Staff Director by the close of business Wednesday, May 17, 2000.

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Chairperson Berry announced that the South Carolina House voted Thursday, May 11, 2000, to remove the Confederate flag from the top of the State House dome.

Chairperson Berry announced that Vice Chairperson Reynoso is a member of the United States Delegation to the United Nations (UN) Convention on Race. The International Conference in the Year 2001 will be held in South Africa. A preconference has just been held in Geneva. Vice Chairperson Reynoso reported that the UN voted to have an international conference on the issue of race and related intolerance including religious intolerance.

STAFF DIRECTOR'S REPORT

Vice Chairperson Reynoso informed Commissioners that community groups from Santa Rosa requested that the Vice Chairperson and members of the Commission meet with them in the near future as a follow up to the recently released California SAC forum report.

Chairperson Berry reported that after significant thought, reflection and consultation with other Commissioners who voted in favor of releasing the draft New York Police Practices Report, they decided to adhere to normal Commission procedures and not release the draft report. Chairperson Berry subsequently issued a press release stating the change of plan. Commissioner Edley moved the retrospective reconsideration of the vote to release the draft New York Police Practices report voted on at the April Commission meeting. Commissioner Meeks seconded the motion. The motion carried by a vote of 6 to 1, Commissioner Wilson voted against the motion.

Staff Director Moy reported on the issue of press leaks of recent Commission documents. After a preliminary investigation, the Staff Director learned that leaking Commission information to the press is not a criminal offense and would be hard to prove the origin of the leaks. The option of an Inspector General investigation is not available to agencies the size of the Commission. The Office of Management and Budget (OMB) Examiner had no reference or background experience with this issue with other agencies. The Office of Government Ethics stated that if it could be proven who is responsible for the leak, he or she could be subject to disciplinary action, and/or fined, and/or terminated. This affects all federal employees, part-time and full-time. The Staff Director also reported that the Commission's Administrative Instructions (AIs) will be reviewed for guidance or the creation of guidance on this very sensitive issue.

Commissioner Lee presented the two-day forum format prepared by the Hawaii State Advisory Committee. The SAC requested that this be a Commission project rather than a SAC project because the issue of indigenous people is a national issue not just a Hawaii specific issue. The Staff Director was asked to investigate the possibility of conducting such a forum either in this fiscal year or FY 2001. It was recommended that the forum be conducted in conjunction with a regularly scheduled monthly Commission meeting.

Commissioner Meeks updated Commissioners on South Dakota, by reporting that the Governor of South Dakota called a meeting with South Dakota SAC members, the Regional Director and Chairperson Berry. Chairperson Berry declined the invitation and suggested he hold a public forum instead. The Governor was informed that due to Federal Advisory Committee Act

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requiring public notice of all Committee meetings that neither she nor the Regional Director would be able to attend his meeting. The meeting was not open to the public but was open to the press. A Department of Justice task force is looking into ways to respond to some of the issues that were raised by the SAC forum. The South Dakota Attorney General endorsed some of the recommendations of the SAC report.

Commissioner Anderson inquired into the New York SAC project on police community relations. Ki-Taek Chun, Eastern Regional Office Director, reported that the New York SAC will concentrate on two or three cities or smaller towns and will not include New York City.

**POLICE PRACTICES AND CIVIL RIGHTS
IN NEW YORK CITY**

Vice Chairperson Reynoso moved the approval of the report. Commissioner Lee seconded the motion. Staff Director Moy introduced the report. Acting General Counsel Hailes addressed the procedures involved in the preparation and distribution of the hearing report. At the April Commission meeting, Commissioners voted to publicly release the draft report at the same time the draft report went to affected agencies for review and comment. The draft report was not released to the public as previously voted on. Affected agency comments were due to OGC by May 16, 2000. The Chairperson then moved to the discussion of the report. Commissioner Anderson moved to postpone the final consideration of the report until a future meeting after affected agency comments have been received. Commissioner Edley seconded the motion. The motion was approved unanimously. The Commissioners then continued the discussion of the report substance. Commissioner Edley complimented the staff on drafting such an outstanding draft. Vice Chairperson Reynoso also commended the staff for producing the report in such a timely manner.

FUTURE AGENDA ITEM

Commissioner Lee requested a briefing on hate crimes in light of recent murders in Pittsburgh. Hearing no additional future agenda items, Vice Chairperson Reynoso moved the adjournment of the meeting. Commissioner Wilson seconded the motion. The meeting adjourned, without objection, at 1:15 p.m.



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

August 1, 2001

MEMORANDUM FOR THE CHAIRPERSON
VICE CHAIRPERSON
COMMISSIONERS

FROM:

LES JIN 
Staff Director

SUBJECT: Additional Statements to the Florida Report

Please find attached a memorandum from the General Counsel on the legal issue surrounding the dissenting statement submitted by Commissioners Redenbaugh and Thernstrom. Any and all Commission statements will be submitted to our copy editor next Wednesday, August 8, for final editing and formatting, and the entire report will be sent to the printer as soon as that editing is completed.

Pursuant to the legal analysis contained in the General Counsel's memorandum, the Commission will only publish Commissioners Redenbaugh and Thernstrom's dissent if a copy, revised in accordance with the analysis, is received in the Office of the Staff Director by 5 P.M. E.S.T. August 8, 2001. Otherwise, the report will note the violation of the Commission's statutory prohibition to explain its absence.

Any Commissioner who has questions or concerns about these matters should contact the General Counsel immediately.



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

July 27, 2001

MEMORANDUM FOR LES R. JIN
Staff Director

FROM:

EDWARD A. HAILES, JR.
General Counsel

A handwritten signature in black ink, appearing to read "E. Hailes, Jr.", written in a cursive style.

SUBJECT:

Separate Statement of
Commissioners Redenbaugh and Thernstrom

I spoke by telephone last week with Commissioner Russell G. Redenbaugh, who had arranged this telephone conference following the July 13, 2001 Commission meeting. At that meeting, Commissioners agreed that Commissioners Redenbaugh and Abigail Thernstrom would meet with the General Counsel to discuss any revisions to their separate statement that are necessary for it to be a part of the Commission's publication, consistent with the statutory prohibition on the use of voluntary and uncompensated services.

I indicated to Commissioner Redenbaugh that the Office of General Counsel found no case law that contradicted the plain meaning of the prohibition on the use of voluntary or uncompensated services by the Commission found in 42 U.S.C. § 1975. This statute governs the operations of this agency and provides in pertinent part: *The Commission shall not accept or use the services of voluntary or uncompensated persons.* As a general rule, government agencies are prohibited from accepting voluntary services under 31 U.S.C. § 1342). There is an exception to the general prohibition on the use of voluntary services that is found in 5 U.S.C. § 3111, but that exception does not apply to the use of voluntary experts by individual commissioners. Rather, the exception permits the head of the agency to accept voluntary service for the United States if the service – (1) is performed by a student... as part of an agency program established for the purpose of providing educational experiences for the student; (2) is to be uncompensated..." See 60 Comp. Gen. 456 (1981). The Comptroller General emphasized in that decision that "*in the absence of specific statutory authority, Federal agencies are prohibited from accepting voluntary service from individuals except in certain emergencies.*"

In addition, the legislative history of § 1975 is instructive as to the intent of Congress in applying this prohibition to the Commission. The bill to establish the Commission was reported out of the House Committee on the Judiciary authorizing the use of up to 15

volunteers.¹ Several members of the House and Senate disapproved of the Commission's proposed authority to use volunteers arguing that representatives of special interest groups would occupy these positions and attempt to influence the Commission.²

In response to these concerns, an amendment was introduced which stated, "The Commission shall not accept or utilize services of voluntary or uncompensated personnel." Senator Knowland stated in introducing this amendment:

"The intent of that amendment is to make sure persons who might have a particular interest in some phase of the problem ... will not be employed by the Commission on a voluntary basis in connection with something that should be impartial, and that any persons employed on a voluntary basis will carry on their work on an impartial basis. That is the reason for that amendment."³

It is clear, therefore, that beyond the general protection against budgetary deficiencies that is afforded by the government-wide ban on voluntary services, Congress intended to ensure that employees and not volunteers performed the work of the Commission.

The procedures and requirements for the appointment of experts and consultants to assist with the work of the Commission are set forth in Administrative Instruction 2-15. These procedures were followed and these requirements were met in the appointment of Dr. Allan J. Lichtman to perform the services needed by the Commission for its voting rights investigation. The same procedures were not followed, nor were the same requirements met in connection with the acknowledged assistance provided to Commissioners Redenbaugh and Thernstrom by Dr. John R. Lott, Jr. and other voluntary persons whose assistance is not self evident.

In our telephone conversation, I asked Commissioner Redenbaugh to identify portions of the separate statement in which voluntary assistance had been provided. He indicated that he would report this request to Commissioner Thernstrom. To date, I have not received a response to this request.

After a careful consideration of the foregoing points, I submit that the separate statement of Commissioners Redenbaugh and Thernstrom should not be included in the Commission's published hearing report, *Voting Irregularities in Florida during the 2000 Presidential Election*, unless the portions of their statement that were prepared with the assistance of voluntary persons are identified and removed.

¹ H.R. Rep. No. 291, 85th Cong., 1st Sess. At 20 (1957).

² Id. At 43.

³ 103 Cong. Rec. 13, 450 (1957).



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

624 Ninth Street, N.W.
Washington, D.C. 20425

August 1, 2001

**MEMORANDUM FOR COMMISSIONERS RUSSELL REDENBAUGH
ABIGAIL THERNSTROM**

FROM:

MARY FRANCES BERRY
Chairperson

A handwritten signature in cursive script that reads "Mary Frances Berry".

SUBJECT:

Your Dissent from the Florida Report

In the event that you do not submit a revised copy of your dissent to the Staff Director by the August 8, 2001 due date, I have asked that he publish portions of the Senate Rules and Administration Hearing Report which contain your dissenting statement, along with the other materials, in the Appendix to the Commission's Florida report. In this way we will avoid any impression that the Commission is interested in suppressing your views. Taking advantage of the Report of the Senate Committee on Rules and Administration, on this occasion, will permit the Commission to avoid violating the statute while serving the public interest.

The statutory obligation to avoid the use of volunteers, who may simply come from advocacy groups, and to require that anyone who produces a Commission work product is a Commission employee was enacted by Congress upon the establishment of the Commission. I hope you share my view that, whether an individual agrees with a particular law or not, it is the law, and unless and until Congress changes it we must all abide by it.

cc: Christopher Edley
Yvonne Y. Lee
Elsie Meeks
Cruz Reynoso
Victoria Wilson
Les Jin, Staff Director
Edward Hailes, Jr., General Counsel

U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

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Friday, June 8, 2001

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The Commission convened in Room 540 at 624 Ninth Street, Northwest, Washington, D.C. at 9:30 a.m., Mary Frances Berry, Chairperson, presiding.

PRESENT:

MARY FRANCES BERRY, Chairperson

CRUZ REYNOSO, Vice Chairperson

CHRISTOPHER EDLEY, JR., Commissioner

YVONNE Y. LEE, Commissioner

ELSIE M. MEEKS, Commissioner

RUSSELL G. REDENBAUGH, Commissioner

ABIGAIL THERNSTROM, Commissioner

VICTORIA WILSON, Commissioner

LESLIE R. JIN, Staff Director

DR. ALLAN J. LICHTMAN, Consultant

[GENERAL COUNSEL HAILES]: Our internal guidelines for affected Agency review do require us to send portions of a report that pertain to the activities and responsibilities of that Agency, send those portions of the report to that affected Agency and give them an opportunity to review those

portions, not the entire report, particularly not before the Commissioners get the entire report, but those portions to that Agency allow them to review them and comment.

The staff sent the relevant portions of the draft report to the nearly 30 affected agencies, agencies whose activities and responsibilities are mentioned in this draft report. We received approximately five responses. For the Office of the Governor, we received affected Agency comments from his legal counsel, Mr. Charles T. Canady, the General Counsel. We saw his comments in the media before we received them, but having received them we took them as we do all affected Agency comments, review them to determine whether it was necessary and appropriate to make changes in the draft report and I believe his letter was approximately seven pages and we found two areas in perhaps the last two pages of his response that required us to consider making necessary and appropriate changes and we have made those changes based on his response.

And I can talk now -- one of those changes, Madam Chair, is in reference to testimony we received and we report in this draft report from the testimony about a letter that was sent by the Governor to some members, some citizens about the election encouraging them to vote by absentee ballot. And you may recall the testimony that some persons believed that taxpayers' monies were used because it appeared to be, there appeared to be the official seal of the State on the letter and it was sent to Republican voters according to the witness and only Republican voters, encouraging them to vote by absentee ballot and more specifically from the convenience of your home and the witness believed that was in violation of the law because this is not a mail-in State where mail-in voting is permitted as it is in other States.

In his response, Mr. Canady told us that the letter we referred to in the report was misleading and in some ways incorrect, for the letter that the Governor sent was not on the official stationery of the State, but it was from the desk of Governor Jeb Bush. The seal in the background

of the letter was not the current seal of State, but an older version of the seal of State. So we believe it's important to put in the record to make sure it's complete that the Governor's legal representative believed that we should let people know that this was not the current seal, it was an old seal. This is from the desk of Jeb Bush and it wasn't paid, and this is significant and we are making the change, this was not paid for with taxpayers' monies.

Another change that we make because it's in response to affected Agency review and that's why we have affected Agency review, if there's an inaccuracy, incomplete information, the agencies can let us know that changes should be made and we will consider them. We had pointed out in the report that county supervisors requested and needed voter education monies and the funds, I believe, \$100,000 had been requested by the Division of Elections for \$100,000 to go into the budget and the Governor did not promote that \$100,000 funding for voter education funds.

We received again a response from the Governor that said that in fact an investigation was conducted and the Division of Elections, the Secretary of State never did request the \$100,000 voter education funds. So in the report we will reflect that contrary to the sworn testimony of L. Clayton Roberts, the Director of the Division of Elections, the Governor says that the monies were never requested from the Secretary of State. That will be in the report.

CHAIRPERSON BERRY: So it is accurate to state as I read that the Governor failed to support the request for \$100,000?

GENERAL COUNSEL HAILES: That is accurate because he said it never came to his desk to support it.

CHAIRPERSON BERRY: But Mr. Roberts who was the Director --

GENERAL COUNSEL HAILES: Said that it did, so there's a dispute, but I think we should put both in. We should put the dispute in there.

We also had and we thank the Staff Director for naming some extremely well qualified experienced staffers to the Editorial Policy Review Board. They did a wonderful job making suggestions on how we could change the --

VICE CHAIRPERSON REYNOSO: I am sorry, can I ask, did you have a response from the Secretary of State?

GENERAL COUNSEL HAILES: I have a list before me and we did then a major portion, perhaps the largest portion and the staff will correct me if I'm wrong, perhaps the largest portion of the report that was sent out for affected Agency review went to the Office of Secretary of State Katherine Harris and looking at my listing and knowing it to be a fact, we did not receive any comments from the Secretary of State and we did not receive comments from the Director of the Division of Elections, although we sent major portions of the report to both bodies.

COMMISSIONER THERNSTROM: Mr. Hailes, could you wrap up?

GENERAL COUNSEL HAILES: Sure. So following the legal sufficiency review, the editorial policy review, the affected Agency review, other changes, the staff completed this report and I'm proud to work with the team leaders, Mr. Peter Riley, Deborah Reed, Michael Foreman, Audrey Wiggins and other staff members who worked very diligently on this report, including Bernard Quarterman, Joyce Smith and Barbara Delaviez and Jenny Park, all of whom did an exceptional job on this report.

APPENDIX IX

Revised Dissenting Statement of Commissioners Russell G. Redenbaugh and Abigail Thernstrom; Report by Dr. John Lott to the U.S. Senate Committee on Rules and Administration



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

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FOR: STAFF DIR. LES JIN

FROM: CHARLIE PONTICELLI

Attached is the revised Thornstrom -
Redenbaugh dissent to the
Florida Rept. (This is the
document that the Commissioners
submitted to the Senate Rules
Committee.)

Charlie Ponticelli

**THE FLORIDA ELECTION REPORT:
DISSENTING STATEMENT BY COMMISSIONER ABIGAIL THERNSTROM
AND COMMISSIONER RUSSELL G. REDENBAUGH**

July 19, 2001

The United States Commission on Civil Rights, charged with the statutory duty to investigate voting rights violations in a fair and objective manner, has produced a report that fails to serve the public interest. *Voting Irregularities Occurring in Florida During the 2000 Presidential Election* is prejudicial, divisive, and injurious to the cause of true democracy and justice in our society. It discredits the Commission itself and substantially diminishes its credibility as the nation's protector of our civil rights.

The Commission's report has little basis in fact. Its conclusions are based on a deeply flawed statistical analysis coupled with anecdotal evidence of limited value, unverified by a proper factual investigation. This shaky foundation is used to justify charges of the most serious nature—questioning the legitimacy of the American electoral process and the validity of the most recent presidential election. The report's central finding—that there was “widespread disenfranchisement and denial of voting rights” in Florida's 2000 presidential election—does not withstand even a cursory legal or scholarly scrutiny. Leveling such a serious charge without clear justification is an unwarranted assault upon the public's confidence in American democracy.

The statistical analysis in the report is superficial and incomplete. A more sophisticated regression analysis by Dr. John Lott, an economist at Yale Law School, challenges its main findings. Dr. Lott was unable to find a consistent, statistically significant relationship between the share of voters who were African Americans and the ballot spoilage rate.

Furthermore, Dr. Lott conducted additional analysis beyond the report's parameters, looking at previous elections, demographic changes, and rates of ballot spoilage. His analysis found *little relationship between racial population change and ballot spoilage*, and the one correlation that is found runs *counter* to the majority report's argument: An *increase* in the black share of the voting population is linked to a slight *decrease* in spoilage rates, although the difference is not statistically significant.

Nothing is more fundamental to American democracy than the right to vote and to have valid votes properly counted. Allegations of disenfranchisement are the fertile ground in which a dangerous distrust of American political institutions thrives. By basing its conclusion on allegations that seem driven by partisan interests and that lack factual basis, the majority on the Commission has needlessly fostered public distrust, alienation and manifest cynicism. The report implicitly labels the outcome of the 2000 election as illegitimate, thereby calling into question the most fundamental basis of American democracy.

What appears to be partisan passions not only destroyed the credibility of the report itself, but informed the entire process that led up to the final draft. At the Florida hearings, Governor Jeb Bush was the only witness who was not allowed to make an opening statement. The Chair, Mary Frances Berry, was quoted in the Florida press as comparing the Governor and Secretary of State to "Pontius Pilate... just washing their hands of the whole thing." On March 9, six commissioners voted to issue a "preliminary assessment"—in effect, a verdict—long before the staff had completed its review of the evidence.

The report claims that "affected agencies were afforded an opportunity to review applicable portions"; in fact, affected parties were never given a look at the preliminary assessment, and had only ten days in which to review and respond to the final report, in violation of established procedures and previous promises.

Most recently, a request for basic data to which we—and indeed, any member of the public—were entitled was denied to us. The Commission hired Professor Allan Lichtman, an historian at American University, to examine the relationship between spoiled ballots and the race of voters. We asked for a copy of the machine-readable data that Professor Lichtman used to run his correlations and regressions. That is, we wanted his computer runs, the data that went into them, and the regression output that was produced. The Commission told us that it did not exist—that the data as he organized it for purposes of analysis was literally unavailable. Professor Lichtman, who knows that as a matter of scholarly convention such data should be shared, also declined to provide it.

Even now, five weeks after our first request, we still have not received the multiple regressions and the machine-readable data that were used in them. They are the foundation upon which the Commission's report largely rests.

At the June 13 monthly Commission meeting, members of the commission staff and some commissioners argued that this document is not a proper "dissent" but a "dissenting report," and that the commission cannot allow the preparation of a dissenting report. In a July 10 memo, the staff director stated that the Commission "does not envision any Commissioner "engag[ing] in a complete reanalysis of the staff's work." But it is obviously impossible to write a thorough dissent without reanalyzing the quantitative and other evidence upon which important claims have been based.

Perhaps no previous member of the commission has felt the need to write quite such a lengthy critique of a report endorsed by the majority. But the explanation may be that the Commission has never written an important report that so demanded elaborate critical scrutiny. In any event, it is curious that an agency devoted to the protection of minority rights should show so little respect for the freedom of expression of its own members who happen to disagree with the majority on an issue.

Process matters. And that is why it is important to examine, with integrity, possible violations of the electoral process in Florida and other states. When the process is right, participants on another day can revisit the outcome—use the procedures (fair and thus trusted) to debate policy or to vote again. But when the process is corrupt, the conclusions themselves (current and future) are deeply suspect. The Commission investigated procedural irregularities in Florida; it should have gotten its own house in order first.

Had the process been right, the substance might have been much better. The Commission's staff would have received feedback from Florida officials, commissioners, and other concerned parties, on the basis of which it might have revised the report. It should be consulting with commissioners in the course of drafting a report, including those who do not share the majority view. As it is, at great expense, the Commission has written a dangerous and divisive document. And thus it certainly provides no basis upon which to reform the electoral process in Florida or anywhere else.

SUMMARY

I. The statistical analysis done for the Commission by Dr. Allan Lichtman does not support the claim of disenfranchisement.

The most sensational “finding” in the majority report is the claim that black voters in the Florida election in 2000 were nine times as likely as other residents of the state to have cast ballots that did not count in the presidential contest. Dr. Lichtman's work does not establish this dramatic claim.

(a) Disenfranchisement is not the same thing as voter error. The report talks about voters likely to have their ballots spoiled; in fact, the problem was undervotes and overvotes, some of which were deliberate (the undervotes, particularly). But the rest are due to voter error. Or machine error, which is random, and thus cannot “disenfranchise” any population group. It was certainly not due to any conspiracy on the part of supervisors of elections; the vast majority of spoiled ballots were cast in counties where the supervisor was a Democrat.

(b) The ecological fallacy: The majority report argues that race was the dominant factor explaining whose votes counted and whose were rejected. But the method used rests on the assumption that if the proportion of spoiled ballots in a county or precinct is higher in places with a larger black population, it must be African American ballots that were disqualified. That conclusion does not necessarily follow, as statisticians have long understood. This is the problem of what is termed the ecological fallacy.

We have no data on the race of the individual voters. And it is impossible to develop accurate estimates about how groups of individuals vote (or misvote) on the basis of county-level or precinct-level averages.

(c) The failure to consider relevant explanatory variables: The Commission's report assumes race had to be the decisive factor determining which voters spoiled their ballots. Indeed, its analysis suggests that the electoral system somehow worked to cancel the votes of even highly educated, politically experienced African Americans.

In fact, the size of the black population (by Dr. Lichtman's own numbers) accounts for only one-quarter of the difference between counties in the rate of spoiled ballots (the correlation is .5). And Dr. Lichtman knows that we cannot make meaningful statements about the relationship between one social factor and another without controlling for or holding constant other variables that may affect the relationship we are assessing.

Although Dr. Lichtman claims to have carried out a "more refined statistical analysis," neither the Commission's report nor his report to the Commission display evidence that he has successfully isolated the effect of race per se from that of other variables that are correlated with race: poverty, income, literacy, and the like. A complex model applied to the Florida data by our own expert, Dr. John Lott, enables us to explain 70 percent of the variance (three times as much as Dr. Lichtman was able to account for) without using the proportion of African Americans in each county as a variable.

In fact, using the variables provided in the report, Dr. Lott was unable to find a consistent, statistically significant relationship between the share of voters who were African American and the ballot spoilage rate. Further, removing race from the equation, but leaving in all the other variables only reduced ballot spoilage rate explained by his regression by a trivial amount. In other words, the best indicator of whether or not a particular county had a high or low rate of ballot spoilage is not its racial composition. Other variables were more important.

(d) The obvious explanation for a high number of spoiled ballots among black voters is their lower literacy rate. Dr. Lichtman offers only a perfunctory and superficial discussion of the question, and fails to provide the regression results that allegedly demonstrate that literacy was irrelevant. This claim is impossible to reconcile with the Commission's own recommendation that more "effective programs of education for voters" are needed to solve the problem. Moreover, the data upon which he relies are too crude to allow meaningful conclusions. They are not broken down by race, for one thing.

(e) First time Voters: An important source of the high rate of ballot spoilage in some Florida communities may have been that a sizable fraction of those who turned out at the polls were there for the first time and were unfamiliar with the rules of the electoral

process. Impressionistic evidence suggests that disproportionate numbers of black voters fell into this category. The majority report's failure to explore—or even mention—this factor is a serious flaw.

(f) The Time Dimension: Most social scientists understand that the interpretation of social patterns on the basis of observations at just one point in time is dangerously simplistic. But that is all the majority report offers. It focuses entirely on the 2000 election returns.

Dr. Lott, by contrast, did two analyses that take the time dimension into account. He looked at spoilage rates by county for the 1996 and 2000 presidential races, and compared them with demographic change. A rise in a county's black population did not result in a similar rise in spoilage rates, suggesting, again, that race was not the causal factor at work.

Dr. Lott also examined data from the 1992, 1996, and 2000 races, and found that the “percent of voters in different race or ethnic categories is never statistically related to ballot spoilage.”

(g) County-level Data v. Precinct Data: The Commission's report, as earlier noted, estimates that black ballots were nine times more likely to be spoiled than white ballots. And it presents some precinct-level data, providing estimates based on smaller units that are likely to be somewhat closer to the truth than estimates based on inter-county variations. The report ignores the fact that the county-level and precinct-level data yielded quite different results. Ballot rejection rates dropped dramatically when the precinct numbers were examined, even though comparing heavily black and heavily nonblack precincts should have sharpened the difference between white and black voters, rather than diminishing it. Dr. Lichtman obscures this point by shifting from ratios to percentage point differences.

Dr. Lichtman's precinct analysis is just as vulnerable to criticism as his county-level analysis. It employs the same methods, and again ignores relevant variables that provide a better explanation of the variation in ballot spoilage rates. No variables other than race and the type of voting system were even considered in this analysis.

(h) Whose Fault Was It? The majority report lays the blame for the supposed “disenfranchisement” of black voters at the feet of state officials—particularly Governor Jeb Bush and Secretary of State Katherine Harris. In fact, however, elections in Florida are the responsibility of 67 county supervisors of election. And, interestingly, in all but one of the 25 counties with the highest spoilage rates, the election was supervised by a Democrat—the one exception being an official with no party affiliation.

The majority report argues that much of the spoiled ballot problem was due to voting

technology. But elected Democratic Party officials decided on the type of machinery used, including the optical scanning system in Gadsden County, the state's only majority-black county and the one with the highest spoilage rate.

(i) The Exclusion of Florida's Hispanics: Hispanics are a protected group under the Voting Rights Act. Moreover, the majority report speaks repeatedly of the alleged disenfranchisement of “minorities” or “people of color.” One section is headed “Votes in Communities of Color Less Likely to be Counted.” And yet the crucial statistical analysis provided in Chapter 1 entirely ignores Florida's largest minority group—people of Hispanic origin. The analysis in the Commission's report thus excluded more Floridians of minority background than it included.

The analysis conducted by Dr. Lichtman treats not only Hispanics, but Asians and Native Americans as well as if they were, in effect, white. He dichotomizes the Florida population into two groups, blacks and “nonblacks.”

In the revised report, Dr. Lichtman did add one graph dealing with Hispanics in the appendix, but this addition to his statistical analysis is clearly only an afterthought. At the June 8 Commission meeting, Dr. Lichtman stated he looked at this issue only at the last minute. This is a strange and regrettable omission.

II. The Testimony of Witnesses Fails To Support the Claim of Systematic Disenfranchisement

Based on witnesses' limited (and often, uncorroborated) accounts, the Commission insists that there were “countless allegations” involving “countless numbers” of Floridians who were denied the right to vote. This anecdotal evidence is drawn from the testimony of 26 “fact witnesses,” residing in only eight of the state's 67 counties.

In fact, however, many of those who appeared before the Commission testified to the absence of “systemic disenfranchisement” in Florida. Thus, a representative of the League of Women Voters testified that there had been many administrative problems, but stated: “We don't have any evidence of race-based problems... we actually I guess don't have any evidence of partisan problems.” And a witness from Miami-Dade County said she attributed the problems she encountered not to race but rather to inefficient poll workers: “I think [there are] a lot of people that are on jobs that really don't fit them or they are not fit to be in.”

Without question, some voters did encounter difficulties at the polls, but the evidence fails to support the claim of systematic disenfranchisement. Most of the complaints the Commission heard in direct testimony involved individuals who arrived at the polls on election day only to find that their names were not on the rolls of registered voters. The majority of these cases were due to bureaucratic errors, inefficiencies within the system,

and/or error or confusion on the part of the voters themselves.

III The Commission Failed to Distinguish Between Bureaucratic Problems and Actual Discrimination

Other witnesses did offer testimony suggesting numerous problems on election day. But the Commission, in discussing these problems, failed to distinguish between mere inconvenience, difficulties caused by bureaucratic inefficiencies, and incidents of possible discrimination. In its report, the complaint from the voter whose shoes were muddied on the path to his polling place is accorded the same degree of seriousness as the case of the seeing-impaired voter who required help in reading the ballot, or the African American voter who claimed she was turned away from the polls at closing time while a white man was not.

There were certainly jammed phone lines, confusion and error, but none of it added up to widespread discrimination. Many of the difficulties, like those associated with the "butterfly ballot," were the product of good intentions gone awry or the presence of many first-time voters. The most compelling testimony came from disabled voters who faced a range of problems, including insufficient parking and inadequate provision for wheelchair access. This problem, of course, had no racial dimension at all.

IV. The Report's Interpretation of the Voting Rights Act Distorts the Law

The report essentially concludes that election procedures in Florida were in violation of the Voting Rights Act, but the Commission found no evidence to reach that conclusion, and has bent the 1965 statute totally out of shape.

The question of a Section 2 violation can only be settled in a federal court. Plaintiffs who charge discrimination must prevail in a trial in which the state has a full opportunity to challenge the evidence. To prevail, plaintiffs must show that "racial politics dominate the electoral process," as the 1982 Senate Judiciary Committee Report stated in explaining the newly amended Section 2.

The majority's report implies that Section 2 aimed to correct all possible inequalities in the electoral process. Had that been the goal, racially disparate registration and turnout rates—found nearly everywhere in the country—would constitute a Voting Rights Act violation. Less affluent, less educated citizens tend to register and vote at lower rates, and, for the same reasons, are likely to make more errors in casting ballots, especially if they are first time voters. Neither the failure to register nor the failure to cast a ballot properly—as regrettable as they are—are Section 2 violations.

Thus, despite the thousands of voting rights cases on the books, the majority report cannot cite any case law that suggests punch card ballots, for instance, are potentially

discriminatory. Or that higher error rates among black voters suggest disenfranchisement.

There is good reason why claims brought under Section 2 must be settled in a federal court. The provision requires the adjudication of competing claims about equal electoral opportunity—an inquiry into the complex issue of racial fairness. The Commission is not a court and cannot arrive at verdicts that belong exclusively to the judiciary. Yet, while the majority report does admit that the Commission cannot determine if violations of the Voting Rights Act have actually occurred, in fact it unequivocally claims to have found “disenfranchisement,” under the terms of the statute.

V. Misplaced Responsibility for Election Procedures

The report holds Florida's public officials, particularly the governor and secretary of state responsible for the discrimination that it alleges. “State officials failed to fulfill their duties in a manner that would prevent this disenfranchisement,” it asserts. In fact, most of the authority over elections in Florida resides with officials in the state’s 67 counties, and all of those with the highest rates of voter error were under Democratic control.

The report charges that the governor, the secretary of state and other state officials should have acted differently in anticipation of the high turnout of voters. What the Commission actually heard from “key officials” and experts was that the increase in registration, on average, was no different than in previous years; that since the development of “motor voter” registration, voter registration is more of an ongoing process and does not reach the intensity it once did just prior to an election; and that, in any event, registration is not always a reliable predictor for turnout.

The majority report also faults Florida state officials with having failed to provide the 67 supervisors of elections with “adequate guidance or funding” for voter education and training of election officials. What the report pointedly ignores is that the county supervisors are independent, constitutional officers who make their budget requests to the boards of county commissioners, not to the state.

VI. The Commission's Analysis of the Felon List is Misleading

The report asserts that the use of a convicted felons list “has a disparate impact on African Americans.” “African Americans in Florida were more likely to find their names on the list than persons of other races.” Of course, because a higher proportion of blacks have been convicted of felonies in Florida, as elsewhere in the nation. But there is no evidence that the state targeted blacks in a discriminatory manner in constructing a purge list, or that the state made less of an effort to notify listed African Americans and to correct errors than it did with whites. The Commission did not hear from a single witness who was actually prevented from voting as a result of being erroneously identified as a felon. Furthermore, whites were twice as likely as blacks to be placed on the list

erroneously, not the other way around.

The compilation of the purge list was part of an anti-fraud measure enacted by the Florida legislature in the wake of a Miami mayoral election in which ineligible voters cast ballots. The list for the 2000 election was over-inclusive, and some supervisors made no use of it. (The majority report did not bother to ask how many counties relied upon it.) On the other hand, according to the *Palm Beach Post*, more than 6,500 ineligible felons voted.

Based on extensive research, the *Miami Herald* concluded that the biggest problem with the felon list was not that it wrongly prevented eligible voters from casting ballots, but that it ended up allowing ineligible voters to cast a ballot. The Commission should have looked into allegations of voter fraud, not only with respect to ineligible felons, but allegations involving fraudulent absentee ballots in nursing homes, unregistered voters, and so forth. Across the country in a variety of jurisdictions, serious questions about voter fraud have been raised.

VII. Unwarranted Criticism of Florida Law Enforcement

Despite clear and direct testimony during the hearings, as well as additional information submitted by Florida officials after the hearings, the report continues to charge the Florida Highway Patrol with behavior that was “perceived” by “a number of voters” as “unusual” (and thus somehow “intimidating”) on election day. In fact, only two persons are identified in the report as giving their reactions to activities of the Florida Highway Patrol on election day. One testified regarding a police checkpoint, and the other testified that he found it “unusual” to see an empty police car parked outside of a polling facility. Neither of these witnesses’ testimony indicates how their or others’ ability to vote was impaired by these events.

VIII. Procedural Irregularities at the U.S. Commission on Civil Rights

Procedural irregularities have seriously marred the report. The Commission ignored not only the rules of evidence, but the agency’s own procedures for gathering evidence. By arguing that “every voice must be heard,” while in fact stifling the voice of the political minority on the Commission itself, it is guilty of gross hypocrisy.

Among the procedural problems in the drafting of the report:

- Republican-appointed commissioners were never asked for any input in the composition of the witness list or in the drafting of the report itself. In fact, at one point, we were denied access to the witness lists altogether prior to the hearing. An outside expert with strong partisan affiliations was hired to do a statistical analysis without consultation with commissioners.

- At the hearings in Florida, the secretary of state and other Republican witnesses were treated in a manner that fell far short of the standard of fair, equal and courteous.
- The majority reached and released its verdict, in the form of a “preliminary assessment,” long before the report was ready for discussion.
- Florida authorities who might be defamed or degraded by the report were not given the proper time to review the parts of the report sent to them—to say nothing of their right to review the report in its entirety.
- Affected agencies were not given adequate time to review applicable provisions, and a draft final report was made available to the press that included no corrections or amendments on the basis of affected agency comments.
- Commissioners were given only three days to read the report—one less day than three major newspapers had—before its approval by the Commission at the June 8 meeting. This and other aspects of the process were contrary to the schedule, and made careful, detailed feedback at the time literally impossible.

In its efforts to investigate procedural irregularities in Florida, the Commission has clearly engaged in serious procedural irregularities of its own. By consistently violating its own procedures for fair and objective fact-finding, the Commission undermines its credibility and calls into question the validity of its work.

Part I: The Statistical Analysis Done for the Commission by Dr. Allan Lichtman Does Not Support the Claim of Disenfranchisement

The most sensational “finding” in the majority report is the claim that black voters in Florida were nine times as likely as other residents of the state to have cast ballots that did not count in the presidential contest. Dr. Lichtman's work does not establish this dramatic claim.

The most sensational “finding” in the majority report, and the one that received most attention in the press, is the claim that black voters in the Florida election in 2000 were allegedly nine times as likely as other residents of the state to have cast ballots that did not count in the presidential contest, and that 52 percent of all disqualified ballots were cast by black voters in a state whose population is only 15 percent black. This charge made the headlines, but it is nothing more than a wild guesstimate

Dr. Lichtman's statistical analysis is badly flawed, strongly slanted to support preconceived conclusions that cannot withstand careful scrutiny. The assertion that votes by African Americans were nine times as likely to be rejected as those by whites, we will show in detail below, is completely unsubstantiated. Dr. Lichtman's other estimates are not much more reliable, and he fails to examine the impact of variables that were of great importance in determining the outcome.

Below we provide a broader and more sophisticated regression analysis prepared for us by an econometrician, an analysis which clashes with that provided in the majority report on virtually every important point.

Disenfranchisement is not the same as voter error.

The report talks about voters likely to have their ballots spoiled; in fact, the problem was undervotes and overvotes, some of which were deliberate (the undervotes, particularly). The rest were due to voter error. Or machine error, which is random, and thus cannot “disenfranchise” any population group. It was certainly not due to any conspiracy on the part of supervisors of elections; the vast majority of spoiled ballots were cast in counties where the supervisor was a Democrat—a point to which we will return.

It is important to note at the outset that the majority report's account of Dr. Lichtman's findings employs language that serves to obscure the true nature of the phenomenon under investigation. These pages are filled with references to the “disenfranchisement” of black voters, as if African Americans in Florida last year were faced with obstacles comparable to poll taxes, literacy tests, and other devices by which southern whites in the years before the Voting Rights Act of 1965 managed to suppress the black vote and keep political office safely in the hands of candidates committed to the preservation of white supremacy.

Black votes, we are told again and again, were “rejected” in vastly disproportionate numbers. “Countless Floridians,” the report concludes, were “denied... their right to vote,” and this “disenfranchisement fell most harshly on the shoulders of African Americans.”¹ In a particularly masterful bit of obfuscation, the majority report declares that, “persons living in a county with a substantial African American or people of color population are more likely to have their ballots spoiled or discounted than persons living in the rest of Florida.” This alleged fact, the reader is told, “starts to prove the Florida election was not 'equally open to participation' by all.”²

Let us be clear. According to Dr. Lichtman's data, some 180,000 Florida voters in the 2000 election, 2.9 percent of the total, turned in ballots that did not indicate a valid choice for a presidential candidate and thus could not be counted in that race. Six out of ten of these rejected ballots (59 percent) were “overvotes” – ballots that were disqualified because they indicated more than one choice for president. Another 35 percent were “undervotes,” ballots lacking any clear indication of which presidential candidate the voter preferred.³ (The other 6 percent were invalid for some other unspecified reason. Since they are ignored in the majority report, they will be here as well.)

Hence the chief problem in Florida was voters who cast a ballot for more than one candidate for the same office, and the second most common problem was voters who registered no choice at all. Ballots were “rejected,” in short, because it was impossible to determine which candidate – if any – voters meant to choose for president.

Some of these overvotes and undervotes, it should be noted, may have been the result of deliberate choices on the part of voters. In fact, Chair Mary Frances Berry remarked at the hearing in Miami that she herself has sometimes “over-voted deliberately.”

Chair Berry cannot be the only voter in the United States to make such a choice. According to the exhaustive investigation of the ballots conducted by the *Miami Herald*, 10 percent of all the overvotes in the state showed votes for both Bush and Gore.⁴ Some of these voters, it is reasonable to assume, were attempting to convey the message that either candidate would be equally acceptable. Some voters in Citrus County put giant X's

¹ Report, 154

² Report, 18.

³ Report, 21. Note that later in the report, on page 148, the majority asserts that it was highly anomalous that 63 percent of spoiled ballots in Palm Beach County were overvotes, and blames the alleged anomaly on the infamous butterfly ballot. The pattern, according to the report, was “just the opposite of what we normally observe, which is five percent or less of the spoiled ballots.” How could the author of this passage possibly think that 5 percent or less was the norm for overvotes in Florida when the Lichtman figures cited earlier in the report reveals that fully 59 percent of all the spoiled ballots in the state were overvotes?

⁴ Martin Merzer, *The Miami Herald Report: Democracy Held Hostage* (New York: St. Martin's Press, 2001), 194

through the names of all presidential candidates, perhaps to indicate “none of the above.”⁵

Similarly, some of the undervotes under discussion here must be recorded by people who could not settle on a choice for president but who turned up to register their preferences in other contests. We know from the *Miami Herald's* inspection of the 61,111 undervoted ballots in the state that almost half – 46.2 percent – had no markings at all for president.⁶ It seems reasonable to assume that many of them did not intend to register a choice among the presidential candidates, and had come to the polls to vote for other offices. According to exit polls in Miami-Dade County, 1 percent of the voters made choices for other offices, but not in the presidential race.⁷ If so, that would account for 56 percent of all the undervotes in Miami-Dade.

If half of these unmarked ballots in Florida were produced by voters who really did not want to make a choice for president, that would reduce the number of so-called “spoiled ballots” in the state from 180,000 to less than 150,000. It would be interesting if we could make a similar statistical estimate of the proportion of overvoters who did it deliberately; unfortunately that is impossible.

What is clear is this: In these instances, overvoting and undervoting are not “problems” that require “remedies.” And they certainly are not evidence that anyone is being “disenfranchised.” They represent the actual preferences of the voters in question, and it is misleading to label them “spoiled” ballots at all.

The majority would have us believe that “countless” numbers of Floridians who were legally entitled to vote had their ballots “spoiled.” In fact, we are not talking about “countless” ballots. We are talking about 180,000 invalid ballots, *minus* those that did not indicate a clear presidential choice because the voter had not decided on a presidential preference. Thus the 180,000 figure, 2.9 percent of the total, is an upper bound estimate of the true figure, which is undoubtedly smaller by an unknown amount. The county-by-county figures on so-called spoiled ballots are likewise exaggerations, biased upward to an unknown amount.

Still, there are overvotes and undervotes that undoubtedly did not reflect the will of the voters. What accounts for them? The opening paragraph of the introduction to the majority report suggests that the issue is whether “votes that were cast were properly tabulated.”⁸ What does this mean? Are we to believe African Americans cast their ballots correctly on election day, but that many of their ballots were incorrectly tabulated by the machines, or the people who conducted manual recounts in some counties? There is no

⁵ *Ibid.*, 195.

⁶ *Ibid.*, 230-231

⁷ Richard A. Posner, *Breaking the Deadlock: The 2000 Election, the Constitution, and the Courts* (Princeton, N.J.: Princeton University Press, 2001), 61.

⁸ Report, 1

evidence whatsoever to support that implication.

Some of the 180,000 rejected ballots may have the result of machine error, of course – but very few. Machine error, according to experts who have studied it, is rare, involving at most 1 in 250,000 votes cast.⁹ And machine error is obviously random, and thus cannot “disenfranchise” any population group. No one has yet shown that a VotoMatic machine can be programmed to distinguish black voters from others and to record votes by African Americans in such a way as to facilitate their rejection.

There is only one other explanation of what the Commission tendentiously describes as “disenfranchisement.” The problem is *voter error*, a term that astonishingly appears nowhere in the majority report. This is the central fact the majority report attempts to obscure. Some voters simply did not fill out their ballots according to the instructions. They failed to abide by the very elementary rule that you must vote for one and only one candidate for the office of president of the United States, and therefore their attempt to register their choice failed. Their ballots were rejected, and their votes did not count.

The Ecological Fallacy

The majority report argues that race was the dominant factor explaining whose votes counted and whose were rejected. But the method used rests on the assumption that if the proportion of spoiled ballots in a county or precinct is higher in places with a larger black population, it must be African American ballots that were disqualified. That conclusion does not necessarily follow, as statisticians have long understood. This is the problem that is termed the ecological fallacy.

We have no data on the race of the individual voters. And it is impossible to develop accurate estimates about how groups of individuals vote (or misvote) on the basis of county-level or precinct-level averages.

Did African American voters in the 2000 Florida election have more difficulty completing their ballots correctly than did other citizens of the state, and hence have a higher rate of ballot rejection? Quite possibly so, but Dr. Lichtman’s estimates upon which the Commission relied are open to very serious doubt. At best, they are highly exaggerated, and strong evidence (Dr. Lott’s research, discussed below) suggests they are entirely wrong.

How can we figure out whether there were major racial differences in the rate of voter

⁹ According to the Caltech/MIT Voting Project, “state and federal voting machine certifications tolerate very low machine failure rates: no more than 1 in 250,000 ballots for federal certification and no more than 1 in 1,000,000 in some states.” The problem, according to these investigators, has to do with “how people relate to the technologies....” See the Caltech/MIT Voting Project, “A Preliminary Assessment of the Reliability of Existing Voting Equipment,” February 1, 2001, 13.

error or ballot spoilage in the 2000 election? We have no data whatever on the race of those individuals who cast invalid ballots. We have secret ballots in the United States, and accordingly cannot know how any individuals actually voted. Thus we cannot know with any precision how particular ethnic or racial groups voted, or at what rate their ballots were actually counted.¹⁰ Whatever conclusions we draw about the matter must be based on estimates that will be susceptible to error. The question is whether the analysis and interpretations offered in the majority report are at least pretty good approximations of reality. There are many reasons to doubt that they are.

The majority report attempts to draw conclusions about this important matter by examining county-level, and to a limited extent, precinct-level data. It argues that race was the dominant factor explaining whose votes counted and whose votes were rejected. The method employed to reach that conclusion rests on the assumption that if the proportion of spoiled ballots tends to increase across counties or across precincts as the proportion of black residents in those counties increases, it must be African American voters whose ballots were disqualified. This simple methodology may seem intuitively appealing – but it is well established that it is often wrong.

Statisticians have long understood the difficulty of making such inferences due to a phenomenon that is known in the social science literature as the “ecological fallacy.” The classic discussion of this issue is in an article that was published half a century ago in the *American Sociological Review*.¹¹ In that paper, W.G. Robinson reported that he had examined the correlation between the proportion of a state's population that was foreign-born and the state's literacy rate. He found, surprisingly, a *positive* correlation between the literacy rate and the proportion of immigrants in the population. Contrary to the conventional wisdom, the larger the foreign-born population, the higher the overall literacy rate was in a state. The correlation was .53, a bit higher than the one found by Dr. Lichtman between race and ballot spoilage rates.

Did that really prove that Americans born abroad were more literate, on the average, than those born within the United States? Robinson chose this case because he had reliable data against which to check the ecological estimate; census data were available for *individuals*. When Robinson analyzed it, he found that country of birth was *negatively* correlated with literacy; the actual figure was -.11. Immigrants were actually significantly less likely than natives to be literate, despite the strong state-level correlation suggesting just the opposite.

¹⁰ Exit polls are commonly used to estimate how particular groups voted, and even they are far from perfect. One flaw is that absentee voters are not represented at all. In any event, we can't tell from an exit poll whether someone failed to complete a valid ballot; if they thought they had erred, presumably they would have had it invalidated and have received another.

¹¹ W.G. Robinson, "Ecological Correlations and the Behavior of Individuals," *American Sociological Review*, vol. 15 (June, 1950), 351-357.

The state-by-state correlation gave a completely false picture, because it happened that the states with highly literate populations were also more developed economically and attracted more immigrants because jobs were available there. New York, for example, was more literate than Arkansas. It also had a higher fraction of immigrants in its population, but not enough to pull the state average literacy rate down very much.

A more recent example derives from the work of an eminent mathematical statistician at the University of California at Berkeley, David A. Freedman.¹² Using data from the 1995 Current Population Survey, Freedman found that the correlation between the proportion of immigrants in the population of the 50 states and the proportion of families with incomes over \$50,000 in 1994 was .52. Foreign-born Americans, judging from this ecological correlation, were considerably more affluent than their native-born neighbors. But the evidence also allowed Freedman to look at incomes on the individual level. When you do that, it turns out that in the nation as a whole, 35 percent of native-born American families were in the \$50,000 and over income bracket – but only 28 percent of immigrant families were. The true correlation between being foreign-born and having a high family income was not the .52 estimated from state-level data; it was instead a mildly *negative* correlation of -0.05.

In this instance, too, estimates based on ecological correlations were not just a bit off, a little imprecise but still close enough to the truth for most purposes. They were way off the mark, and indeed had falsely transformed relationships that were actually negative into positive ones.

The problem of the ecological fallacy afflicts all of the statistical analyses Dr. Lichtman did for the majority report. We must remember that counties do not vote. Precincts do not vote. Only individuals vote. It is impossible to develop accurate estimates about how groups of individuals vote (or misvote) on the basis of county-level or precinct-level averages.

In his appearance before the June 8, 2001 meeting of the Commission on Civil Rights, Dr. Lichtman sounded a note of caution about his findings. He declared that a correlation does not “by itself prove” that there were “disparate rates” at which ballots by African Americans and “non-African Americans” were rejected.¹³ That is certainly true. But he went on to claim that the “more advanced statistical procedures” he employed could reliably do so. Unfortunately, that is not true. The use of ecological regression techniques does not solve the problem of the ecological fallacy, because it depends upon exactly the same aggregated data as simple correlational analysis, and makes the same, often incorrect, “constancy assumption.” It assumes that there is no relationship between the

¹² D.A. Freedman, "Ecological Inference and the Ecological Fallacy," University of California at Berkeley Department of Statistics Technical Report No. 549, Oct. 15, 1999, This paper will appear as a chapter in the forthcoming International Encyclopedia of the Social Sciences.

¹⁶ Transcript of June 8, 2001 meeting, 42.

composition of geographical areas and the relationship in question, when in fact there often is.

If the information utilized in an analysis is based on averages for geographical units, whether they are counties or precincts, the results will necessarily be imprecise and they may be just plain wrong, as in the example of immigrant literacy levels given above. When David Freedman did an ecological regression of state-level data to assess the relationship between immigration and family income, he found that it estimated that fully 85 percent of foreign-born American families had 1994 family incomes above \$50,000. But the true figure, from individual-level data, was really only 28 percent.¹⁴ Ecological regression, in this case, yielded results that were wildly mistaken. In another paper, Freedman provided a similar critique of ecological regression estimates of political behavior specifically, in instances in which individual-level data happened to be available, and he found ecological regression estimates to have been highly unreliable.¹⁵

In sum, inferences about individual behavior on the basis of the average distribution of some characteristic across geographical units are sometimes wildly inaccurate. They must be examined with great caution and skepticism. The majority report does not display the necessary caution about what the facts reveal. A more searching analysis, summarized below and spelled out in Appendix I, demonstrates how misleading Dr. Lichtman's findings are.

The Commission's Failure to Analyze Factors Other Than Race

The Commission's report assumes race had to be the decisive factor determining which voters spoiled their ballots. Indeed, its analysis suggests that the electoral system somehow worked to cancel the votes of even highly educated, politically experienced African Americans.

In fact, the size of the black population (by Dr. Lichtman's own numbers) accounts for only one-quarter of the difference between counties in the rate of spoiled ballots (the correlation is .5). And Dr. Lichtman knows that we cannot make meaningful statements about the relationship between one social factor and another without controlling for or holding constant other variables that may affect the relationship we are assessing.

Although Dr. Lichtman claims to have carried out a "more refined statistical analysis," neither the Commission's report nor his report to the Commission display evidence that he has successfully isolated the effect of race per se from that of other variables that are

¹⁴The explanation is that immigrants tend to be attracted to the richer states--California and New York rather than Tennessee and Mississippi. Thus their presence is associated with high average incomes at the state level, but that does not mean that their average incomes are especially high.

¹⁵D. A. Freedman, S. P. Klein, M. Ostland, and M. Robert, "On 'Solutions' to the Ecological Inference Problem," Journal of the American Statistical Association, vol. 93 (December 1998), 1518-1523.

correlated with race: poverty, income, literacy, and the like. A complex model applied to the Florida data by our own expert, Dr. John Lott, enables us to explain 70 percent of the variance (three times as much as Dr. Lichtman was able to account for) without using the proportion of African Americans in each county as a variable.

In fact, using the variables provided in the report, Dr. Lott was unable to find a consistent, statistically significant relationship between the share of voters who were African American and the ballot spoilage rate. Further, removing race from the equation, but leaving in all the other variables only reduced ballot spoilage rate explained by his regression by a trivial amount. In other words, the best indicator of whether or not a particular county had a high or low rate of ballot spoilage is not its racial composition. Other variables were more important.

Was race itself a decisive factor in determining which voters spoiled their ballots in the 2000 election in Florida, as the majority report contends? Did the electoral system somehow work in such a way that even highly educated, politically experienced African Americans, for example, cast ballots that were somehow spoiled in some unspecified and mysterious way? The majority report claims that the answer was yes, though it provides no indication of how the process worked to produce that result. Dr. Lichtman's statistical analysis, the report claims, demonstrates that such was the case.

It does nothing of the sort, even if we set aside for the sake of argument the serious doubts most statisticians have about the accuracy of any estimate based on an ecological regression or correlation. The report begins with the simple correlation between the percentage of African American registered voters in Florida's counties and the percentage of spoiled ballots. That correlation is .50.¹⁶ Speaking in statistical shorthand, that "explains" 25 percent of the total variance across the counties. (It doesn't necessarily "explain" anything in ordinary language, we shall see later).

In other words, if you want to know why some Florida counties have a high and some a low rate of spoiled ballots, knowing their racial composition only accounts for *one quarter* of the difference.

Social scientists know that a simple correlation of about .5 between two variables has very little meaning. We cannot make meaningful statements about the relationship between one social factor and another without *controlling for* or *holding constant* other variables that may affect the relationship we are assessing. Since no other variables are included in this correlation, anyone who ever took Statistics 101 would realize that it is of just about zero value.

The Commission's report acknowledges the need for "a more refined statistical analysis"

¹⁶ Report, 21,

of this matter. It notes that "an obvious question" was "presented" by the findings of the simple correlation. "Is there some other factor that better explains this disparity of ballot rejection rates?" That certainly is a crucial question. "The answer," the commission assures us, "is no."

The first thing to note about this key passage is that it doesn't sound like anything a sophisticated social scientist would write. To say that the issue is whether "some other factor better explains" a disparity implies that the analyst, like a voter casting a ballot for president, must pick one and only one candidate. The question that a "refined statistical analysis" would ask is not whether some of other single factor "better explains" something. It would ask what combination of factors best explains the phenomenon, and what causal weight may be attributed to each of these factors. Such a complex determination is precisely the purpose of multivariate regression analysis.

Furthermore, the claim that there "no other factor...better explains" the disparity in ballot rejection rates implies that many possibly relevant factors have been analyzed by Dr. Lichtman. The report states explicitly that he did a regression that "controlled for the percentage of high school graduates and the percentage of adults in the lowest literacy category." It also claims that he did a similar regression analysis for counties that used punch card or optical scanning technology recorded centrally. The discussion clearly implies that various other factors were also considered, but were found to be of no significance—not worth mentioning. Appendix I of Dr. Lichtman's report gives county-level values for such variables as median income and percent living in poverty, and the reader naturally assumes that all of these were examined in his "more refined statistical analysis." Perhaps they were, but since Dr. Lichtman does not provide the actual results of the regression analyses, it is impossible to tell.

This failure to spell out necessary details is in striking contrast to a new book about the Florida election by Judge Richard Posner. Although *Breaking the Deadlock* is aimed at a general audience, unlike Dr. Lichtman's report, Judge Posner nonetheless includes seven tables that provide the complete details of the regression analyses that he performed to determine the sources of the undervotes and overvotes in Florida.

The "refined statistical analysis" provided by Dr. Lichtman, we conclude after careful study, consists of nothing more than adding two measures of education (very inadequate measures, we shall argue below) and controlling for voting technology. And we have to take Dr. Lichtman's word about even those results, since he does not supply the details. Competent social scientists can have long arguments about the interpretations of the results of a regression analysis. It is regrettable that the Civil Rights Commission expects us to take its claims on faith.

What about all the other variables that might have influenced rates of ballot spoilage? Poverty levels would be one good example. Senator McConnell asked Dr. Lichtman

specifically about the possible role of poverty at the June 27 hearing of the Senate Committee on Rules and Administration, and received a completely non-responsive answer that dealt not with poverty but with education. This seemed puzzling to us. Dr. Lichtman, after all, is no absent-minded professor who has never learned to listen to questions carefully. He has served as an expert witness in federal court on more than five dozen voting rights cases. We could be wrong, but we suspect that the honest answer to the question was that Dr. Lichtman had no idea whether poverty influenced ballot spoilage rates because he had failed to include it as a variable in his regression analysis.

The supposed refinements in Dr. Lichtman's regression analysis did not include using poverty rates as a variable, as far we can tell. Nor did they include measures of median family income, population density, proportions of first-time voters, or age structure, to name a few about which census data is readily available. So when the report declares that the answer to the question of whether other factors could have produced the ballot is "no," it is deceptive. In fact, Dr. Lichtman has no idea what role "other factors" like poverty may have played, because he did not take them into account in his analysis.

Although the commission refused--and still refuses--to provide us the machine readable data Dr. Lichtman used in his analysis, we were able to assemble the necessary material for our own analysis. We were fortunate in being able to enlist the help of a first-rate economist, Dr. John Lott of the Yale Law School. Dr. Lott agreed to evaluate the work of the commission and of Dr. Lichtman, and even to gather additional data of his own to further extend the analysis. Dr. Lott's report, with accompanying figures and tables, appears as an appendix to this statement.

Dr. Lott ran a series of regressions, varying the specifications in an effort to replicate Dr. Lichtman's results. Using all the variables reported in Appendix I in the majority report, he was unable to find a consistent, statistically significant relationship between the share of voters who were African American and the ballot spoilage rate. He found that the coefficient on the percent of voters who were black was indeed positive, but it was statistically insignificant. The chance that the relationship was real was only 50.3 percent, just about the chance of getting tails to come up on any one coin toss and far below the 95 percent significance level commonly demanded in social science.

Furthermore, when Dr. Lott analyzed the data using a specification that implied that the share of African American voters in a county *was* significantly related to the level of ballot spoilage, he found that it explained hardly any of the overall variance. Removing race from the equation but leaving in all the other explanatory variables only reduced the amount of ballot spoilage explained by his regression from 73.4 percent to 69.1 percent, a mere 4.3 percentage point reduction (see Lott's Table 3 in the attachment).

Indeed, in none of the other specifications provided in Dr. Lott's Table 3 did taking racial information out of the analysis but leaving in other variables reduce by more than 3

percent the amount of variance in the spoiled ballot rate that is explained. *Consequently, it simply is not true that the best indicator of whether or not a particular county had a high or low rate of ballot spoilage is its racial composition.* Dr. Lichtman's claims to the contrary appear to be based on a very narrow and incomplete analysis that failed to control for hardly any variables but race.

Was Education the Problem?

The obvious explanation for a high number of spoiled ballots among black voters is their lower literacy rate. Dr. Lichtman offers only a perfunctory and superficial discussion of the question, and fails to provide the regression results that allegedly demonstrate that literacy results were irrelevant. This claim is impossible to reconcile with the Commission's own recommendation that more "effective programs of education for voters" are needed to solve the problem. Moreover, the data upon which he relies are too crude to allow meaningful conclusions. They are not broken down by race, for one thing.

Although it does not take a high level of literacy to follow the instruction, "Vote for ONE of the following," or "Fill in the box next to the name of the candidate you wish to vote for," it does take some reading ability. We know that some Americans today, regrettably, find it extremely difficult to understand even the simplest written instructions. And, unfortunately, this group is disproportionately black. The U.S. Department of Education's 1992 Adult Literacy Study found that 38 percent of African Americans – but only 14 percent of whites – ranked in the lowest category of "prose literacy," which was defined as being unable to "make low-level inferences based on what they read and to compare or contrast information that can easily be found in [a] text."¹⁷

Black Americans, the study found, were 2.7 times as likely as whites to have the lowest level of literacy skills. Likewise, the 1998 National Assessment of Educational Progress found that 43 percent of African American 12th-graders had reading skills that were "Below Basic," as compared to just 17 percent of whites.¹⁸ Black students were 2.5 times as likely as whites to lack elementary reading skills. Among adults employed full-time, blacks are 4.1 times more likely than whites to be in the lowest prose literacy category.¹⁹

National studies provide no data on Florida specifically. However, we know from the National Assessment of Educational Progress that black 4th- and 8th-graders in Florida (no state-level data is available for 12th-graders) are no better readers than their

¹⁷ National Center for Education Statistics, Adult Literacy in America: A First Look at the Results of the National Adult Literacy Survey, National Center for Education Statistics (Washington, D.C.: U.S. Government Printing Office, 1993), 18, 113.

¹⁸ National Center for Education Statistics, NAEP 1998 Reading Report Card for the Nation and the States, NCES 1999-500 (Washington, D.C.: U.S. Department of Education, 1999), 70.

¹⁹ National Center for Education Statistics, Literacy in the Labor Force: Results from the National Adult Literacy Survey, NCES 1999-470 (Washington, D.C.: U.S. Department of Education, 1999), 57.

counterparts elsewhere. Indeed, their scores are below the national average for African Americans.²⁰ No fewer than 57 percent of Florida's black 8th-graders in 1998 were Below Basic in reading, 10 points above the national average for African Americans, and 2.7 times as high as the white figure.

The majority report, though, denies that racial differences in literacy levels could be the source of the problem. It devotes only a brief paragraph to the matter, claiming that "a multiple regression analysis that controlled for the percentage of high school graduates and the percentage of adults in the lowest literacy category failed to diminish the relationship between race and ballot rejection."²¹

But the regression results themselves are not provided for the critical reader to assess. When one turns to Dr. Lichtman's actual report for greater illumination, one finds nothing more than the exact language used in the commission report. This is a cavalier way to treat an issue as serious as this one. We have specifically and repeatedly asked the commission to provide us with the details of this regression analysis performed by Dr. Lichtman and the data on which it was based. But our requests have been denied.

Anyone uncomfortable with being asked to take at face value Dr. Lichtman's claim that literacy is irrelevant in explaining ballot spoilage should examine the very different analysis of the question presented in Judge Richard Posner's new study. Describing the results of his regression analysis in full detail, Judge Posner reaches the conclusion that it was "not because black people in Florida are racially distinct, but because they are poorer and less literate on average, that they are likely to encounter greater difficulty than whites in coping with user-unfriendly voting systems."²²

The claim that the incidence of ballot spoilage or voter error is unrelated to education is counter-intuitive. It is also extremely puzzling, because just a few pages later in the same chapter the report addresses possible solutions to the problem. It urges the adoption of optical scanning systems with immediate feedback, what the report terms a "kick out" feature to advise the voter that the ballot is not complete--that it gave no vote or too many votes for president, for example.²³ The point of a "kick out" system is thus to reduce *voter error*, although the Commission Report studiously avoids any mention of that term. Voters who are able read and follow the simple directions on the voting machine do not need any "kick out" system to advise them of their mistakes.

The report then goes on to say that even this reform would not completely "eliminate the disparity between the rates at which ballots cast by African Americans and whites are rejected." It estimates that it would only cut the disparity by about half. What else could

²⁰ NAEP 1998 Reading Report Card, 260, and data from the NAEP website.

²¹ Report, 22; Lichtman Report, 6.

²² Posner, *Breaking the Deadlock*, 81.

²³ Report, 37.

be done? The Commission's answer is "effective programs of education for voters, for election officials, and for poll workers."²⁴

The commission majority seems to be declaring both that:

1. The lower average level of literacy among Florida's blacks has nothing to do with the allegedly higher rate of voter error by blacks; and
2. The solution to this problem is for the state of Florida to launch a huge new program designed to educate black voters on how to vote successfully, and to better instruct election officials and poll workers how to assist them.

The logic eludes us.²⁵

How Many of the Spoiled Ballots Were Cast by First-time Voters?

An important source of the high rate of ballot spoilage in some Florida communities may have been that a sizable fraction of those who turned out at the polls were there for the first time and were unfamiliar with the rules of the electoral process. Impressionistic evidence suggests that disproportionate numbers of black voters fell into this category. The majority report's failure to explore—or even mention—this factor is a serious flaw..

A closely related and complementary explanation of what the majority report claims was

²⁴ Report, 34.

²⁵ It should be noted that the data that are available on literacy are so crude that it is hard to draw any solid conclusions by looking at variations across counties. The data are "synthetic estimates of adult literacy proficiency" derived from the U.S. Department of Education's 1992 National Adult Literacy Survey, available in National Institute for Literacy, The State of Literacy in America: Estimates at the Local, State, and National Levels (Washington, D.C.: 1998), and on a number of web sites. The best electronic source for them is < <http://www.casas.org> >, where they may be found by doing a search for adult literacy. The estimates for Florida counties are "synthetic," because the 1992 NALS did not include enough sample members living in Florida to allow for any conclusions about the state, much less about individual counties. They have wide confidence intervals – an average of 6 percent. More important, the literacy data are not broken down by race. So they cannot tell us anything about whether the small fraction of a county's voters who failed to cast a ballot successfully were people who had difficulty reading and *what the racial composition of that group might be*. Remember that the highest rate of ballot spoilage in any county was 12.4 percent, and that it was below 5 percent in nearly two-thirds of the counties. So we are talking about a very small group, and one whose presence is not likely to show in county-wide averages. Palm Beach County, for example, led the state in the number of spoiled ballots – nearly 30,000. Some 6.4 percent of all the ballots cast there were invalid. The proportion of Palm Beach residents who ranked in the bottom literacy category was 22 percent, a little below the state average of 25 percent. And the proportion who had attended college was 48 percent, again above the state average. But this does not allow us to conclude that the 6.4 percent of Palm Beach voters who failed to complete their ballots successfully were not primarily people who had difficulty in reading, comprehending, and following ballot instructions. The only reliable way of assessing the impact of literacy on ballot spoilage would be to administer the 45-minute NALS test to a representative sample of voters in each geographic unit used in the analysis.

a racial difference in rates of ballot spoilage is that an unusually high proportion of the blacks who voted in Florida in 2000 were first-time voters. According to estimates widely cited in the press, as many as 40 percent of the African Americans who turned up at the polls in Florida in November had never voted before.

It is not clear whether this was indeed true. Recently released figures from Florida's Division of Elections indicate that 10 percent of the voters who cast a ballot in November 2000 were African American, up only slightly from the 9.5 percent in 1996.²⁶ Earlier estimates that blacks accounted for as much as 15 percent of the electorate were based on exit polls conducted by the Voter News Service, yet another indication of the fallibility of estimates coming from that organization. This evidence suggests that if an unusually large number of blacks voted for the first time in 2000, their numbers must have been largely offset by a unusually large drop in the numbers of more experienced black voters turning out, which seems unlikely.

Nevertheless, Dr. Lichtman did not know what the figures only released in July of 2001 would show. He must have been aware of widespread reports in the press that a flood of inexperienced black voters came to the polls in Florida last year, and that many had problems figuring out how to cast their ballots. It is thus startling and revealing that neither the majority report nor Dr. Lichtman's report even mention this as a possible source of voter error, much less choose to investigate it. Certainly, it was a variable of possible relevance, and there were data available that could have been used in a regression analysis.

The Missing Dimension: The Failure to Analyze Change Over Time

Most social scientists understand that the interpretation of social patterns on the basis of observations at just one point in time is dangerously simplistic. But that is all the majority report offers. It focuses entirely on the 2000 election returns. Dr. Lott did two analyses that take the time dimension into account.

He looked at spoilage rates by county for the 1996 and 2000 presidential races, and compared them with demographic change. A rise in a county's black population did not result in a similar rise in spoilage rates, suggesting, again, that race was not the causal factor at work.

Dr. Lott also examined data from the 1992, 1996, and 2000 races, and found that the "percent of voters in different race or ethnic categories is never statistically related to ballot spoilage."

²⁶ Frank J. Murray, "Florida's Black Voter Turnout Grossly Overstated," Washington Times, July 11, 2001.

All of the statistical analysis developed by Dr. Lichtman concerns one moment in time—election day, November 2000. It is purely “cross-sectional” analysis. Most social scientists and historians recognize that the interpretation of social patterns on the basis of observations at just one point in time is fraught with peril. Relationships suggested by such analyses often do not hold up when the dimension of change over time is added. Earlier data concerning the same phenomenon should be examined. It is curious that a professional historian like Dr. Lichtman did not choose to place the 2000 election results in broader perspective by examining prior Florida elections. Surely he did not think that there was never an undervote or an overvote in Florida before Bush v. Gore.

Dr. Lott did two analyses that take the time dimension into account. First, he looked at spoilage rates by county for the 1996 and 2000 presidential races and asked how they might have been affected by changes in the racial demographics of those counties. If the Commission's report's simple link between race and “disenfranchisement” were true, counties that had a sharp rise in the proportion of African American residents would be expected to also see a strong increase in rates of ballot spoilage, and those in which the black population was shrinking proportionally would be expected to have a declining rate of ballot spoilage.

But when you look at the scatter plots in Dr. Lott's report (Figures 1-4), the picture looks quite different. There appears to be *little relationship at all between racial population change and ballot spoilage*, and the one correlation that he finds runs *counter* to the majority report's argument: An *increase* in the black share of the voting population is linked to a slight *decrease* in spoilage rates, although the difference is not statistically significant.

For a second analysis, Dr. Lott compiled data on voting in the 1992 and 1996 as well as 2000 presidential elections. In the set of regressions he provides in his Table 5, the “*percent of voters in different race or ethnic categories is never statistically related to ballot spoilage.*” In the analysis supplied in his Table 6, which groups voters by age and sex and well as race, he found a very complex picture, with a positive link between the size of black population in five of ten age and sex categories, but just the opposite with the other five. To explain this strange pattern would require further research. Suffice it to say here that it is hard to imagine how discrimination could work against African American females in the 30-39 age bracket but in favor of black males of the same age.

Are the Precinct-level Estimates Any More Reliable? And What Do They Reveal?

The Commission's report, as earlier noted, estimates that black ballots were nine times more likely to be spoiled than white ballots. And it presents some precinct-level data, providing estimates based on smaller units that are likely to be somewhat closer to the

truth than estimates based on inter-county variations. The report ignores the fact that the county-level and precinct-level data yielded quite different results. Ballot rejection rates dropped dramatically when the precinct numbers were examined, even though comparing heavily black and heavily nonblack precincts should have sharpened the difference between white and black voters, rather than diminishing it. Dr. Lichtman obscures this point by shifting from ratios to percentage point differences.

Dr. Lichtman's precinct analysis is just as vulnerable to criticism as his county-level analysis. It employs the same methods, and again ignores relevant variables that provide a better explanation of the variation in ballot spoilage rates. No variables other than race and the type of voting system were even considered in this analysis.

Dr. Lichtman devotes considerable space to a discussion of precinct-level variations of in rates of ballot spoilage for three of the Florida's largest counties. His machine-readable data was not made available to us, regrettably, despite our repeated requests for it, and neither were we provided the details of his regression analysis. We suspect that if we had been able to reanalyze Dr. Lichtman's treatment of precinct-level data, we would have found it just as problematic as his work at the county level. But even in its absence we can offer a number of critical observations.

First, the only variables considered in this analysis are race (crudely dichotomized into the categories "black" and "nonblack") and voting technology. Dr. Lichtman has no precinct-level data at all on poverty rates, literacy levels, years of school completed, or other socioeconomic variable. So what he is really doing is the equivalent of his county-level simple correlations of race with rates of ballot spoilage, with no controls for any of the many other variables that could have influenced the pattern observed. The method is too simplistic to yield meaningful results with county-level data, and the same objection applies when it is employed with precinct-level data.

The precinct-level analysis presented in the majority report, we have already noted, can yield mistaken and misleading results, because it also depends upon averages calculated for geographic units and yields findings tainted by the ecological fallacy. However, precincts are much smaller units than counties and are usually more homogeneous, so the results are likely to be somewhat closer to the truth than estimates based on intercounty variations. The report claims that the precinct-level analyses Dr. Lichtman conducted for Duval, Miami-Dade, and Palm Beach counties simply confirm the estimates derived from county-level data. A careful comparison of the figures, however, yields a quite different conclusion.

If the results of the precinct-level regression analysis in three counties are assumed to be accurate—and we repeat the caution that they too are open to serious question—we note that they show something quite interesting. They indicate that the *racial disparity in rates of ballot rejection was apparently much smaller* than it appeared from the county-level

analysis.

As the table below indicates, using county-level data produces the estimate that black ballots were *nine times* as likely to be rejected as those cast by non-blacks. This estimate was given much play in the report and in press reports about it. But when you apply a more high-powered microscope to the election returns, and examine the evidence as reported by precinct, it turns out that this disparity was nowhere near nine to one. Instead, it ranged from 2.7 to 4.3. Thus it was from 52 percent to 70 percent *lower* than the statewide estimate about which so much was made in the report.

Estimated Racial Disparities in Ballot Rejection Rates: Percent Votes Rejected by Race and Ratio of Black to Non-Black Rejection

County-level estimates

	<u>Black</u>	<u>Non-Black</u>	<u>Ratio</u>
Florida	14.4	1.6	9.0

Precinct-level

Duval	23.6	5.5	4.3
Miami-Dade	9.8	3.2	3.1
Palm Beach	16.3	6.1	2.7

Extreme Case Precincts (90%+ black vs. 90%+ non-black precincts)

Duval	22.1	5.8	3.8
Miami-Dade	9.1	3.2	2.8
Palm Beach	16.1	6.2	2.6

[Derived from Tables 1-2 and 1-3 of Majority Report]

Further, the racial disparity ratios are narrower still in the precincts Dr. Lichtman examined as “extreme cases”—precincts that were 90 percent black (or 90 percent “non-black”). This is noteworthy. First, extreme case analysis should get us closer to the truth because it gets us closer to measuring the variable of interest—in this case, race. If almost everyone in these select precincts is black, the problem of the ecological fallacy intrudes much less. *That the relationship of ballot spoilage with race weakens instead of growing stronger is very telling.*

In addition, extreme case analysis tends to sharpen and exaggerate estimated group differences. Blacks who live in all-black or virtually all-black neighborhoods are likely to be poorer and less educated, for example, than African Americans in precincts that have a broader racial mix, and are thereby more likely to spoil their ballots. And nonblacks who live in areas with few black neighbors may be above average in their income and

educational levels, and less likely to make a mistake voting for that reason. If these factors were taken into account in the analysis, the racial difference might well vanish altogether.

Remarkably, Dr. Lichtman managed to discuss the relationship between his county-level and his precinct-level findings at the June 8, 2001 meeting of the Commission without ever calling attention to these striking (and inconvenient) facts. After mentioning the much publicized nine-to-one estimate that was so prominently featured in the report, he declared before turning to the precinct-level results that he didn't "like dealing with ratios because they don't tell you about people."²⁷ This is a very curious statement, since the report's best sound bite--that blacks were nine times as likely as nonblacks to cast ballots that were rejected--is a statement about a ration. Dr. Lichtman's report is filled estimates of the alleged relationship between race and ballot rejection rates without reference to a shred of evidence about the experience of any individual person.

Instead of considering the *ratio* of estimated ballot spoilage for black and non-black voters, Dr. Lichtman chose to look at percentage point differences. The estimated difference for the state as a whole was 12.8 points (14.4-1.6); for Duval it was 18.1; for Miami-Dade it was 6.6; for Palm Beach it was 10.2. Dr. Lichtman apparently averaged these when declared that the difference was "about 13 percent. It was a "double digit difference," he declared.²⁸ However, Miami-Dade's 6.6 percentage points is not a "double digit difference." More important, shifting the focus from *ratios* (9 to 1) to *percentage point differences* served to obscure a crucial fact: If precinct-level analysis yields better estimates than county-level estimates, the *actual* racial disparity in rates of ballot spoilage in Florida as a whole was far below nine to one. In fact, it was about three to one, and thus corresponded closely with the racial gap in literacy rates that we called attention to earlier.

Whose Fault Was It?

The majority report lays the blame for the supposed "disenfranchisement" of black voters at the feet of state officials—particularly Governor Jeb Bush and Secretary of State Katherine Harris. In fact, however, elections in Florida are the responsibility of 67 county supervisors of election. And, interestingly, in all but one of the 25 counties with the highest spoilage rates, the election was supervised by a Democrat—the one exception being an official with no party affiliation.

The majority report argues that much of the spoiled ballot problem was due to voting technology. But elected Democratic Party officials decided on the type of machinery used,

²⁷ Transcript of June 8, 2001 Meeting, 44.

²⁸ Ibid, 44.

including the optical scanning system in Gadsden County, the state's only majority-black county and the one with the highest spoilage rate.

A reader of the majority report would be led to think that many tens of thousands of Floridians tried to register their vote for president and failed to have it count because Governor Jeb Bush and Secretary of State Katherine Harris didn't want their votes to count and failed in their responsibility to ensure that they did. "State officials," the report declares, "failed to fulfill their duties in a manner that would prevent this disenfranchisement." Chair Berry, introducing the report at the June 8 meeting of the Commission, charged that the Governor and Secretary Harris had been "grossly derelict" in fulfilling their responsibilities.

But which officials were responsible for the conduct of elections in Florida's constitutionally decentralized system of government? Power and responsibility were lodged almost entirely in the hands of county officials, the most important of them the 67 county supervisors of elections. If anyone was intent on suppressing the black vote or to "disenfranchise" anyone else, it would have required the cooperation of these local officials.

Thus, it seems natural to inquire about the political affiliations of Florida's supervisors of elections. If the U.S. Commission on Civil Rights seeks to show that the presidential election was stolen by Republicans, led by the governor and the secretary of state, it would be logical to expect that they had the greatest success in those counties in which the electoral machinery was in the hands of fellow Republicans. Conversely, it is very difficult to see any political motive that would lead Democratic local officials to try to keep the most faithful members of their party from the polls and to somehow spoil the ballots of those who did make it into the voting booth.

The report never asks this question, though it seems an interesting hypothesis to explore. The data with which to explore it are readily available. When we examined the connection between rates of ballot spoilage across counties and the political affiliation of the supervisor of elections, *we found precisely the opposite of what might be expected*. There was indeed a relationship between having a Republican running the county's election and the ballot spoilage rate. But it was a *negative* correlation of $-.0467$.

Having a Democratic supervisor of elections was also correlated with the spoilage rate – by $+ 0.424$. Dr. Lott has found that the ballot spoilage rate in counties with Democratic supervisors were three times as high as in those with Republican supervisors (see Lott's Table 3). Should we conclude that Republican local officials were far more interested than Democrats in making sure that every vote counted?

Of the 25 Florida counties with the highest rate of vote spoilage, in how many was the election supervised by a Republican? The answer is *zero*. All but one of the 25 had

Democratic chief election officers, and the one exception was in the hands of an official with no party affiliation.

Dr. Lott provides a fuller examination of the possible impact of having a Democratic supervisor of elections in his Table 3, and adds another related variable—whether or not the supervisor was African American. Having Democratic officials in charge increases the ballot spoilage rate substantially, and the effect is stronger still when that official is African American. (All African American supervisors of elections are Democrats.) Lott estimates that a 1 percent increase in the black share of voters in counties with Democratic election officials increases the number of spoiled ballots by a striking 135 percent.

We do not cite this as evidence that Democratic officials, for some bizarre reason, sought to disenfranchise blacks, and that black Democratic officials were even more eager to do so. That is manifestly absurd. It is worth noting for two reasons. First, it nicely illustrates the limitations of ecological correlations. Would anyone want to draw the conclusion from this correlation that the solution was to elect more Republican supervisors of elections?

Second, it has important bearing on the question of *who is to blame* for the large numbers of spoiled ballots in minority areas. The majority report argues that much of the problem was due to voting technology—the use of punch card machines or optical scanning methods that did not provide feedback to the voter produced a higher rate of ballot spoilage. But *who decided* that the voters of Gadsden County (the state's only black-majority county and the one with the highest rate of spoiled ballots) would use an optical scanning system in which votes were centrally recorded? *Who decided* that Palm Beach and Miami-Dade county voters would use punch card machines? Certainly it was not Jeb Bush or Katherine Harris. Nor was it Lawton Chiles. It was *Democratic local officials in those heavily Democratic counties who made those choices*.

It is worth noting that after these findings were mentioned at the June 27, 2001 hearing of the Senate Committee on Rules and Administration, the Chair of the Commission on Civil Rights professed to feeling no surprise. The Commission's Report, she maintained, had noted that local as well as state officials had responsibility for the conduct of the election. The report, though, devotes far more attention to Governor Jeb Bush and Secretary of State Katherine Harris than to county supervisors of elections who have primary responsibility for election day procedures. Furthermore, there is no hint in the report that the local officials in those counties that accounted for a large majority of the spoiled ballots were Democrats who had no conceivable interest in suppressing the black vote. It is true that the party affiliation of Governor Bush and Secretary of State Harris are not mentioned either. But that hardly matters because everyone knows what party they belong to, while few are aware of the fact that Florida's electoral machinery is largely in the hands of county officials who are Democrats.

It is easy, of course, to say with hindsight that Florida should have had a uniform system of voting and a common technology for all elections. The Commission recommends that. But if Governor Bush and Republican legislators had proposed adopting such a system before the 2000 election, we can imagine the outcry from their political opponents, who would have seen such a move as an improper attempt by the governor to control election procedures. Indeed, it might well have been argued that such a decision would have had a disparate impact on minority voters, since centralizing the electoral system would have diminished the power of the Democratic local officials they had chosen to put in office. It could even have been argued that this transfer of power from officials who had the support of most minority voters would be a violation of the Voting Right Act, yet another attempt to deprive minorities of their opportunity to exercise political power!

Furthermore, it is inappropriate to be playing the blame game when there is no evidence that anyone understood that the use of certain voting technologies might increase the rate of voter error for some groups. Those who charge that African Americans were "disenfranchised" in Florida have never asked why it is that no one raised this issue before the election. If punch card balloting, for instance, has a racially discriminatory effect, why had not the NAACP, the Urban League, or any other organization belonging to the Leadership Conference on Civil Rights ever uttered a peep about it before November 2000? If civil rights leaders had understood that different voting systems are conducive to different rates of voter error, and that some can serve to disadvantage groups with below-average literacy skills, why didn't they raise the issue publicly and demand electoral reforms? If they did not grasp this fact, it is hard to see why we should assume that public officials did.

The Exclusion of Hispanics

Hispanics are a protected group under the Voting Rights Act. Moreover, the majority report speaks repeatedly of the alleged disenfranchisement of "minorities" or "people of color." One section is headed "Votes in Communities of Color Less Likely to be Counted." And yet the crucial statistical analysis provided in Chapter 1 entirely ignores Florida's largest minority group—people of Hispanic origin. The analysis in the Commission's report thus excluded more Floridians of minority background than it included.

The analysis conducted by Dr. Lichtman treats not only Hispanics, but Asians and Native Americans as well as if they were, in effect, white. He dichotomizes the Florida population into two groups, blacks and "nonblacks."

In the revised report, Dr. Lichtman did add one graph dealing with Hispanics in the appendix, but this addition to his statistical analysis is clearly only an afterthought. At the June 8 Commission meeting, Dr. Lichtman stated he looked at this issue only at the last

minute. This is a strange and regrettable omission.

The majority report speaks repeatedly of the alleged “exclusion” and “disenfranchisement” of “minorities” or “people of color.” One section is headed “Votes in Communities of Color Less Likely to be Counted.”²⁹ But what information are we actually given about all those “communities of color”? We were amazed and disturbed to find that the crucial statistical analysis provided in Chapter 1 is narrowly focused on just *one* of the state’s “communities of color”—African Americans. The discussion completely ignores *Florida’s largest minority group*—people of Hispanic origin.

This is revealing of the Commission’s constricted vision. The 2000 Census counted 2.3 million African Americans in Florida, approximately 15 percent of the total population. But the state had 2.7 million Latinos, almost 17 percent of its population.³⁰

Astonishingly, Hispanics hardly get a mention in the majority report. How many Hispanics in Miami cast ballots that were “rejected”? An obviously important question that the authors of the report never asked. They include a few hasty references to correlations between the total minority population of the counties and the rate of ballot spoilage. But they provide no separate analysis at all of the state’s largest minority group, or of any other minority group except African Americans.

Indeed, the analysis conducted by Dr. Lichtman treats not only Hispanics but Asians and Native Americans as well as if they were, in effect, part of the majority. He dichotomizes the Florida population into two groups, blacks and “nonblacks.” The “nonblack” population includes, in addition to whites, the 2.7 million Hispanics, and almost half a million other residents who listed their race as Asian American or American Indian.³¹

A federal agency devoted to the protection of minority rights and to the inclusion of all thus seems to have an extraordinarily narrow and exclusive conception of who belongs in the minority population. In this report, the Commission majority in fact has *excluded more Floridians of minority background—quite a lot more—than it has included.*

Whenever the report speaks broadly about “minorities,” it must be remembered that the

²⁹ Report, 141

³⁰ U.S. Census Bureau, Profiles of General Population Characteristics, 2000 Census of Population and Housing: Florida, May 2001, Table DP-1. We state that the black population was approximately 15 percent of the total because its exact size depends upon the definition you use. Some 14.6 percent of Floridians reported that their sole race was black. If you add in people who considered themselves both black and something else, the figure increases to 15.5 percent, still substantially smaller than the Hispanic population.

³¹ *Ibid.* In addition to the 2.7 million Hispanics and the 450,000 Asians or American Indians, another 697,000 Floridians reported that they were of “other race,” meaning other than white, black, American Indian, Asian, or Pacific Islander. Most of these “other race” respondents were, in all likelihood, Latinos, and thus cannot be fairly added to the total excluded from attention because it would entail double counting. All Hispanics were excluded from the Commission’s analysis unless they identified as African Americans on the census race question, which hardly any did.

supporting statistical analysis it provides ignores *all* minorities but blacks, and indeed merges most Floridians of minority background into the “nonblack” category along with the white majority.

An examination of the role of race in election procedures in the Florida 2000 election that completely ignores the voting experience of Hispanics, Asian American and Native Americans cannot be considered a valid investigation. From the perspective of the majority report, anyone who is not African American is just an undifferentiated part of the vast “nonblack” population, which comprises 85 percent of the total.

In presenting his findings at the June 8, 2001, meeting of the Commission, Dr. Lichtman remarked that after he concluded his report he had made an effort to examine the Hispanic vote. But, as of this date, the statistical analysis in the majority report still ignores Hispanics completely and retains its simplistic dichotomy between black and “nonblack” Floridians. It includes in an appendix one new graph produced by Dr. Lichtman (Appendix II-F), and yet makes no comment on it. Dr. Lichtman’s revised report includes only one new paragraph on the subject. In sum, any attention given to Florida’s Latinos was only as an afterthought.

Part II. The Testimony of Witnesses Fails To Support the Claim of Systematic Disenfranchisement

Based on witnesses’ limited (and often, uncorroborated) accounts, the Commission insists that there were “countless allegations” involving “countless numbers” of Floridians who were denied the right to vote. This anecdotal evidence is drawn from the testimony of 26 “fact witnesses,” residing in only eight of the state’s 67 counties.

In fact, however, many of those who appeared before the Commission testified to the absence of “systemic disenfranchisement” in Florida. Thus, a representative of the League of Women Voters testified that there had been many administrative problems, but stated: “We don’t have any evidence of race-based problems... we actually I guess don’t have any evidence of partisan problems.” And a witness from Miami-Dade County said she attributed the problems she encountered not to race but rather to inefficient poll workers: “I think [there are] a lot of people that are on jobs that really don’t fit them or they are not fit to be in.”

Without question, some voters did encounter difficulties at the polls, but the evidence fails to support the claim of systematic disenfranchisement. Most of the complaints the Commission heard in direct testimony involved individuals who arrived at the polls on election day only to find that their names were not on the rolls of registered voters. The majority of these cases were due to bureaucratic errors, inefficiencies within the system, and/or error or confusion on the part of the voters themselves.

The report includes anecdotal evidence based on the testimony of a handful of individuals. It maintains that it has made a prima facie case that many Floridians were denied the right to vote, particularly African Americans.

These claims are not supported by the testimony the Commission received in Florida. The Commission heard from a total of 26 fact witnesses, representing only 8 of Florida's 67 counties. During the post-hearing review, local election officials provided information which discredited significant portions of that testimony, but those corrections and clarifications are not reflected in the final report.

Nonetheless, based on witnesses' limited (and mostly, uncorroborated) accounts, the Commission majority insists that there were "countless" allegations involving "countless numbers" of Floridians who were denied the right to vote. Without verifiable and quantifiable evidence to support its predetermined conclusion concerning charges of disenfranchisement, the majority is forced to rely on vague assertions that, "it is impossible to determine the total number of voters who were unable to vote on election day." The report's conclusions, insisting that our very democracy is threatened, are based not on solid evidence supported by verifiable facts, but rather upon a thin tissue of assertions that are contravened by direct testimony from other witnesses. There is no question that some voters did encounter difficulties at the polls, but the evidence does not support the conclusion that there was a systematic attempt to deprive voters, particularly minorities, of their right to vote.

Most of the complaints the Commission heard in direct testimony at the two hearings involved individuals who arrived at the polls on election day only to find that their names were not on the rolls of registered voters. The majority of these cases point to bureaucratic errors (a lack of proper assistance from misinformed or understaffed poll workers); inefficiencies within the system (insufficient phone lines to verify registration status); and/or error or confusion on the part of the voters themselves. Some voters did not know the location of their precinct before going to vote. Some did not bring proper identification to the polling station. Others were confused or uncertain about their right to request and receive assistance or to ask for another ballot if they believed they had made a mistake.

According to the testimony of a majority of the witnesses at the hearings, there was no "systematic disenfranchisement or widespread discrimination" in Florida. Although the following excerpts are either buried in the text of the report or omitted altogether, they are representative of the testimony the Commission heard throughout the three days of hearings:

- Florida's Attorney General testified that of the 2,600 complaints he received on the election, 2,300 were related to the confusing butterfly ballot, and only three

complaints concerned alleged discrimination on the basis of race.

- An expert on voting rights and election law, Professor Darryl Paulson, testified that the problems in Florida were due to “a system failure without systemic discrimination.” He also testified: “Across the United States, there were 2.5 million votes that were not counted. And whenever you have an election system that requires 105 million people to vote essentially in a span of 12 hours, you have created a system guaranteed to have voting problems.”
- Professor Paulson later testified: “If the intent of state officials was to discriminate against African-Americans, I would argue it was a dismal failure. The 1990s have ...seen a tremendous explosion in the number of black elected officials throughout the state. We now have a record number of African-Americans in the state legislature [and on] city councils, school boards, [and] county commissions. Florida now has a competitive two-party structure that... in many ways makes it extremely difficult for a systematic type of discrimination to occur.”
- A representative of the League of Women Voters testified that there had been many administrative problems, but stated: “We don’t have any evidence of race-based problems, well actually I guess don’t have any evidence of partisan problems.”
- Florida’s Commissioner of Agriculture, a designee to the Elections Canvassing Commission, testified regarding the relationship of voting problems to race and ethnicity: “I don’t think it’s a party issue or a racial issue. I think it’s a breakdown in the system.”
- A witness from Miami-Dade County, who said she attributed the problems she encountered not to race but rather to inefficient poll workers, stated: “I think [there are] a lot of people that are on jobs that really don’t fit them or they are not fit to be in.”
- Another witness from Miami-Dade, who claimed she could not vote because poll workers were unable to find her name on the voter list: “In light of everything that’s come out it’s kind of hard for me to say whether or not it was discriminatory or whether or not it was just an inadvertent mistake.”
- A witness from Broward County who claimed she was not allowed to vote by affidavit because her name was not on the list of registered voters: “I don’t think it was a racial situation. [The poll workers] were mostly white and they were still trying to help me. [The system] was just not equipped to handle the job that we

had over there a lot of people were misinformed and were not being helped. It was like a big chaotic place over there. It was not about a racial thing.”

Part III. The Commission Failed to Distinguish Between Bureaucratic Problems and Actual Discrimination

Other witnesses did offer testimony suggesting numerous problems on election day. But the Commission, in discussing these problems, failed to distinguish between mere inconvenience, difficulties caused by bureaucratic inefficiencies, and incidents of potential discrimination. In its report, the complaint from the voter whose shoes were muddied on the path to his polling place is accorded the same degree of seriousness as the case of the seeing-impaired voter who required help in reading the ballot, or the African American voter who claimed she was turned away from the polls at closing time while a white man was not.

There were certainly jammed phone lines, confusion and error, but none of it added up to widespread discrimination. Many of the difficulties, like those associated with the “butterfly ballot,” were the product of good intentions gone awry or the presence of many first-time voters. The most compelling testimony came from disabled voters who faced a range of problems, including insufficient parking and inadequate provision for wheelchair access. This problem, of course, had no racial dimension at all.

Other than the “quantitative evidence” of its statistical analysis, the report claims that, “the only evidence that exists is the testimony of those who have stated publicly that they were denied the right to vote and the credibility of their testimony.” However, while the first-hand accounts of witnesses were helpful in describing election-day problems, they did not point to what the majority report calls a “disturbing trend of disenfranchisement.”

The majority of those witnesses who experienced problems and who came before the Commission testified that they were ultimately able to cast their vote, despite the problems they described; a few were not. A chief flaw in the majority report, however, is that it generally fails to distinguish between problems of mere inconvenience, difficulties caused by bureaucratic inefficiencies, and incidents of potential discrimination. In this way, the complaint from the white male voter whose shoes were muddied on the path to his polling place is accorded the same degree of seriousness as the case of the seeing-impaired voter who required – but was denied – assistance in reading the ballot, or the African American voter who claimed she was turned away from the polls at closing time while a white man was not.

For the most part, those who testified before the Commission told of problems in voting, not of being prevented from voting. The most frequent problems mentioned included the

following:

1. *Inability of some poll workers to confirm eligibility status*

The report argues that in the last election, “many people arrived at their polling places expecting to cast their ballots for the candidates of their choice, but many left frustrated after being denied this right.” To support this charge, the report points to “consistent, uncontroverted testimony regarding the persistent and pervasive inability of election poll workers to verify voter eligibility during the November 7 presidential election.”

It is true that the Commission heard several complaints about jammed phone lines that, in many cases, prevented poll workers from getting through to headquarters to confirm the eligibility of voters whose names did not appear on the rolls. Some voters found that their names had been left off the voting lists because of bureaucratic error and through no fault of their own. In other cases, however, many voters failed to verify the location of their assigned precinct or polling place before going to vote on election day. Others failed to notify their elections board of a change in address. Some neglected to bring the necessary proof of eligibility to vote, and still others did not correctly fill out their mail-in applications through “motor voter” registration. The high turnout of voters, many of them first-time voters, only exacerbated the difficulties that arose on election day.

Neither voters nor poll workers testified that the problems they experienced amounted to widespread disenfranchisement in Florida. In fact, according to researchers at the *Miami Herald*, some poll workers who struggled with insufficient phone lines admitted that they erred on the side of including, rather than excluding voters. In other words, when they were unable to get through to headquarters, they found it easier to go ahead and let people vote, rather than challenge their credentials.

What we learned in Florida was that all of these factors can contribute to an overloaded communications system on election day, and that there is no substitute for greater voter awareness and better trained elections staff to handle inquiries.

2. *Polling places closed early or moved without notice*

The Commission received no evidence that this was more than an insignificant problem. There is absolutely no evidence upon which to conclude, or even suggest, that there was a pattern of closings or movement designed to disenfranchise voters. One county supervisor testified that in some cases there are urgent reasons for moving a polling facility – i.e., there was one facility that had burned down on the Saturday before election day – but that the public is notified of the change. The Palm Beach County supervisor testified that, “Nobody has come to me to give me specifics on which precinct they were turned away from so that I could do the investigation to see what exactly happened.”

The Commission did hear testimony from one poll worker about a gated community where the gates had shut automatically at 6:15 p.m. and had to be reopened by police officers. The Palm Beach supervisor asserted that this incident was "never reported" to her but that it did not seem likely, given that the facility in question was located at a water works facility that would have had a government staff person there to open the gates. As the supervisor explained, "I've heard many people tell me things and then I asked them whether they themselves experienced it and they said, no, they heard it from somebody else. And I wonder if this person [the witness about the gated community] actually experienced that themselves."

In a letter to the General Counsel during the affected agency review, David Leahy, the Supervisor of Elections for Miami-Dade refutes the testimony of several witnesses, including one (Felix Boyle) who insisted that his voting place had been changed without prior notice. After investigating this matter, Mr. Leahy affirms in his letter that: "Felix Boyle stated that the polling place for Precinct #36 was in a different building than was used in the 2000 primary election. The same building was used for both elections." Ignoring this rebuttal altogether, the report continues to include Mr. Boyle's testimony as an example of "polling places moved without notice."

If the Commission had been truly interested in the important issue of uniform polling-place hours, it might have made more than a single, passing mention of one of the more widely-publicized problems that emerged during the last election: the announcement by all five television networks at 7:00 p.m. Eastern time that the polls in Florida had closed, when the polls in the Panhandle counties were still open for another hour. There is no way of knowing exactly how many voters were discouraged from going to the polls because of this misinformation, but a close review of the turnout figures by John Lott estimates that it likely cost George W. Bush at least 10,000 votes.³² The majority's lack of interest in exploring this issue suggests that its research was shaped by its preconceptions.

3. *Accessibility issues*

Some of the most compelling and direct testimony in Florida were those accounts regarding the problems of accessibility for disabled voters. Although the disabled voters who testified before the Commission claimed that they themselves ultimately voted, they described a range of problems facing the disabled on election day, including insufficient parking, inadequate provision for wheelchair access, and other difficulties involving ballots and voting technology. The barriers they described appear to constitute a long-standing problem that was not just confined to Florida or to this presidential election. It is unfortunate that the report does not examine the ongoing efforts of Florida state

³² John R. Lott, Jr., "Documenting Unusual Declines in Republican Voting Rates in Florida's Western Panhandle Counties in 2000," unpublished paper, May 2001.

officials Governor Bush's ADA working group and a task force working under the Secretary of State to address these concerns.

In the same chapter on "accessibility issues," the report addresses allegations that an "overwhelming number" of Haitian-American voters, "many Latino voters," and "many persons who were not literate" were "denied adequate assistance" in casting their ballots. Here, the discussion of accessibility problems is much less clear. Much of the testimony from advocacy groups was speculative and based on second-hand, anecdotal information.

For instance, the Commission heard from a representative of a Haitian-American advocacy organization in Miami-Dade that, in addition to the problems of long lines and understaffed polling facilities, there were problems regarding a lack of bilingual ballots. However, few details were presented to help gauge the extent of this problem, and no attempt was made to properly investigate the seriousness of these alleged problems.

When the Miami-Dade County supervisor was questioned about the allegations of the earlier witness, he referred to a county commission ordinance that requires the supervisor to determine which precincts have a significant Haitian American voter population and to provide bilingual ballots in those precincts. He testified that, for purposes of the November 2000 election, he determined there were 60 precincts with a significant Creole population. In addition to providing bilingual ballots, Miami-Dade also did sample ballots in English and Creole and publicized those in Haitian-American newspapers. The Miami Dade supervisor maintained that the earlier witness might be in a precinct that did not have a significant Haitian American population. The report makes no attempt to clear up this confusion.

4. *"Motor Voter" Problems*

The report asserts that "[m]any Floridians alleged that they registered to vote through the Department of Motor Vehicles (DMV) and learned later that they were not registered. Many of these disappointed citizens filed complaints with the attorney general's office and/or the Democratic Party." The allegation here appears to be that Republicans in Florida somehow engineered a "motor voter" conspiracy. There is no evidence to support that claim. The report itself points out that, according to the testimony of the director of the Division of Driver Licenses, problems often arose because voters failed to complete their motor/voter applications correctly and/or in a timely manner. References to one such individual were stricken from the report when the affected agency's responses determined that this individual had submitted an incomplete registration form. The report does not mention the concern that the "motor voter" system frequently tends to err on the side of letting voters vote when in fact they are not be eligible.

5. *Confusing Ballots*

Although some witnesses testified about the confusion caused by the “butterfly ballot” in Palm Beach County, no evidence was presented that the butterfly ballot was targeted to particular groups, as the Commission originally suggested in its “preliminary” report of March 9. During the hearings, the Commission heard varying accounts regarding “defective” ballots. A rabbi from Palm Beach County testified that when he spoke with a group of 500 people within his congregation in Palm Beach County, about 20 percent complained that they had problems with the butterfly ballot (“their arrows did not line up with the holes”); the rest of the group experienced no such problems and “simply laughed.”

The supervisor of elections for Palm Beach County supervisor later testified that, in some cases, it appeared that voters using the butterfly ballot failed to properly line up the ballot in the voting machine. The supervisor also explained that certain community groups may have mistakenly instructed voters to “punch the second hole” for Gore “when he was not the second hole; he was the third hole.” Others had been told to “vote for Lieberman,” but “if they followed the line where Lieberman’s name was, it punched another hole down because the President and Vice President are grouped together.”

The supervisor also testified that, “In Palm Beach, sample ballots were sent out to all registered voters,” and she contested earlier charges regarding defective ballots. She explained that she herself had never been alerted to or received any complaints about the actual card not fitting into the machine: “The ballot cards are all purchased from the same company and they’re all printed at the same time. They all come off the same press. They’re all printed on the exact same size paper. You’ve got the candidate’s name, the arrow pointing to the number and then the hole if you follow straight across then you’ll hit the hole.”

In Palm Beach County, the major problem was a ballot designed to be printed in large type for the benefit of older voters. In Duval County, a major problem was faulty instructions to voters by Democratic party workers, provided with the intention of maximizing Democratic votes lower down on the ballot. The biggest problem for all kinds of ballots was the fact that, as the report explains, there were ten candidates on the ballot for President, compared with only three or four in previous years.

Another significant issue, which the report virtually ignores, concerns the problems of first-time voters, many of whom received faulty how-to instructions from the very groups that urged them to vote in the first place. As Isiah Rumlin, head of the NAACP in Duval County, recently stated: “We didn’t do any voter education. We didn’t know we needed to. In retrospect, we should have done a better job.”

As a result of the election-day confusion in Florida and many other states, there is a new emphasis on voter education initiatives and the role that can be played by advocacy groups and community organizations. In Broward County, for example, the new

supervisor of elections, Miriam Oliphant, has launched a program to involve local churches in the efforts to better educate voters, recruit new ones, and prevent many of the difficulties that occurred during the 2000 election. By stressing litigation rather than education, the majority report is heading in the wrong direction.

Part IV. The Majority Report's Interpretation of the Voting Rights Act Distorts the Law

The report essentially concludes that election procedures in Florida were in violation of the Voting Rights Act, but the Commission found no evidence to reach that conclusion, and has bent the 1965 statute totally out of shape.

The question of a Section 2 violation can only be settled in a federal court. Plaintiffs who charge discrimination must prevail in a trial in which the state has a full opportunity to challenge the evidence. To prevail, plaintiffs must show that "racial politics dominate the electoral process," as the 1982 Senate Judiciary Committee Report stated in explaining the newly amended Section 2.

The majority's report implies that Section 2 aimed to correct all possible inequalities in the electoral process. Had that been the goal, racially disparate registration and turnout rates – found nearly everywhere in the country – would constitute a Voting Rights Act violation. Less affluent, less educated citizens tend to register and vote at lower rates, and, for the same reasons, are likely to make more errors in casting ballots, especially if they are first time voters. Neither the failure to register nor the failure to cast a ballot properly – as regrettable as they are – are Section 2 violations.

Thus, despite the thousands of voting rights cases on the books, the majority report cannot cite any case law that suggests punch card ballots, for instance, are potentially discriminatory. Or that higher error rates among black voters suggest disenfranchisement.

There is good reason why claims brought under section 2 must be settled in a federal court. The provision requires the adjudication of competing claims about equal electoral opportunity—an inquiry into the complex issue of racial fairness. The Commission is not a court and cannot arrive at verdicts that belong exclusively to the judiciary. Yet, while the majority report does admit that the Commission cannot determine if violations of the Voting Rights Act have actually occurred, in fact it unequivocally claims to have found "disenfranchisement," under the terms of the statute.

The majority report argues that election procedures in Florida violated the Voting Rights Act, but that conclusion depends upon bending the 1965 statute totally out of shape.

It is absolutely correct, as the Commission report asserts, that violations of the 1965 Voting Rights Act do not need to involve intentional disenfranchisement. Section 2 of the act was amended in 1982 in an effort to circumvent the Supreme Court's decision in *Bolden v. City of Mobile*, 1980. *Bolden*, in insisting that plaintiffs in an equal protection suit demonstrate discriminatory intent, had brought the statute in conformity with Fourteenth Amendment standards in general. The amended provision allowed minority voters nationwide to challenge methods of election on grounds of discriminatory "result."

The concern at the time was that plaintiffs, in the wake of *Bolden*, would have to find a smoking gun—unmistakable evidence that public officials deliberately, knowingly set out to deprive minority voters of the Fourteenth and Fifteenth Amendment rights.

No witness, however, from the civil rights community argued that all voting mechanisms or procedures with a disparate impact on black or Hispanic voters would violate the law. Thus, the 1982 Senate Judiciary Committee Report, in explaining the newly amended Section 2, defined a jurisdiction in violation of the law as one in which "racial politics dominate[d] the electoral process." At the 1982 Senate Hearings, a distinguished civil rights attorney testified that claims of voter dilution would rest on "evidence that voters of a racial minority are isolated within a political system... 'shut out,' i.e. denied access... [without] the opportunity to participate in the electoral process."

If all voting procedures with a disparate impact on minority voters violated the statute, then all registration processes, in jurisdictions with black and Hispanic residents, would be legally questionable. As you know, less affluent, less educated citizens tend to register and vote at lower rates, and many of those educationally and economically disadvantaged citizens are members of those minority groups.

Voter error is analogous to low registration rates; it is more likely to occur among the less educated and the less affluent. And thus, despite the thousands of voting rights cases on the books, the majority report cannot cite any case law that suggests punch card ballots, for instance, are potentially discriminatory. Or that higher error rates among black voters suggest disenfranchisement.

The disparate impact test is actually very complicated, and always has been. For instance, a multimember district in which whites are a majority may have a disparate impact on minority voters. But as the Supreme Court has said (*Whitcomb v. Chavis*, 1971), the candidates supported by black voters may consistently lose, but that disparate impact upon black representation (and officeholding) is not necessarily a violation of minority voting rights. In *Whitcomb*, black voters were Democrats in a Republican County. It was not exclusion, but the process of party competition and the principle of majority rule that denied blacks the representation they sought. Political party, not race, determined the electoral outcome.

This same logic still runs through the complicated process by which a judicial determination is made in a section 2 Voting Rights Act case. Courts must determine whether minority voters have had "less opportunity" to participate in the electoral process, a finding that requires plaintiffs to meet a multifaceted test. Plaintiffs must show, for instance, that there has been "a significant lack of responsiveness of the part of elected officials to the particularized needs of the members of the minority group"; that "political campaigns have been characterized by overt or subtle racial appeals; and that voting is "racially polarized." These are just a few items off the list of so-called "factors" to which courts are instructed to refer in judging the merits of a vote dilution suit; disparate impact alone never settles the "equal opportunity" question.

There is another point. The question of a Section 2 violation can only be settled in a federal court. Plaintiffs who charge discrimination must prevail in a trial in which the state has a full opportunity to challenge the evidence. There is a reason why, in contrast to Section 5 in the Act, Section 2 requires a trial in a federal court. Section 5 claims can be settled in the Justice Department itself, through the process of administrative review. That is because they pose simpler questions – namely, whether a new election procedure or practice is clearly intentionally discriminatory, or whether its impact is such as to leave minority voters worse off than they had been. A typical Section 5 question would thus be: Are newly drawn redistricting lines likely to result in fewer black officeholders than before?

Section 2, on the other hand, demands an inquiry into the complex issue of racial fairness. Adjudicating competing claims about equal electoral opportunity, as the Supreme Court has noted, requires an "intensely local appraisal" – the specific, detailed knowledge that only a court can obtain. And it demands the chance that only a trial can provide for the challenged jurisdiction to answer the charges. As the Chair herself has conceded many times the Commission is: "not a court" and cannot arrive at verdicts that belong exclusively to the judiciary. Yet, while the majority report does admit that the Commission cannot determine whether violations of the Voting Rights Act have actually occurred, in fact it unequivocally claims to have found "disenfranchisement," under the terms of the statute.

The Commission's findings are likely to inspire some people to call for federally-mandated election procedures of one sort or another. This would be a grievous error. The architects of the Constitution left matters of suffrage almost entirely in state hands, although subsequent Amendments prohibited a poll tax and denial or abridgment of the right to vote on account of race, gender, or age (after eighteen). It is true that in 1965 the Voting Rights Act broke with constitutional tradition, but that was a uniquely draconian response necessitated by the persistent and egregious infringements of basic Fifteenth Amendment rights that pervaded the Jim Crow South.

None of the Commission's findings depict a national emergency in any way resembling

that in 1965. Florida itself (unlike the states of the Deep South in the 1960s) has readily acknowledged the need for reforms to its voting procedures, and has already acted to remedy problems evident in the November election. State action is appropriate; federal intrusion is not.

More voter education is clearly needed—a job for the states themselves, for political parties, and for other interested organizations. Donna Brazile, Al Gore's campaign manager, recently lamented the inadequate voter education in preparation for the last election. "I take full responsibility for the lack of voter education resources that could have helped us," she said. While we think Ms. Brazile blames herself excessively, we do look forward to a greater effort to prepare voters to cast their ballots in the future. That effort is not mandated by the Voting Rights Act, but is certainly much to be desired.

The "Less Reliable Voting Machinery" Issue

The less-reliable machinery argument – which gained mythic proportions in the press – has been widely disproven. It is simply not the case that poorer counties with larger minority populations have substantially inferior voting equipment that is significantly more prone to error. At most, this was a minor factor in voter error rates.

In fact, as the Commission heard in Florida, the punch-card jurisdictions did not have the highest "spoilage" rates. The "optical central" system had the most problems – that is, the system using optical scanners with votes counted at some central location rather than in the local precinct. (Thus, the county with the highest spoilage rate, Gadsden County, used the optical central tabulation system, not the infamous punch-card machines.) And the "touchscreen" system has been found to have a spoilage rate as high as punch-card systems.

The Commission heard a number of complaints about punch card voting machines, but these were used in many different locations throughout the state, in both poor and affluent districts, from Duvall County to Palm Beach. Testimony from expert witnesses on voting technology did seem to point to a correlation between minority populations and "drop off" rates ("drop off" being the difference between the numbers of people who went to the polls and the numbers of ballots that recorded no vote for certain offices), but not a clear or consistent correlation between technology and minority populations.

A January 2001 study by Professor Stephen Knack of the University of Maryland and Professor Martha Kropf of the University of Missouri (Kansas City), like other recent, authoritative studies, also challenges the "widespread perception that counties in Florida and elsewhere with a greater percentage of minorities and poor people were more likely to employ antiquated voting machinery that produces a disproportionate number of undervotes and invalid ballots." The Knack & Kropf study found "little support for the

view that resource constraints cause poorer counties with large minority populations to retain antiquated or inferior voting equipment."

Part V: Misplaced Responsibility for Election Procedures

The report holds Florida's public officials, including the governor and secretary of state responsible for the discrimination that it alleges. "State officials failed to fulfill their duties in a manner that would prevent this disenfranchisement," it asserts. In fact, most of the authority over elections in Florida resides with officials in the state's 67 counties, and many of those with the highest rates of voter error were under Democratic control.

The report charges that the governor, the secretary of state and other state officials should have acted differently in anticipation of the high turnout of voters. What the Commission actually heard from "key officials" and experts was that the increase in registration, on average, was no different than in previous years; that since the development of "motor voter" registration, voter registration is more of an ongoing process and does not reach the intensity it used to just prior to an election; and that, in any event, registration is not always a reliable predictor for turnout.

The majority report also faults Florida state officials with having failed to provide the 67 supervisors of elections with "adequate guidance or funding" for voter education and training of election officials. But the county supervisors are independent, constitutional officers who make their budget requests to the Boards of county commissioners, not to the state.

The Commission's report makes a highly politicized attack against Florida state officials. As previously noted, the report asserts that "State officials failed to fulfill their duties in a manner that would prevent this disenfranchisement," and calls on the U.S. Department of Justice to "institute formal investigations... to determine liability and to seek appropriate remedies."

The charges the majority has directed against the Governor and the Secretary of State and other officials in Florida are particularly disturbing. The Commission's interrogation in Tallahassee (during which the Governor was *the only witness* during the entire set of hearings to be denied the opportunity to make an opening statement) suggested a Catch-22: The governor and other state officials would have been faulted if they had been too involved in the running of the presidential election; now they are judged to be derelict for their deference to proper local authorities.

The majority report admits grudgingly that it found no "conclusive evidence" of a state-sponsored conspiracy to keep minorities from voting. But as several independent observers have pointed out, this is malicious and misleading phrasing, since there was in

fact *no evidence whatsoever* of a conspiracy at all, conclusive or otherwise.

Contrary to what the majority has asserted, state and local officials have refuted in detail the serious allegations the Commission has made against them.

The testimony in Florida clearly explained and delineated the delegation of authority and decentralized responsibility for elections, under Florida's constitution. Testimony from all the public witnesses with jurisdiction over these matters provided no evidence of criminal misconduct in connection with the Florida 2000 elections. Testimony also revealed the seriousness accorded to the work of the Governor's bipartisan task force on election reform. Ignoring all of this available evidence the Commission insists that Florida state officials are guilty of "gross neglect" in fulfilling their responsibilities regarding election matters. By so doing, the majority again violates fundamental concepts of due process. Not only are its conclusions not based upon evidence contained in the record of the hearings. They are in direct conflict with the testimony of the witnesses who were most knowledgeable about such matters.

The report refuses to accept a key point that emerged in testimony during the hearings – that the elections supervisors are "independent, constitutional officers." That is why, as a recent piece in *The Economist* ("Unfair, Again," June 9, 2001) points out, "laying so much blame on the governor and secretary of state is unrealistic." The article goes on to explain that, "Most of the key decisions were made in Florida's 67 counties rather than in Tallahassee," and, "Many of the counties with the highest number of voter errors were under Democratic control."

The majority report criticizes Governor Bush for having "apparently delegated the responsibility" for the conduct of the election. It fails to grasp that this is precisely what Florida law provides. The Secretary of State is criticized for having taken a "limited" role in election oversight that is in sharp contrast to the position she took before the Supreme Court" in *Bush v. Gore*. The majority report fails to explain, however, that *Bush v. Gore* (which addressed the issue of "recounts" and the certification of the results of the election) had *nothing to do* with the authority of county officials as to how the elections are run on the local level in Florida. The report glosses over the inconvenient fact that, under Florida law, Governor Bush has virtually no authority over the voting process, and the Secretary of State's role is mainly to provide non-binding advice to local officials.

The report's central theme – that the governor and other officials are to be blamed (and investigated) for not having taken full responsibility for all of the problems that occurred during the Florida election – is contravened by the arbitrary way in which these same officials were treated by the Commission's own general counsel.

On June 8, when questioned as to why state officials were given only portions of the report to review, the general counsel explained that, "we selected the portions that are

relevant... based on activities and responsibilities.” The general counsel went on to say that, “we just thought it would be a bad idea [to send the full report] because there are responsibilities and activities that don’t pertain to the governor’s office....” In light of the fact that the general counsel sent the governor only about 30 pages of a 200-page report, he himself must have considered the governor’s activities and responsibilities to be quite limited indeed.

It is also ironic that the Chair chose to berate Secretary Harris during the Tallahassee hearing for not having assumed more responsibility for the problems that occurred on election day. At the hearing, the Chair explained that, even though this Commission delegates to the staff director the authority to run the day-to-day operations of the Commission, she herself – as Chair – must assume ultimate responsibility for *everything* that happens at the Commission. That explanation stands in stark contrast to the statements issued by the Chair in the wake of the unauthorized leak of this report, when the Chair asserted that she was “only one vote” on the Commission.

The report charges that the governor, the secretary of state and other state officials should have acted differently in anticipation of the high turnout of voters. What the Commission actually heard from “key officials” and experts was that the increase in registration, on average, was no different than in previous years; that since the development of “motor voter” registration, voter registration is more of an ongoing process and does not reach the intensity it used to just prior to an election; and that, in any event, registration is not always a reliable predictor for turnout.

One expert who has studied voter turnout and participation for 25 years testified that, “The Florida turnout was not particularly high” – only 2.2 percent over 1996. Several supervisors of elections testified that the highest turnout occurred in 1992 (which had an 80 percent turnout compared to the 64 percent turnout in 2000).

The majority report also faults Florida state officials with having failed to provide the 67 supervisors of elections with “adequate guidance or funding” for voter education and training of election officials. It fails to mention the Commission also learned that, under Florida’s Constitution, requesting and allocating resources is a local responsibility, one which belongs to the supervisors of elections. The county supervisors are independent, constitutional officers who make their budget requests to the Boards of county commissioners. It is up to the county commissioners to approve or reject those requests, and there is currently no process for appealing to the Florida cabinet. The majority of the supervisors of elections who came before the Commission testified that they themselves did not request additional resources prior to the election but, that even if they had, such a request would have properly been directed to their county commissioners, not to the governor or to the Division of Elections.

Part VI. The Commission Provides a Misleading Analysis of the Felon List Question

The report asserts that the use of a convicted felons list "has a disparate impact on African Americans." "African Americans in Florida were more likely to find their names on the list than persons of other races." Of course, because a higher proportion of blacks have been convicted of felonies in Florida, as elsewhere in the nation. But there is no evidence that the state targeted blacks in a discriminatory manner in constructing a purge list, or that the state made less of an effort to notify listed African Americans and to correct errors than it did with whites. The Commission did not hear from a single witness who was actually prevented from voting as a result of being erroneously identified as a felon. Furthermore, whites were twice as likely as blacks to be placed on the list erroneously, not the other way around.

The compilation of the purge list was part of an anti-fraud measure enacted by the Florida legislature in the wake of a Miami mayoral election in which ineligible voters cast ballots. The list for the 2000 election was over-inclusive, and some supervisors made no use of it. (The majority report did not bother to ask how many counties relied upon it.) On the other hand, according to the Palm Beach Post, more than 6,500 ineligible felons voted.

Based on extensive research, the Miami Herald concluded that the biggest problem with the felon list was not that it wrongly prevented eligible voters from casting ballots, but that it ended up allowing ineligible voters to cast a ballot. The Commission should have looked into allegations of voter fraud, not only with respect to ineligible felons, but allegations involving fraudulent absentee ballots in nursing homes, unregistered voters, and so forth. Across the country in a variety of jurisdictions, serious questions about voter fraud have been raised.

The Majority Report suggests that one important instrument of black "disenfranchisement" was the so-called "purge list," a list of persons who should be removed from the voting rolls because they had a felony conviction. Regrettably, the list supplied to state officials by the firm hired to do the work mistakenly included the names of some persons who had no felony convictions.

The Majority Report implies that this was no innocent mistake, but another effort to suppress the black vote. The sole piece of supporting evidence it cites a table with data on Miami-Dade County. Blacks were racially targeted, according to the report, because they account for almost two thirds of the names of the felon list but were less than one-seventh of Florida's population.

This might seem a striking disparity. But it ignores the sad fact that African Americans are greatly over-represented in the population of persons committing felonies--in Florida and in the United States as a whole. The Majority Report never bothers to ask what the

proportion is. Without demonstrating that less than two-thirds of the previously convicted felons living in Miami-Dade County were African American, the racial disproportion on the felon list is completely meaningless.

It is not only meaningless but irrelevant. The vast majority of the people on the felons' list were properly listed. It was illegal for them to vote according to Florida law. The Commission may not like that law, but it is not its business to opine on the matter.

The only possible civil rights violation here is the allegation that disproportionately large numbers of African Americans were put on the felon list falsely. Had the Commission bothered to examine its own data supplied in the report, it would have found that the truth was just the opposite of what it claims.

The table reveals that 239 for the 4,678 African Americans on the Miami-Dade felons' list objected when they were notified that they were ineligible to vote and were cleared to participate. They represented 5.1 percent of the total number of blacks on the felons list. Of the 1,264 whites on the list, 125 proved to be there by mistake-- which is 9.9 percent of the total. Thus, the error rate for whites was almost double that for blacks.

If the errors on the felons list were targeted so as to reduce the voting strength of some group it was whites, not blacks, who were targeted. The error rate for Hispanics was almost as high as that for whites---8.7 percent. Since the data are from Miami-Dade, with its huge Hispanic population, one might conclude that someone hoped to suppress both the both the non-Hispanic white vote and the Hispanic vote.

At the hearing in Miami, the Commission received testimony from DBT/Choicepoint, Inc., the data-base company which provided the state with a over-inclusive list of individuals who might be convicted felons, registered in more than one county or even deceased. The compilation of the list was part of an anti-fraud measure enacted by the Florida legislature in the wake of Miami's 1997 mayoral election, in which at least one dead voter and a number of felons cast ballots.

The Commission heard from DBT that approximately 3,000 to 4,000 non-felons (out of approximately 174,000 names) were mistakenly listed on this so-called "purge" list provided to the state. The list identified 74,900 potentially dead voters, 57,770 potential felons, and 40,472 potential duplicate registrations. Under Florida law, the supervisors of elections were required to verify the ineligible-voter list by contacting the supposedly ineligible voters. Some supervisors who were concerned about the unreliability of the list did not use it to remove a single voter. It is regrettable that the authors of the majority report made no effort to determine how many of the 67 supervisors of elections did or did use the list. According to recent studies, the total number of wrongly-purged alleged felons was 1,104, including 996 convicted of crimes in other states and 108 who were not felons. This number contradicts the Commission's claim that "countless" voters were

wrongly disenfranchised because of inaccuracies in the list.

Most notably, the Commission did not hear from a single witness who was prevented from voting as a result of being erroneously identified as a felon. One witness did testify that he was erroneously removed from the voter list because he had been mistaken for another individual on the felon list whose name and birth date were practically identical to his. However, he was able to convince precinct officials that there had been a clerical error, and he was allowed to vote.

In pursuing its attack on the purge list, the Commission completely ignored the bigger story: Approximately 5,600 felons voted illegally in Florida on November 7, approximately 68 percent of whom were registered Democrats. On June 8, General Counsel Hailes was asked why the report failed to address the issue of ineligible voters who cast ballots on election day. His response was: "That's not part of the scope of our report."

Based on extensive research, the *Miami Herald* discovered that, "among the felons who cast presidential ballots, there were "62 robbers, 56 drug dealers, 45 killers, 16 rapists, and 7 kidnapers. At least two who voted were pictured on the state's on-line registry of sexual offenders." According to the *Herald*, the biggest problem with the felon list was not that it wrongly prevented eligible voters from voting, but rather that it ended up allowing ineligible voters to cast a ballot:

Some... claim that many legitimate voters "of all ethnic and racial groups, but particularly blacks" were illegally swept from the rolls through the state's efforts to ban felons from voting. There is no evidence of that. Instead, the evidence points to just the opposite, that election officials were mostly permissive, not obstructionist, when unregistered voters presented themselves. (Miami Herald Report, p. 105)

The *Palm Beach Post* conducted its own extensive research into the problems with the flawed exceptions list. The Post's findings, which corroborate the major conclusions of the Herald's investigation, include the following:

- Most of the people the state prevented from voting probably were felons.
- Of the 19,398 voters removed from the rolls, more than 14,600 matched a felon by name, birth date, race and gender.
- More than 6,500 were convicted in counties other than where they voted, suggesting they would not have been found by local officials without the DBT list.

- Many of these felons were convicted years ago, and they had no idea that they did not have their civil rights [to vote].
- Many had been voting and unwittingly breaking the law for years.

(Palm Beach Post, "Felon Purge Sacrificed Innocent Voters," May 27, 2001)

The report's message is that nobody in authority did enough in terms of data verification. But the Commission itself failed to verify key arguments made in its report. The letter (submitted per the affected agency review) from Michael R. Ramage, General Counsel for the Florida Department of Law Enforcement, provides a lengthy clarification of the FDLE's role in verifying the felon status of voters whose names had been forwarded by the local supervisor. (Note that, according to Mr. Ramage's letter to Mr. Hailes, the FDLE was allowed to review *only three pages* of the 200-page report, despite the prominence the report gives to this controversial issue.) In his letter to General Counsel Hailes, dated June 6, 2001, Mr. Ramage maintains that the Commission's findings are "wrong and based on erroneous assumptions," and places undue emphasis on "anecdotal examples of problems." His letter later goes on to detail FDLE's efforts regarding verification of the "exceptions" list:

[I]t is important to note that during the pertinent time frame, FDLE responded effectively to nearly 5,000 voters whose names matched those of convicted felon's in Florida's criminal history records. (It is not unusual for criminals when arrested to use a name, date of birth, address, social security number, etc., other than their own.)... A number of those who believed they had been wrongfully identified as not being able to vote were ultimately found to be incorrect. They were, in fact, not eligible to vote. Likewise, a number of those who raised a concern were ultimately found to be eligible to vote. The process worked to resolve issues. Of those voters who contacted FDLE to appeal the notice from a local supervisor of elections that they were ineligible to vote, approximately 50 percent were confirmed to be Florida convicted felons, and 50 percent were determined not to have a conviction in Florida for a felony.

While the General Counsel on June 8 indicated that some revisions would be made to acknowledge the "extraordinary efforts" by the FDLE, no revision has been made in the conclusions, which are still wrong and based on erroneous assumptions. Certainly, no eligible voter should be wrongly prevented from doing so, but at the same time, election officials have a compelling interest in preventing voter fraud by convicted felons. The Commission majority has failed to look at all the facts regarding the felon list and, instead of focusing on what it calls "the reality" of list maintenance, uses anecdotes to call for an

extensive and unwarranted investigation by the U.S. Department of Justice.

There is also the additional question of voter fraud. On June 8, the Chair explained that the report did not look at the issue of voter fraud, since "fraud does not appear to be a major factor in the Florida election," and that, in any event, this was "beyond the scope" of the Commission's investigation. Thus, the report single-mindedly pursues only one kind of vote dilution (allegations that eligible voters were denied the right to vote) while completely ignoring the other (allegations that ineligible voters were allowed to vote).

Only in the report's introduction is there a brief mention of Complaints of Voter Fraud, "listed along with the Western Florida Time Zone Controversy and Absentee Military Ballots as "other factors" that "could have contributed to voter disenfranchisement in Florida." (In other words, the main concern is with voting irregularities that could be interpreted as having a disparate impact on Democratic voters. Factors that one could surmise might have had a disparate impact on Republican voters are simply shoved aside.) The report then goes on to explain that, "while recognizing that the above factors do raise concerns of voting irregularities, the Commission did not receive many complaints or evidence during its Tallahassee and Miami hearings pertaining to how these issues created possible voter disenfranchisement in Florida."

This explanation is disingenuous and incorrect. First of all, at the Commission's meeting of December 8, 2000, when the Commission reached its decision to conduct an investigation of the Florida election, there was lengthy discussion of the Commission's statutory responsibility to investigate "any patterns or practice of fraud." Chair Berry herself explained that "if there are people who engaged in fraud or violated the laws, we would hand them over for prosecution." The Chair assured Commissioners that, "[e]very single allegation should be systematically pursued."

Second, if the Commission "did not receive" evidence regarding fraud, it is because, contrary to the Chair's assurances in December, it chose not to seek any testimony on the widely-publicized allegations of fraud. Given the report's emphasis on the so-called purge list, this is an egregious omission. In Florida, there were various reports regarding thousands of ballots cast by ineligible felons and unregistered voters, fraudulent absentee ballots in nursing homes, and precincts where more ballots were cast than the number of people who voted. It is unconscionable that the Commission made no effort to look at these problems.

Part VII: Unwarranted Criticism of Florida Law Enforcement

Despite clear and direct testimony during the hearings, as well as additional information submitted by Florida officials after the hearings, the majority report continues to charge the Florida Highway Patrol with behavior that was "perceived" by a number of voters as unusual (and thus somehow "intimidating") on election day. In fact, only two persons are

identified in the majority report regarding their perception of activities of the Florida Highway Patrol on election day. One testified about a police checkpoint, and the other testified that he found it "unusual" to see an empty police car parked outside of a polling facility. Neither of these witnesses' testimony indicates how their or others' ability to vote was impaired by these events.

As the chief of the Florida Highway Patrol, Colonel Charles C. Hall, testified in Tallahassee, there was one motor vehicle checkpoint, in Leon County, on election day. That checkpoint was not adequately authorized and resulted in one complaint. The equipment checkpoint operation lasted about 90 minutes (between 10:00 a.m. and 11:30 a.m.) and occurred more than two miles away and on a different roadway from the nearest polling facility. Of the approximately 150 cars stopped at the checkpoint, a total of 18 citations or notices of faulty equipment were issued to 16 different individuals, 12 of whom were white. The citizen who lodged the complaint testified that she had contacted the NAACP after she returned from voting, yet refused to meet with the FHP to assist their investigation. Despite this one, highly publicized incident, there has been no evidence whatsoever of police intimidation of voters.

Writing in response to the affected agency review, the general counsel for the State of Florida's Department of Highway Safety and Motor Vehicles, Enoch J. Whitney, stands by the evidence presented by Colonel Hall at the hearing:

Colonel Hall's testimony conclusively demonstrates that there was no intent by members of the Florida Highway Patrol to delay or prohibit any citizen from voting on Election Day. All pertinent evidence shows that in fact no one was delayed or prohibited from voting by virtue of the equipment checkpoint operation.

The Commission majority's willingness to perpetuate a gross misperception of this issue is a disservice to the public's confidence in America's electoral and law enforcement systems, and an insult to the dedicated officers of Florida's law enforcement community.

Part VIII: Procedural Irregularities at the U.S Commission on Civil Rights

Procedural irregularities have seriously marred the majority report. In writing the report, the Commission ignored not only the rules of evidence, but the agency's own procedures for gathering evidence. By arguing that "every voice must be heard," while in fact stifling the voice of the political minority on the Commission itself, it is guilty of hypocrisy.

In writing this report, the Commission majority has ignored not only the rules of evidence, but the agency's own procedures for gathering evidence. The procedural issues

are important to the extent they relate to the policy and politics driving this report. By pretending to investigate procedural irregularities while engaging in procedural irregularities of its own, the Commission majority undermines its credibility and diminishes the value of its work. By arguing that "every voice must be heard" while in fact stifling the voice of others, the Commission is guilty of hypocrisy.

Republican and Independent Commissioners were never asked if they would like to call witnesses. Hearings were completely controlled by the Chair and the General Counsel, and commissioners did not even know who the witnesses were to be at one Miami hearing; thus they could not properly prepare questions.

When the hearings failed to provide any evidence of widespread voter disenfranchisement, the Chair unilaterally approved a last-minute procurement of the services of an outside "statistician," Professor Allan Lichtman. Commissioners were never asked to approve this arrangement, nor were they contacted regarding any suggestions they might have for additional or alternate experts.

At its June 8, 2001 meeting the Commission voted that Dr. Lichtman would be asked to prepare a rejoinder to any dissent that was filed, and that the dissent was not to be made available on the commission's web site until it could be accompanied by Dr. Lichtman's response. It is astonishing and unprecedented that the commission would take the position that the views of its minority members could not be circulated to the public until a rebuttal of them was prepared. Is the dissent a document that is too dangerous for the public to read unless accompanied by an immediate rebuttal? Furthermore, to date, Dr. Lichtman's rejoinder has not materialized, and it was stated at the July 13, 2001 meeting of the commission that it was not clear whether he would be writing any response to this dissenting opinion, with unclear consequences for the fate of the dissent.

At the July 13 monthly Commission meeting, members of the commission staff and some commissioners argued that this document is not a proper "dissent," and that the commission should not allow its publication. One commissioner asserted that a "two or three or five page statement" would be an acceptable dissent, but something more than that would be out of bounds. In a July 10 memo, the staff director stated that the Commission "does not envision any Commissioner "engag[ing] in a complete reanalysis of the staff's work." But it is obviously impossible to write a thorough dissent without reanalyzing the quantitative and other evidence upon which important claims have been based.

As a result of such objections, at its July 13, 2000 meeting the Commission majority refused to authorize the publication of our work pending further negotiation. Whether it will actually appear under the Commission's imprimatur remains an open question at this time. Astonishingly, many of the commissioners seem to believe that it is appropriate for them to dictate the form any disagreement with their views should take.

We feel fortunate to be living in a time in which technological progress renders futile the attempts of those in power to silence the expression of minority views. Any interested member of the public can already find our a full draft on our dissenting opinion on the Web, on both the Manhattan Institute and the National Review web sites. And of course it will be available in print in the published hearings of the Senate Committee on Rules and Administration. But it is nonetheless deeply troubling that a body whose mission is to explore unpopular truths would keep from public scrutiny a dissenting opinion written by two of its duly-appointed members.

1. Failure to follow statutory requirements for fair and objective proceedings.

Under the Commission's regulations, all proceedings are to be conducted in a fair and objective manner. During its hearings in Florida, however, the Commission failed to ensure fair, equal and courteous treatment of witnesses. The secretary of state was treated in an insulting manner, and the governor was the only witness during the proceedings who was denied the opportunity to deliver an opening statement.

2. Conclusions issued before all of the evidence was received.

The Commission reached its verdict long before it had even completed its review of the evidence. On March 9, the Chair introduced a "preliminary assessment" that was not shared with Commissioners beforehand and that did not provide Florida officials with an opportunity to respond to the charges against them. These procedures are sadly reminiscent of Alison in Wonderland's court of the Red Queen: "Verdict first, trial later!"

3. Denial of "defame and degrade" review.

Section 702.18 of the Code of Federal Regulations requires the Commission to give parties that might be defamed or degraded by its reports a chance to respond. The majority report states that "the Commission followed its procedures by conducting a defame and degrade review." It fails to state that the Commission's general counsel denied the governor's request to be given the requisite 30 days, under defame and degrade, to review the report in its entirety (instead of select portions) and the requisite 20 days to submit a "timely, verified response." The general counsel's explanation on June 8 was that there was "no statement [in the report] that would constitute defame and degrade." In light of the Chair's statement on June 8 that the governor, the secretary of state, and other state officials were "grossly derelict in fulfilling their responsibilities," the general counsel's decision appears to indicate that the Commission has been "grossly derelict" in its treatment of those who assist its investigations.

4. Inadequate affected agency review and consideration of affected agency comments

The report also claims that “affected agencies were afforded an opportunity to review applicable portions.” The Commission’s project management system normally requires at least 30 days for affected agency review, yet the governor and other officials were given only 10 days to review the report, and the report was given to the press before affected parties could respond. In an interview with the *New York Times*, the general counsel claimed that anyone wishing to respond to the Florida report would have 20 days to do so. Few of the affected agency comments have actually been factored into the final report.

To compound the seriousness of these procedural improprieties, the Commission handed out copies of the draft report at the June 8 meeting and posted the draft on its web site, thereby widely disseminating a version of the report that included none of the affected agency comments or any of the corrections and amendments discussed at the June 8 meeting.

Affected agency review is an essential procedure to ensure fairness and accuracy of Commission reports. Contrary to the Chair’s statement on June 8, it is not a mere “courtesy” that is granted or denied at the whim of the Chair or the staff. In this case, the procedure was mooted by the leak to the press and the public dissemination of a preliminary, uncorrected draft.

5. No management controls for this agency in disarray:

A 1997 investigation by the GAO found the Commission to be an “agency in disarray” and cited, in particular, the lack of communication and effective management controls regarding the Commission’s projects. Pursuant to the GAO investigation, the Commission implemented its management information system to specify timelines for completion of the Commission’s work product. In the case of the Florida report, however, no clear or consistent timeline has been maintained for this project and Commissioners’ inquiries to both the Chair and the staff director have been routinely ignored.

For example, at the March 9 meeting, instead of taking up a status report on the project (as the agenda announced), Commissioners were asked to approve, without any advance notice at all, the Chair’s own personal statement of preliminary findings. At the same meeting, the Chair advised Commissioners that, “in April we expect to have the draft of the voting rights in Florida, the actual draft, in front of us.” In April, however, Commissioners were given only an “Outline of the Final Document” and were advised that the draft report would be considered at the June 8 meeting. At no time were Commissioners advised they would be given only three days to read the report prior to the June 8 vote. The Chair dismissed any criticism in this regard, asserting that Commissioners should have known “that we would receive it when we did receive it.”

Instead of taking responsibility for the question of agency leaks, the Chair now proposes

to legitimize the premature disclosure of Commission reports, by suggesting a change in policy for Commission reports. Specifically, the Chair proposes, for future reports, “that we release the draft of the report publicly as soon as it’s available without waiting [until] even when we give it to the Commissioners.” While releasing drafts of a report as they are written makes much sense, since it would allow commissioners to discuss the findings with the staff before the document is finished, it’s not clear why the Chair would give the press, but not the commissioners themselves, copies of such a draft.

6. *Selection of Allan Lichtman as the Commission’s Sole Statistical Analyst for the Florida Report*

As we have argued, we believe that a rigorous statistical analysis of the available data clearly and convincingly contradicts Dr. Lichtman’s alleged findings. Dr. Lichtman’s conclusions are so unsupported, in fact, that it is first worth pausing to discuss the Commission’s selection of him as its sole statistical analyst to carry out such crucial work.

The choice of Dr. Lichtman to carry out this work is problematic. When he appeared at the June 8, 2001, meeting of the commission to present his findings, he took pains to present himself as a scholar above party, who had “worked for Democratic interests... and for Republican interests.”³³ At the time, the American University web site identified him as a “consultant to Vice-President Albert Gore, Jr.”³⁴ His partisan commitment was evident in his media appearances throughout the campaign and the period of post-election uncertainty.

Moreover, although Dr. Lichtman claimed (at the June 8 Commission meeting) that he began his study of possible racial bias in the Florida election with an open—even “skeptical”—mind, in fact, evidence suggests the contrary. As early as January 11, at the very beginning of his investigation and prior to conducting any detailed statistical analysis of his own, Dr. Lichtman stated publicly that he was already convinced, on the basis of what he had read in the *New York Times*, that in Florida “minorities perhaps can go to the polls unimpeded, but their votes are less likely to count because of the disparate technology than are the votes of whites.” He concluded: “In my view, that is a classic violation of the Voting Rights Act.”³⁵ Long before he examined any of the statistics, Dr. Lichtman had already concluded that Florida had disenfranchised minority voters and violated the Voting Rights Act.

A social scientist with strong partisan leanings might conceivably still conduct an even-handed, impartial analysis of a body of data. Unfortunately, that is not the case in the

³³ Transcript of United States Commission on Civil Rights meeting, Washington, D.C., June 8, 2001, 46.

³⁴ <<http://www.american.edu/cas/faculty.shtml#HISTORY.WMA>>

³⁵ Transcript of U.S. Commission on Civil Rights hearing, Tallahassee, Florida, January 11, 2001, PAGE TK

present instance.

Conclusion

America's journey on the road to racial and ethnic equality is far from over. We have traveled far, and still have far to go. But the Commission's majority report positively sets us back. By crying "disenfranchisement" where there was confusion, bureaucratic mistakes, and voter error, the report encourages public indifference. Real civil rights problems stir the moral conscience of Americans; inflated rhetoric depicting crimes for which there is no evidence undermines public confidence in civil rights advocates and the causes to which they devote themselves.

The U.S. Commission on Civil Rights was once the moral conscience of the nation. Under the direction of the Chair, Mary Frances Berry, it has become an agency dedicated to furthering a partisan agenda. After six months of desperately searching for widespread disenfranchisement in Florida, the Commission produced a 200-page report based on faulty analysis and echoing vague and unsubstantiated claims.

The shoddy quality of the work, its stolen-election message, and its picture of black citizens as helpless victims in the American political process is neither in the public interest nor in the interest of black and other minority citizens. Do we really want black Americans to believe there is no reason to get to the polls; elections are always stolen; they remain disenfranchised? There is important work the Commission can do. But not if its scholarly and procedural standards are as low as those in this Florida report.

Non-Voted Ballots and Discrimination in Florida

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I) Introduction

The U.S. Commission on Civil Rights' Majority Report on the 2000 Presidential vote in Florida presents two types of empirical evidence that African-Americans were denied the right to vote.¹ The report concluded that, "The Voting Rights Act prohibits both intentional discrimination and 'results' discrimination. It is within the jurisdictional province of the Justice Department to pursue and a court of competent jurisdiction to decide whether the facts prove or disprove illegal discrimination under either standard."² To reach their conclusion that discrimination had occurred, the majority examined the impact of race on spoiled (or non-voted) ballot rates as well as the impact of race on the exclusion from voter eligibility lists because of past felony criminal records. They relied on empirical work regarding non-voted ballots and this empirical work relies solely on cross county regressions or correlations using data from 2000 alone. The evidence that African-Americans are erroneously placed on the ineligible list at higher rates than other racial groups is based upon a simple comparison of means.

My examination of the data however demonstrates three things:

- 1) The Majority Report's conclusion of "a direct correlation between race and having one's vote discounted as a spoiled ballot" is quite sensitive to the specification used. Using their method, non-voted ballot rates increase as the percentage of African-Americans rises, if they increase at all, when the county election supervisor is a Democrat and/or an African-American.
- 2) The Majority Report fails to account for which counties had high rates of non-voted ballots in the past. We find that once these past rates are accounted for, additional increases in the percent of voters in a county who are African-American are not related to changes in the rate that ballots are not voted. While the difference is not statistically significant, the ballot non-voting rate is slightly more positively related to the share of white voters than African-American voters.
- 3) The Majority Report's own evidence that African-Americans are erroneously included on the ineligible list at higher rates than other racial groups actually shows the opposite of what they think that it does. The evidence that African-Americans win a greater share of successful appeals does not account for the fact that African-Americans make up an even much greater share of the list of ineligible voters to begin with. In fact, the rate that whites are removed from the list because they were incorrectly included to begin with is almost twice the rate of African-Americans.

The evidence thus indicates that even if the commission is correct on the law (and there is some debate on that),³ it is difficult to accept the commission's conclusion that discrimination occurred unless one believes that black democratic county election supervisors were responsible for higher non-voted ballot rates by African-American voters. The following sections will first evaluate the data on non-voted ballots and then turn to the data on African-Americans being erroneously excluded from voting due to felony criminal records.

¹ U.S. Commission on Civil Rights, Voting Irregularities in Florida During the 2000 Presidential Election, June 8, 2001 (<http://www.usccr.gov/vote2000/stdraft1/main.htm>).

² *ibid.*

³ Abigail Thernstrom and Commissioner Russell G. Redenbaugh, The Florida Election Report: Dissenting Statement, June 26, 2001 (http://www.manhattan-institute.org/html/final_dissent.htm).

II) Re-examining the Simple Correlations and Means

Ideally any analysis of non-voted ballots and race would directly link whether individuals in a particular group actually had non-voted ballots. Yet, there is obviously no such data. Lacking that direct link, the Majority Report attempts to see whether counties or precincts with a higher percentage of African-Americans have a higher percentage of non-voted ballots. The Majority Report interprets such a link as discrimination.

The Majority Report provides many scatter plots to illustrate this correlation across precincts and counties. The problem is that all the evidence produced in the Majority Report is based on purely cross-sectional evidence. Yet, purely cross-sectional evidence suffers from well-known weaknesses in not being able to account for other factors that may explain the relationship between race and non-voted ballots.

The simplest way to account for these other factors is to examine whether certain counties had high levels of non-voted ballots even before they had high levels of African-Americans. Thus, we examine counties over time and compare the change in the racial composition of voters with the change in non-voted ballots. If African-Americans disproportionately account for non-voted ballots, the percent of African-Americans and non-voted ballots should continue to hold across elections: counties with the largest increase in the percentage of voters who are African-American should also have the largest percentage increase in non-voted ballots.

To examine this, we compared the change in county ballot spoilage rates and racial composition in the Presidential election in the 1996 and 2000 and the change in the share of voters in those elections who were in different races. The results are shown in Figures 1 through 4. Generally it is difficult to see much of any relationship. If indeed there is one, it turns out to be the opposite of what is implied by the Majority Report: there is a very small negative correlation between increases in the percent of voters who are African-American and spoilage rates (a correlation of -4 percent). And an increase in the share of white voters is associated with an increase in the non-voted ballot rate, though none of these very simple relationships are statistically significant.⁴ Using data from the Election Data Services on the type of voting equipment used in different counties it is also possible to breakdown these figures on the basis of those counties that used the same voting machines in both the 1996 and 2000 elections. Doing so produces a set a graphs that is very similar to Figures 1 through 4 (see the Appendix).

III) Analyzing the Purely Cross-Sectional Level Data

Appendix I of the Commission's Majority Report lists the factors that they presumably tried to account for in their analysis of non-voted ballots. Besides the percent of registered voters who are African-American, they include information on the percent of the general population who are white, African-American, Hispanic, and minority; median income; the poverty rate; the type of voting system (optical, punch card, paper/hand, lever machine); and whether voting was tabulated at the precinct, centrally, or otherwise. While these factors are listed, there is surprisingly little discussion on why these factors rather than other variables are included. Despite repeated requests by commission member Abigail Thernstrom, no information has been provided on how exactly these different variables were included in their regression estimates.

⁴ The correlation between the change in non-voted ballots and the share of voters who are white is .09; the same correlation for Hispanics is .03; and the correlation for "other" (neither white nor African American) is -.17.

The statistical appendix for the Majority Report provided by Allan Lichtman also mentions that the results are unaffected by including a variable measuring “the percentage of adults in the lowest literacy category failed to diminish the relationship between race and ballot rejection or to reduce the statistical significance of the relationship” from 1992.⁵ While this “lowest literacy category” is not defined in the report, we assume that it is from the U.S. Department of Education’s Adult Literacy Survey which defines it as those being unable to “make low-level inferences based on what they read and to compare or contrast information that can easily be found in [a] text.”⁶

Why some of these factors are important is easy to explain. For example, measures of income and poverty are roughly associated with education and therefore with the ability to read and follow voting instructions. Literacy rates, as used by Lichtman, are a more direct measure of this, though even this is not perfect because the county data does not break down the rates by race. The national data indicates that 38 percent of African Americans - but only 14 percent of whites - ranked in the lowest category, so it does raise the issue of whether any race variables are proxying for left out literacy measures. Errors in voting can also vary with the type of voting equipment and possibly where the votes are tabulated. For example, if optical readers are used and the votes are fed into a vote counter directly by the voter, it is possible for a ballot with an error to be immediately returned to and corrected by the voter.

Other factors mentioned by the Commission in its appendix are more difficult to explain. For example, why include a detailed breakdown of the share of different groups in the general population but only examine the share of voters who are African-American? There is also the issue of what has been left out. Given the Majority Report’s emphasis on “intentional discrimination” (e.g., p. 37), why not try to account for those involved in the process who might have some reason for either discriminating against African-American voters or preventing such discrimination? Some obvious controls for this are the political party affiliation or race of the county election supervisor. If the suspected discrimination is occurring against African-Americans and given that African-Americans vote so heavily for Democrats, it seems doubtful that Democratic or African-American election supervisors would act in ways to increase the rate of non-voted ballots of African-Americans.

Because of these two sets of concerns, I gathered data on the share of voters who are white or Hispanic and on the political affiliation and race of county election supervisors from the Florida Secretary of State’s Office and individual county supervisors of elections. Section A in Table 1 contains descriptive statistics on the county data for the year 2000 obtained directly from the Majority Report’s Appendix 1. Section B in Table 1 provides information on the new variables that I obtained.

Table 2 provides some preliminary information using just the cross-sectional means that casts doubt on Republicans being responsible for the problems with non-voted ballots. Indeed, the counties with Democratic election supervisors have the highest non-voted ballot rate, with white Democrat supervisors having a higher rate than African-American Democrat supervisors. White Republican election supervisors have the lowest rate of spoiled ballots, indeed the simple means show that the non-voted ballot rate for white Republican supervisors is **only a third** of the rate of black Democratic supervisors. Comparing sections A and B in Table 2 also indicates why there is a simple correlation between race and non-voted ballots. Those counties with the highest rates of

⁵ Allan J. Lichtman, “Report on the Racial Impact of the Rejection of Ballots Cast in the 2000 Presidential Election in the State of Florida,” U.S. Commission on Civil Rights, June 2001 (<http://www.usccr.gov/vote2000/stdraft1/ltrpt.htm>).

⁶ National Center for Education Statistics, *Adult Literacy in America: A First Look at the Results of the National Adult-Literacy Survey*, National Center for Education Statistics (Washington, D.C.: U.S. Government Printing Office, 1993), 18, 113.

African-American voters also were more likely to have both Democratic supervisors and more spoiled ballots.

Since neither the Majority Report nor the accompanying "Draft Report" by Allan Lichtman show exactly what regressions specification they examined, I tried different specifications to replicate the commission's results. Because the Majority Report does not reference data on literacy rates, I report the results with and without the literacy variable included. However, it was difficult to find a consistent relationship between the share of voters who are African-American and the ballot spoilage rate. I started out by using all the variables reported in their Appendix I and the literacy rate (see column 1 in Table 3, section A). While the coefficient on the percent of voters who are African-American was indeed positive, implying that a greater share of voters being African-American (and not just characteristics correlated with the presence of African-Americans in the community) increased the spoilage rate, the coefficient was quite statistically insignificant. The probability that the coefficient was positive was only 28 percent. Excluding the literacy rate in Section B produced an even lower level of significance. Thus using the Commission's very own set of control variables, there is thus no real confidence that there is a positive relationship between the share of African-American voters and the ballot spoilage rate.

Because the cross-sectional data might not be sufficient to disentangle the share of African-Americans in the general population from the measure of the share of voters who are African-American, column 2 in Table 3 removes the variable for the share of African-Americans in the county population. Interestingly, this specification implies that a higher share of voters being African-American actually reduces the ballot spoilage rate. Indeed, it is quite damning that any specification that accounted for something as simple as the share of the county population that is white resulted in no significant relationship between the share of voters who are African-American and the ballot spoilage rate. The specification in column 3 removes the percentage of the population that is white and is the only specification shown in Table 3 when literacy rates are included that provide statistically significant evidence consistent with the Majority Report's claims.

Even in the specification (column 3) which implies a significant impact of the share of voters who are African-American, the variable explains very little of the overall variation in spoilage rates. Removing the share of voters who are African-American reduces the amount of variation in ballot spoilage that can be explained by the regression from 73.9 percent to 72.2 percent, a 2.3 percent reduction. By contrast, removing the variables that account for the method of voting and where the counting takes place explains 31 percent of the variation. In none of other the specifications shown in Table 3 does removing any or all of the variables that contain the share of voters who are African-American reduce the amount of the variation in non-voted ballots that can be explained by any more than 2 percent. In the first specification that uses all of the variables provided by the Majority Report, the share of voters who are African-American explains less than two-thirds of one percent of the variation.⁷

Once a specification that was consistent with the Majority Report's claims was identified, I examined whether the relationship between African-American and ballot spoilage rates might really be proxying for other left-out factors. The next four specifications (columns 4 through 7) point to one clear conclusion: there exist many other factors that occur in heavily African-American counties and any of these factors could generate a high non-voted ballot rate.

⁷ The claim in Professor Lichtman's draft report that 25 percent of the variation can be explained simply by the share of voters who are black is very misleading. It is obtained only because no other variables are included in that regression. This only makes sense if he really believes that this is the only variable that should be included in explaining the variation in ballot spoilage rates.

For example, the largest effect between the share of voters who are African-American and ballot spoilage rates exists when African-Americans are county election supervisors (column 6) and a net positive effect also occurs when Democrats are county election supervisors (column 5). Because the point estimates need to be added together in evaluating the impact of the percent of voters who are African-American in counties with African-American county election supervisors, the net effect in column 6 for the percent of voters who are African-American and that variable interacted with whether the county election supervisor is African-American is just short of being statistically significant at the 10 percent level ($p=.1088$). The estimates imply that each one percent increase in the share of voters by African-Americans produces 135 percent more non-voted ballots when the county election supervisors are African-American than when they are of some other race.

The data does not allow us to distinguish which is the primary reason for the higher spoilage rate when African-American voters are relatively more prevalent, but the most statistically significant effect still appears to be whether African-Americans are voting in a county where the election supervisor is African-American. Column 7 implies that the rate of non-voting when there are more African-Americans in a county is 43 percent larger when the supervisor is African-American. If county level voting is rigged (intentionally or not) to discriminate against African-Americans voters, the empirical method used by the Majority Report implies that by far the most discriminatory counties are ones where Democrats and African-Americans control the balloting process. Unless we actually believe that Democrats and African-American officials are discriminating either intentionally or not against African-American voters (and such discrimination would make little sense), the obvious conclusion is that this approach for ferreting out discrimination is flawed.

By contrast, the estimates imply that in counties with Republican election supervisors a higher share of voters who are African-Americans actually results in a tiny reduction in the non-voted ballot rate, though the effect is never statistically significant. For each additional one percentage point of the voters living in a county with a Republican election supervisor, columns 5 and 7 imply that the non-voted ballot rate falls by between .09 and .1 percentage points (a 6 to 7 percent decline in the average rate of non-voted ballots in counties with Republican supervisors).

I also tried another specification (not shown), similar to what is reported in the fourth column, that interacted the dummies for the four different types of voting machines and whether the ballots were counted centrally with the percent of voters who are African-American. Optical scans and punch card machines implied that more African-American voters resulted in more non-voted ballots, while lever machines and paper ballots implied relatively fewer non-voted ballots when there were more African-American voters, but none of the coefficients were statistically significant nor statistically significantly different from each other. Generally, since one would expect that the ability to discriminate against black voters should vary with the type of voting machine used, it is hard to see any relationship here that implies discrimination.

The other control variables imply that combining optical voting machines with the central counting of votes produces significantly more non-voted ballots, whereas optical votes counted at the precinct reduces spoilage. Higher poverty rates are also significantly associated with more spoilage in seven of the eight specifications, though median income is rarely statistically significant and then only when literacy rates are accounted for.

Section B of Table 3 reruns the regressions reported in Section A, but without the literacy rate variable. Lichtman's comments suggest his primary specifications did not include this variable.⁸

⁸ Lichtman writes: "A multiple regression analysis that controlled for the percentage of high school graduates and the percentage of adults in the lowest literacy category failed to diminish the relationship between race and ballot rejection or to reduce the statistical significance of the relationship."

The general pattern of results is similar to what is shown in Section A, though the results are even stronger. Columns 13, 14, and 15 imply even more clearly that whatever relationship exists between a higher percentage of voters who are African-American and more non-voted ballots is driven by African-Americans living in counties with Democratic and/or African-American election supervisors. The net effects of the African-American voter interactions are always positive and the F-tests at the bottom of the section indicate that there is always at least one combination of these interactions that is statistically significant. By contrast, the net effect of Republican supervisors always implies that more African-American voters in those counties leads to fewer non-voted ballots.

Professor Lichtman's draft report, upon which the Majority bases its conclusions, makes the claim (p. 6) that: "is there some other factor which better explains this disparity in ballot rejection rates? In short the answer is no." This is indeed an important question. Yet, this section has shown that merely accounting for the data supplied in the Majority Report's appendix can reverse Lichtman's claim. In addition, this section has raised possible variables that help explain the variation in non-voted ballot rates that were never discussed in either the Majority Report or Lichtman's draft report.

There is a long list of other factors that might help explain spoilage rates, such as voter age or gender, and these were never included in the simple regressions. It is also important to study not only the means but the distributions of different variables. Part of our reason for not going much beyond what was done in the Majority Report was to keep our results as similar to theirs as possible, though it was very easy to include variables that would eliminate any statistical significance with respect to the share of voters who were African-American. The panel data set over several presidential elections in the following section examines these issues in more detail because the larger sample allows us to more fairly make this type of detailed breakdown.

IV) Analyzing the County Level Data for the 1992, 1996, and 2000 Presidential Elections

As noted earlier, using purely cross-sectional data faces severe limitations in accounting for differences across counties. There are many reasons for why spoilage rates differ and accounting for the fifteen variables used in our analysis (or the smaller number available in the Majority Report) leaves out many possible factors that are necessary to explain the difference in ballot spoilage rates in different counties. Using information on non-voted ballot rates during previous presidential elections allows us to examine whether changes in the racial composition of voters can explain changes in these rates. None of our results imply increasing the share of voters in any racial or ethnic group significantly increases non-voted ballot rates.

While neither the Florida Secretary of State's Office nor individual county election offices have detailed records on current county level voting operations, past information was not readily available on some variables, such as the method of voting, where the votes are tabulated, and the race of the county election supervisor.⁹ Fortunately, Election Data Services provides data on the type of voting machine by county for the last three presidential elections.¹⁰ During 1996 and 2000, fourteen counties switched from lever machines and eleven counties switched from DataVote machines. Most the changes for the 1996 election and all of those for 2000 were towards the adoption of optical scan machines.

⁹ Telephone calls were made to all the individual county election supervisor's offices in an attempt to obtain this data.

¹⁰ Election Data Services is located at 1401 K Street, NW, Suite 500, Washington, DC 20005-3417.

In the regressions shown in Table 5, I use only the percent of the voters by race and not the demographic breakdown of the general population. In place of the median income and poverty rate, I use data that I had readily available on per capita income, per capita unemployment insurance payments, and per capita income maintenance payments (welfare).¹¹ These last three variables were only available up through 1998, so I use those values as proxies for the year 2000.¹² County fixed effects are used to account for other factors that explain differences in non-voted ballot rates across counties and fixed year effects are used to pick up differences over time. (The literacy rate data could not be included as it was only available for one year, and the fixed county effects would be perfectly collinear with this variable.)¹³

The results indicate that the percent of voters in different race or ethnic categories are rarely statistically related to ballot spoilage. In these specifications, less than 2 percent of the variation in non-voted ballots is explained by including African-American voters. The only specification that implies a statistically significant relationship between the rate of non-voted ballots and the percent of voters who are African-American is the third column, but even this result provides little support for the notion that discrimination was occurring. Because the percent of voters who are African-American in the third column is not only included by itself but also by interacting the African-American variable with whether the county election supervisor is a Republican or a Democrat, the interactions must be added together with the direct effect to determine the net effect of more African-American voters on the non-voted ballot rate in counties with Republican or Democratic supervisors. Doing this indicates that more African-American voters increases non-voted ballot rate when the election supervisors are either non-partisan or Democrats and decreases the non-voted ballot rate when they are Republicans. Each one percentage point increase in the percent of voters who are African-American results in the non-voted ballot rate rising by .43 percentage points when the election supervisor is a Democrat and falling by .15 percentage points with a Republican. The net effects for Democratic or Republican supervisors are not statistically significantly different from zero nor from each other. The F-test for the difference between these the net impact on African-American voters in counties with Republican or Democratic supervisors is significant at only the 20 percent level. Only the direct effect of the percent of voters who are African-Americans is really statistically significant and that is picking up what is happening in counties run by non-partisan election supervisors.

The last specification replaces the simple variable for the percent of voters who are African-American with that variable being interacted with the dummy variables for the type of voting machines used. Interestingly, the coefficient on the interaction for punch card machines is almost identical to the interaction for optical scan machines, and F-tests indicate that none of the different voting methods imply a different rate of non-voted ballots as the percent of voters who are African-American increases.

As for the other variables, non-partisan and Republican county election supervisors are associated with more non-voted ballots. A county that switches from a Democratic to a non-partisan election

¹¹ The data on these income and payment values were obtained from the Regional Economic Information System (REIS). Income maintenance includes Supplemental Security Insurance (SSI), Aid to Families with Dependent Children (AFDC), and food stamps.

¹² Lichtman uses a similar approach.

¹³ As a proxy for new voters who may have made mistakes because they had no previously voted, I used a variable for the change in the number of voters by race from previous elections. This proxy has definite problems since an increase in the number of voters in a particular racial category can arise because of people who are experienced voters moving from one place to another. I found no significant impact from this variable. However, I was unable to determine whether this lack of statistical significance was due to there really not being a problem arising from new voters or from problems with the measure itself. Including these variables did not alter the other findings.

supervisor sees its non-voted ballot rate more than double. Yet, while the average rates are higher for Republicans than Democrats, the non-voted ballot rate that does exist is more likely to be positively related to the share of voters who are African-American in Democratically controlled counties. The average non-voted ballot rate declined significantly from 1992 to 1996 and then rose very slightly in 2000. While the coefficients for optical scanners always imply a statistically significant lower rate of non-voted ballots, and three of the five coefficients are statistically significant. None of the other variables produce consistent results.

Table 6 replaces the voting share data in the first column of Table 5 with census demographic data to measure the differential impact that age, sex, and race might have on non-voted ballots.¹⁴ This breakdown was not readily available in terms of those who voted in the elections, so I use the census data as a substitute. One reason for relying on this census data is that when the percent African-American in the general population are used in place of African-Americans as a share of voters the previous regressions, I obtain results that are roughly similar in size and statistical significance.

The results in Table 6 paint a much more complicated story on the relationship between race and non-voted ballots than is discussed by the Majority Report. For five age and sex categories, an increase in the share of voters who are African-American implies more non-voted ballots. Yet, for the other five age and sex categories, the reverse is true. It is not clear what form of discrimination would imply that more African-American males between 30 and 39 increases non-voted ballots, but the reverse is true for African-American females in that age range.

V) The Evidence on Excluding Convicted Felons

The evidence on convicted felons proves the opposite of what the Majority Report claims. In their conclusion on page 37, the Majority Report states that "the chance of being placed on this list [the exclusion list] in error is greater if the voter is African-American." The evidence they provide indicates that African-Americans had a greater share of successful appeals. However, since African-Americans also constituted an even greater share of the list to begin with, whites were actually the most likely to be erroneously on the list (a 9.9 percent error rate for whites [125/1264] versus only a 5.1 percent error rate for blacks [239/4678]). The rate for Hispanics (8.7 percent [105/1208]) is also higher than for blacks. Their own table thus proves the opposite of what they claim that it shows. A greater percentage of Whites and Hispanics who were placed on the disqualifying list were originally placed there in error.

In any case, this evidence has nothing to do with whether people were in the end improperly prevented from voting, and there is no evidence presented on that point. The Majority Report's evidence only examines those who successfully appealed and says nothing about how many people of those who didn't appeal could have successfully done so.

VI) Conclusion

It is difficult to see any evidence that African-Americans in Florida were systematically discriminated against in terms of voting. Even assuming that cross-sectional evidence is useful in evaluating this claim, it appears more consistent with indicating that the problem was worst in those counties where African-Americans were county election supervisors. It is difficult to reconcile that evidence with some notion that there was intent to disqualify African-American voters. The panel data makes it very difficult to ascertain any systematic bias either intentional or unintentional against African-American voters.

¹⁴ This data was obtained from the U.S. Bureau of the Census.

Figure 1: African Americans and Non-Voted Ballot Rate

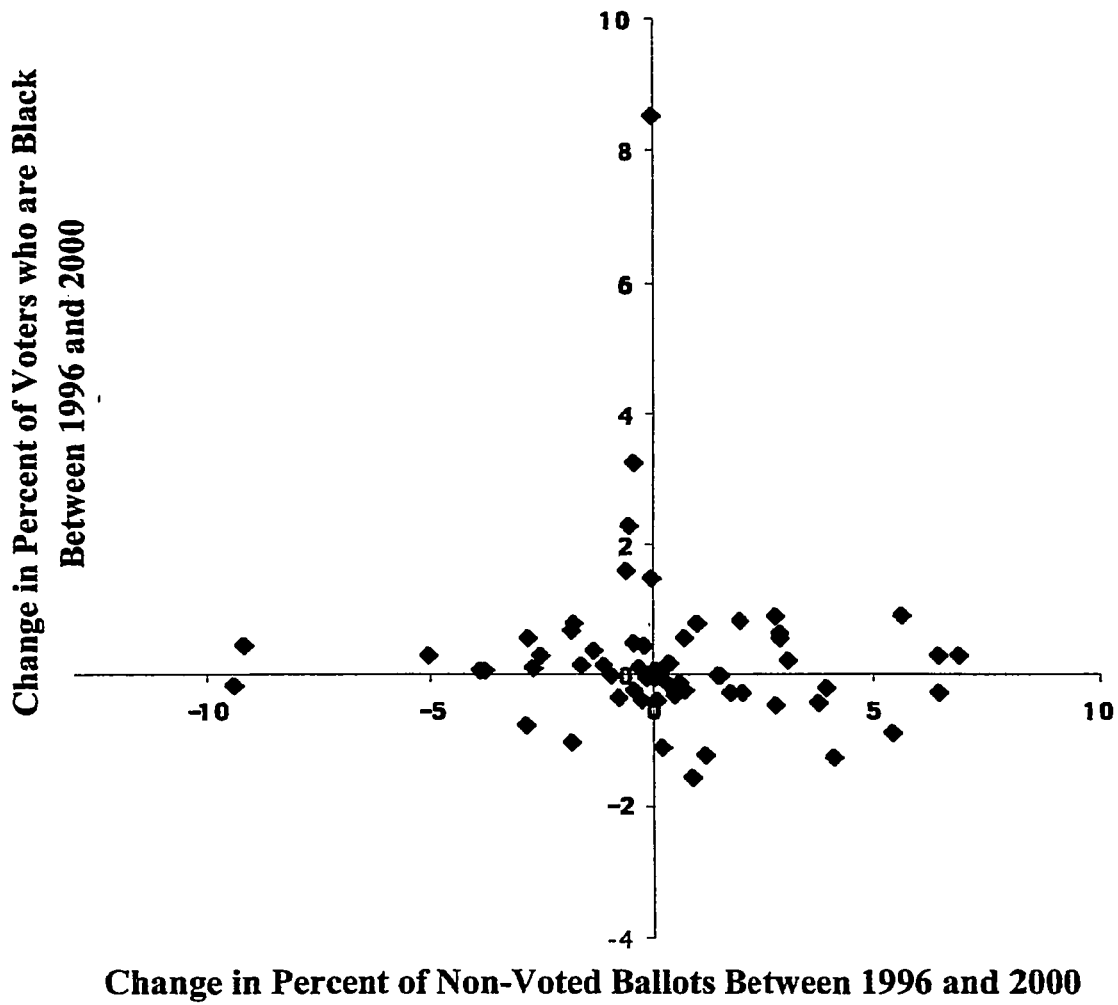


Figure 2: Whites and Non-Voted Ballot Rate

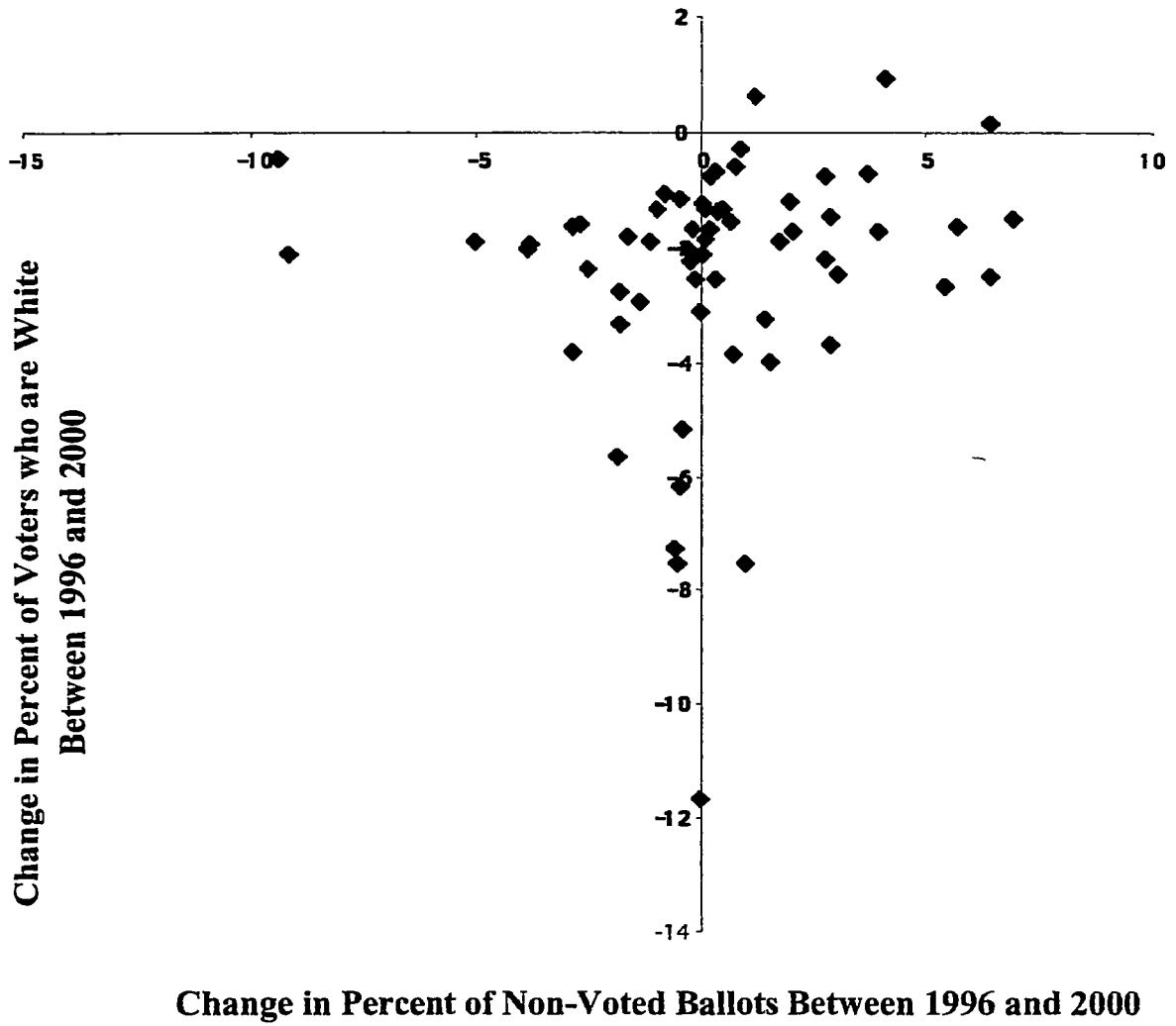


Figure 3: Hispanics and Non-Voted Ballot Rate

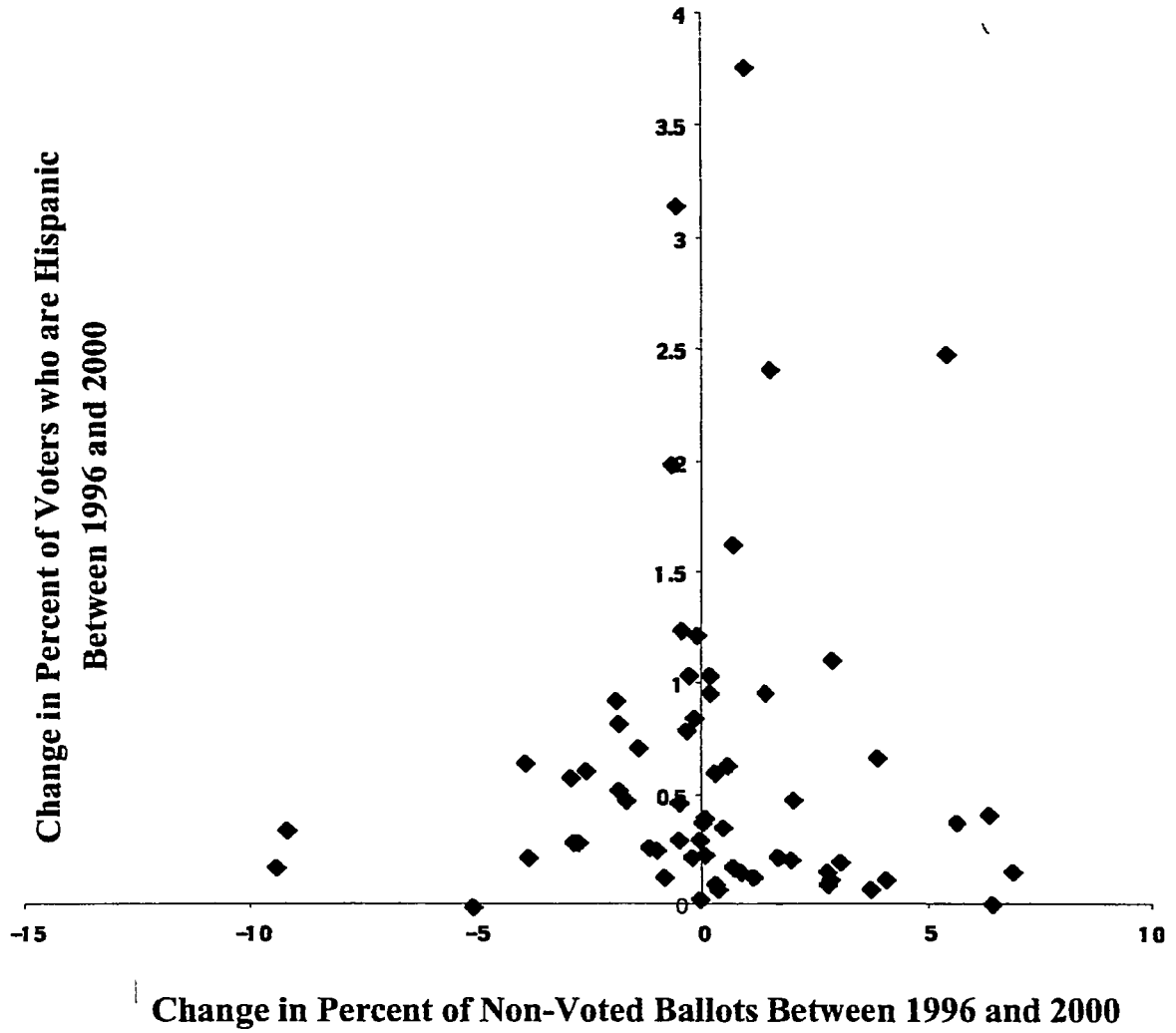


Figure 4: "Other" Voters and Non-Voted Ballot Rate

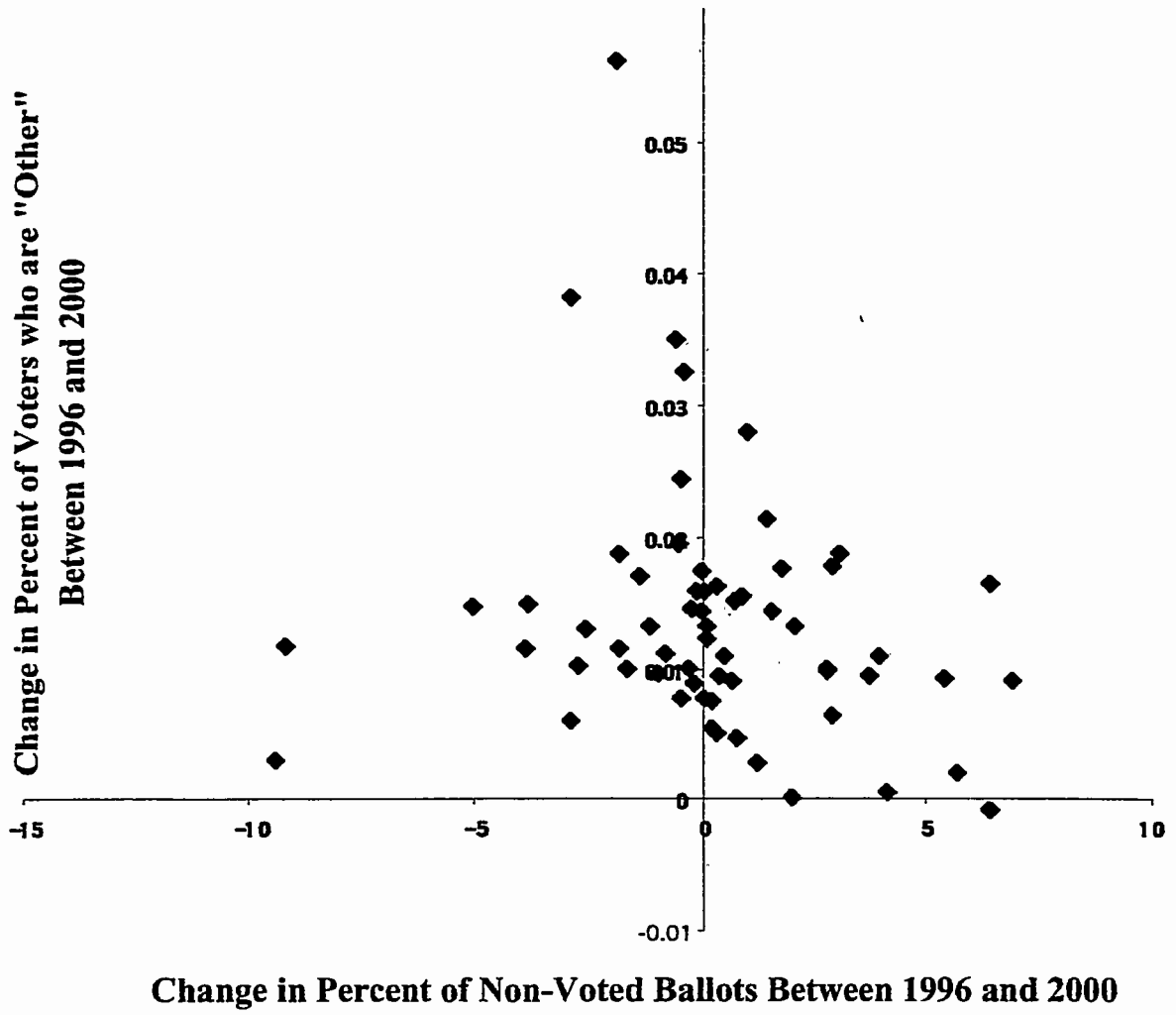


Table 1: Description of Variables Included in the Majority Report's Appendix 1 (N=67 except for the last three rows that we obtained from Florida Secretary of State's Office where N=65. The means are simple averages and are not weighted by population.)

Variable	Mean	Standard Deviation	Minimum Value	Maximum Value
A) Data From Majority Report				
Method of Voting				
Lever Machines	0.0149254	0.1221694	0	1
Optical	0.5820896	0.4969377	0	1
Paper/hand	0.0149254	0.1221694	0	1
Punchcard	0.3880597	0.4909861	0	1
Where Votes are Counted				
Central	0.6268657	0.4872875	0	1
Other (Union and Martin Counties)	0.0298507	0.1714598	0	1
Precinct	0.3432836	0.4783887	0	1
Percent of the Ballots that are Non-voted (though either not voting for a candidate or for voting for too many candidates for President)	0.0390851	0.0311629	0.0018	0.124
Population Demographics				
Percent of Population that is White	81.64925	11.06598	36.3	96
Percent of Population that is African American	16.52537	11.18624	2.6	63
Percent of Population that is Hispanic	7.167164	8.731663	0.9	57.4
Percent of Population that is Minority	24.82239	13.17135	6.9	77
Income Measures				
Median Income	31033.36	5452.027	21982	43061
Poverty Rate	16.74627	5.235176	7.7	27.8
Focus Variable				
Percent of Voters who are African American (from Majority Commission Report)	10.34627	9.106913	1.4	54.4
Variable Reported by Lichtman				
Percent of Adults in lowest Literacy Category	24.3433	5.8428	14	42
B) Information on County Election Supervisors not Included in the Majority Report				
Race of Election Supervisor is African American	0.0597015	0.2387212	0	1
Democrat Election Supervisor	0.6865672	0.4673898	0	1
Nonpartisan Election Supervisor	0.0447761	0.2083729	0	1
Republican Election Supervisor	0.26865	0.4466064	0	1
Percent of Voters who are African American and whether the County Election Supervisor is African American	1.019403	6.761685	0	54.4
Percent of Voters who are African American and whether the County Election Supervisor is a Democrat	8.253731	9.911492	0	54.4
Information on the Race and Ethnicity of Voters from the Florida Secretary of State's Office (unlike other variables N=65)				
Percent of Voters who are African American	9.54846	8.713725	1.303079	51.41108
Percent of Voters who are Hispanic	2.451787	6.059622	0.03870	45.54942
Percent of Voters who are White	85.32495	11.32964	30.96044	97.02997

Table 2: What Types of Counties had the Highest Non-voted Ballot Rates

Breaking Down the Rate of Non-Voted Ballots by the Race and Political Affiliation of County Election Supervisors			
	Democratic Election Supervisor	Republican Election Supervisor	Nonpartisan Election Supervisor
African-American Election Supervisor	4.55%	...	...
non-African American Election Supervisor	4.8%	1.52%	4.62%

Breaking Down the Percent of Voters who are African-American by the Race and Political Affiliation of County Election Supervisors			
	Democratic Election Supervisor	Republican Election Supervisor	Nonpartisan Election Supervisor
African-American Election Supervisor	22.8%	...	...
non-African-American Election Supervisor	11.3%	4.97%	16.9%

B) Using Majority Report Data Appendix (While the specifications used here are the same as those in Section A with the exception of the literacy variable, only selected coefficients are reported)	9	10	11	12	13	14	15	16
Percent of Voters who are African American	.00073 (0.675)	-.0002 (0.208)	.00087 (3.08)***	.00082 (2.442)**	.0011 (1.062)	.0006 (1.535)	.00085 (0.788)	.003 (1.607)
Percent of Voters who are African American and whether the County Election Supervisor is a Democrat					-.00026 (0.300)		-.00017 (0.191)	
Percent of Voters who are African American and whether the County Election Supervisor is a Republican					-.0019 (1.034)		-.0017 (0.879)	
Percent of Voters who are African American and whether the County Election Supervisor is African American						.00045 (0.788)	.00036 (0.601)	
F-test for whether the net effect of the first two variables is positive (probability in parentheses)					5.33 (0.0248)		2.74 (0.1038)	
F-test for whether the net effect of the first and fourth variables is positive (probability in parentheses)						4.15 (0.0465)	1.35 (0.2510)	
F-test for whether the net effect of the first, second, and fourth variables is positive (probability in parentheses)							3.98 (0.0514)	
R ²	.7600	.7397	.7341	.7370	.7433	.7407	.7451	.7859
Prob>F	.0000	.0000	.0000	.0000	.0000	.0000	.0000	.0000

* Statistically significant at the 10 percent level for a two-tailed t-test.

** Statistically significant at the 5 percent level for a two-tailed t-test.

*** Statistically significant at the 1 percent level for a two-tailed t-test.

Table 4: Description of Variables Used in Cross-Sectional Time-Series Data

Variable	Mean	Standard Deviation	Minimum Value	Maximum Value
Percent of the Ballots that are Non-voted (though either either not voting for a candidate or for voting for too many candidates for President)	3.641642	3.00916	0	19.08
Information on County Election Supervisors not Included in the Majority Report (N=201)				
Democrat Election Supervisor	0.73134	0.44437	0	1
Nonpartisan Election Supervisor	0.03015	0.17143	0	1
Republican Election Supervisor	0.23116	0.422635	0	1
Percent of Voters who are African American and whether the County Election Supervisor is a Democrat (N=150)	7.186407	9.19716	0	51.41108
Information on the Race and Ethnicity of Voters from the Florida Secretary of State's Office				
Percent of Voters who are African American (N=138)	9.476006	8.629639	0.862250	51.41108
Percent of Voters who are Hispanic (N=137)	2.054501	5.755577	0.019414	45.54942
Percent of Voters who are White (N=138)	86.56636	10.98606	30.96044	97.85489
Information on Type of Voting Machine from the Election Data Service				
Punch Card	.5025	.5012	0	1
DataVote	.2637	.4417	0	1
Lever	.1045	.3066	0	1
Paper Ballot	.0199	.1400	0	1
Optical Scan	.3433	.4760	0	1
Electronic	.00995	.0995	0	1

Table 5: Using County Level Data During Presidential Years from 1992 to 2000 (Endogenous variable is the percent of ballots that are spoiled. Weighted least squares, where the regressions are weighted by the total number of presidential voters in a county, are used because of heterogeneity. Fixed county and year effects are not reported. N=136.)

	Explaining the Percentage of Ballots Non-voted				
	1	2	3	4	5
Percent of Voters who are African American	.343 (1.081)	..325 (0.951)	.661 (1.853)*	.192 (1.077)	
Percent of Voters who are Hispanic	-.158 (0.335)	-.323 (0.643)	.2096 (0.364)	-.380 (1.411)	-.221 (0.404)
Percent of Voters who are White	.161 (0.576)	.113 (0.390)	.2398 (0.838)		.211 (0.671)
Percent of Voters who are African American and have a County Election Supervisor who is a Republican			-.8067 (1.775)*		
Percent of Voters who are African American and have a County Election Supervisor who is a Democrat			-.2259 (2.245)**		
Percent of Voters who are African American * Dummy for Punch Card voting equipment					.4476 (1.243)
Percent of Voters who are African American * Dummy for DataVote voting equipment					-.0167 (0.036)
Percent of Voters who are African American * Dummy for Lever voting equipment					.248 (0.607)
Percent of Voters who are African American * Dummy for Paper Ballot voting equipment					.3191 (0.493)
Percent of Voters who are African American * Dummy for Optical Scan voting equipment					.423 (1.151)
County Election Supervisor is Nonpartisan	4.744 (5.852)***	4.618 (5.447)***	.6872 (0.352)	4.714 (5.859)***	4.630 (5.364)***
County Election Supervisor is Republican	2.63 (3.050)***	2.56 (2.746)***	3.8099 (1.551)	2.634 (3.072)***	2.271 (2.297)**
Voting Equipment Dummy					
DataVote	.536 (0.586)	.792 (0.824)	.9397 (1.006)	.477 (0.528)	2.790 (1.307)
Lever	.681 (0.386)	1.276 (0.709)	1.540 (0.881)	.5332 (0.307)	2.681 (1.022)
Optical Scan	-1.931 (2.328)**	-1.531 (1.774)*	-1.343 (1.598)	-2.007 (2.464)**	-1.623 (1.359)
Per Capita Income		-.00018 (1.009)	-.00018 (1.052)		-.00017 (0.931)
Per Capita Unemployment Insurance Payments		.0138 (0.453)	.0208 (0.693)		-.0138 (0.445)
Per Capita Income Maintenance Payments		-.0156 (1.015)	-.0198 (1.291)		-.0164 (1.035)
R ²	.8449	.8488	.8651	.8440	.8531
Prob>F	.0000	.0000	.0000	.0000	.0000

* Statistically significant at the 10 percent level for a two-tailed t-test.

** Statistically significant at the 5 percent level for a two-tailed t-test.

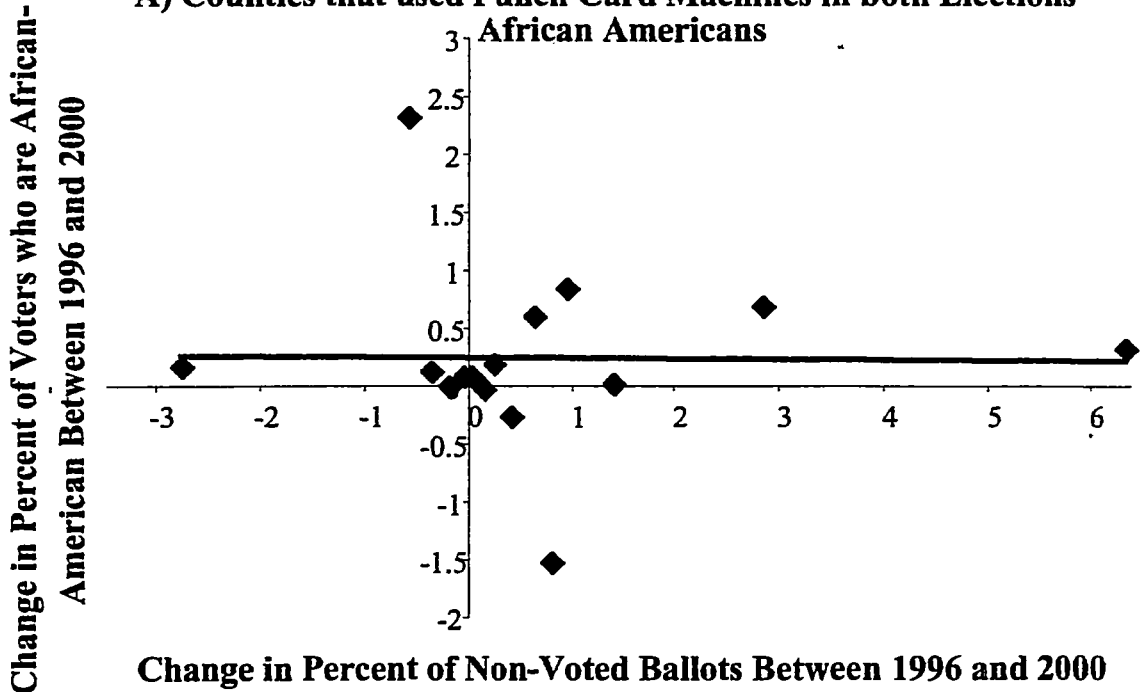
*** Statistically significant at the 1 percent level for a two-tailed t-test.

Table 6: Examining the Racial and Gender Differences Further Using County Level Data from 1992 to 2000 (The regression corresponds to estimate reported in column 1 in Table 4. Endogenous variable is the percent of ballots that are spoiled. Weighted least squares are used because of heterogeneity. The only coefficient signs reported here are those for the percentage of the population that fall into a particular age, sex, and race category. N=199)

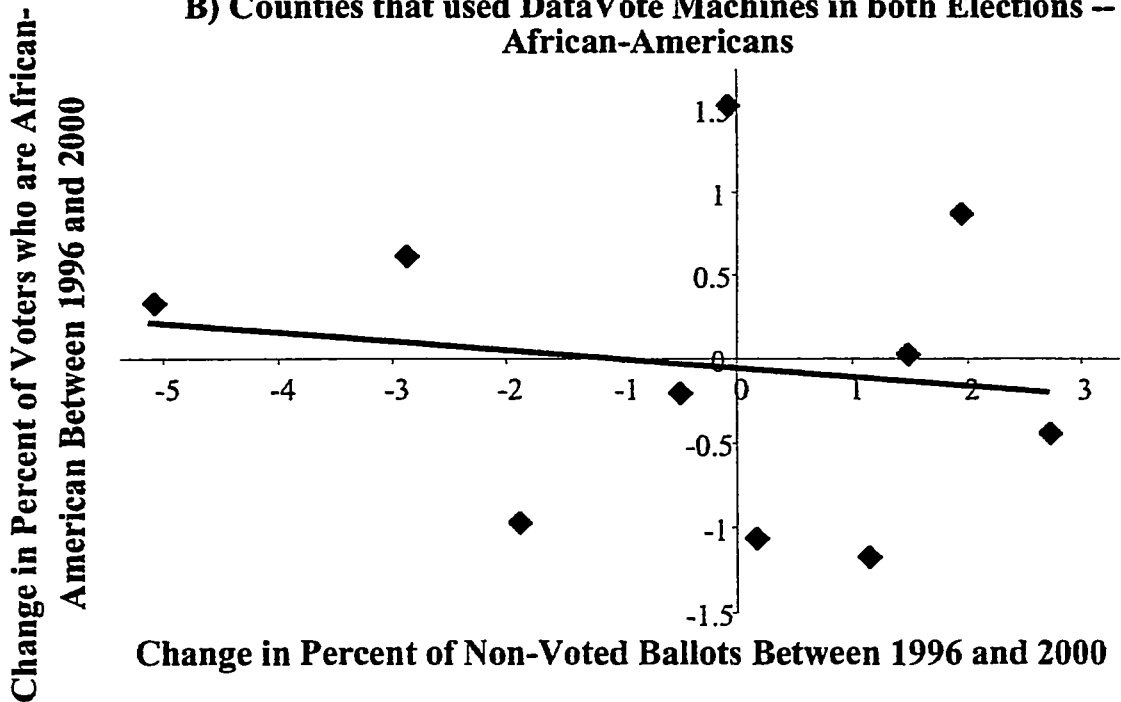
The variables below measure the percent of the general population living in a particular age, sex, and race category.	Coefficient Sign	Is the coefficient statistically significant at the 10 percent level for a one-tailed t-test?
Between 20 and 29 years of age		
Percent African-American Male	Negative	No
Percent African-American Female	Positive	No
Percent White Male	Positive	No
Percent White Female	Negative	No
Percent Other Male	Positive	Yes
Percent Other Female	Negative	Yes
Between 30 and 39 years of age		
Percent African-American Male	Positive	No
Percent African-American Female	Negative	No
Percent White Male	Negative	No
Percent White Female	Positive	No
Percent Other Male	Negative	Yes
Percent Other Female	Positive	Yes
Between 40 and 49 years of age		
Percent African-American Male	Negative	No
Percent African-American Female	Positive	No
Percent White Male	Positive	No
Percent White Female	Negative	No
Percent Other Male	Positive	No
Percent Other Female	Negative	No
Between 50 and 64 years of age		
Percent African-American Male	Positive	No
Percent African-American Female	Negative	No
Percent White Male	Negative	Yes
Percent White Female	Positive	Yes
Percent Other Male	Positive	No
Percent Other Female	Negative	No
Over 64 years of age		
Percent African-American Male	Positive	No
Percent African-American Female	Negative	No
Percent White Male	Negative	No
Percent White Female	Positive	No
Percent Other Male	Negative	Yes
Percent Other Female	Positive	Yes

Appendix: Examining the Relationship Between Changes in the Share of Voters for African-Americans and Whites and the Change in the Percent of Non-Voted Ballots Between 1996 and 2000 (Only counties that used the same voting machines in both years are included. A trend line is included to show the slope of the relationship.)

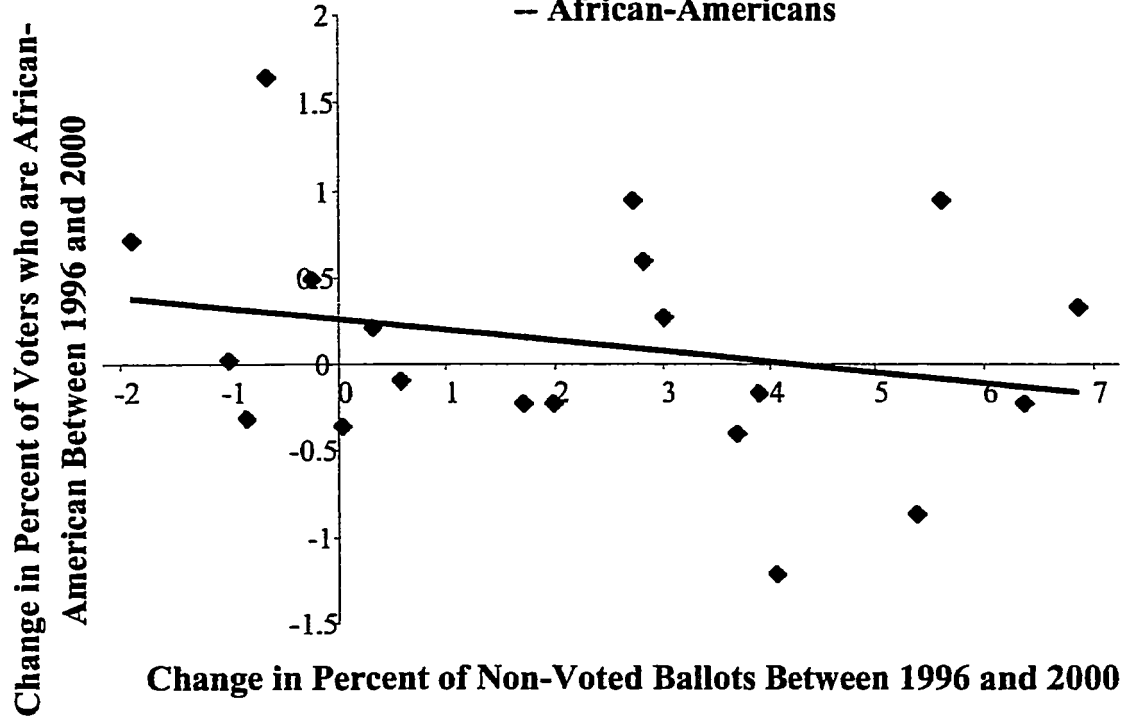
A) Counties that used Punch Card Machines in both Elections -- African Americans



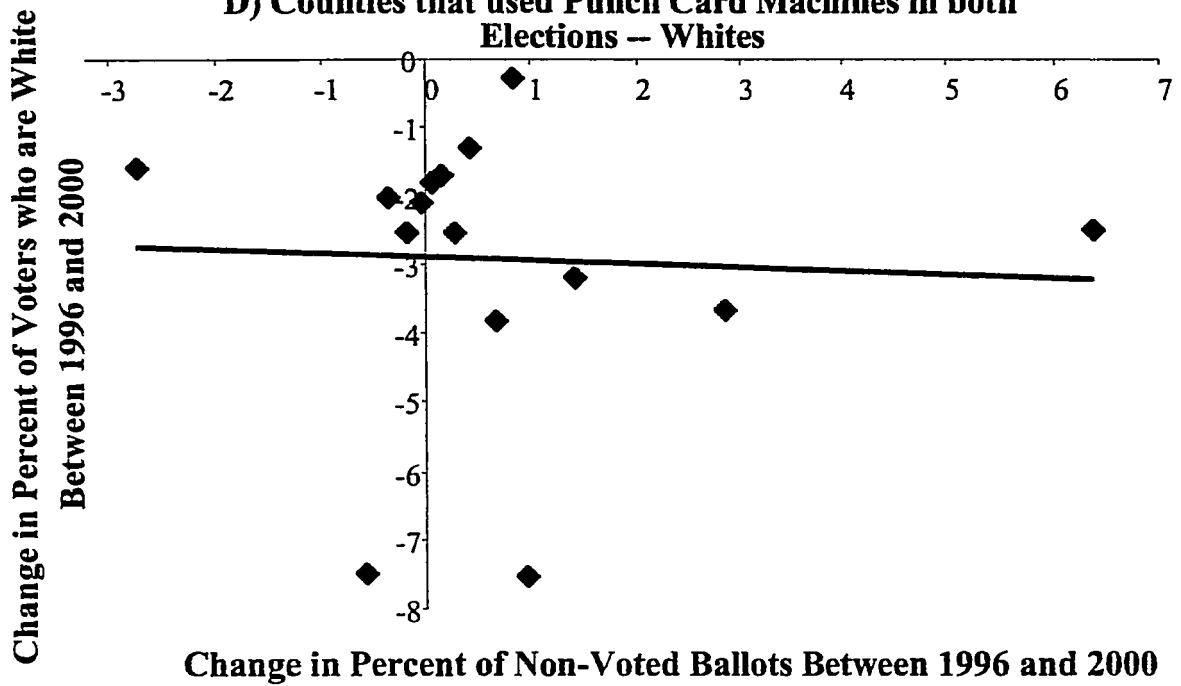
B) Counties that used DataVote Machines in both Elections -- African-Americans



**C) Counties that used Optical Scan Machines in both Elections
 -- African-Americans**

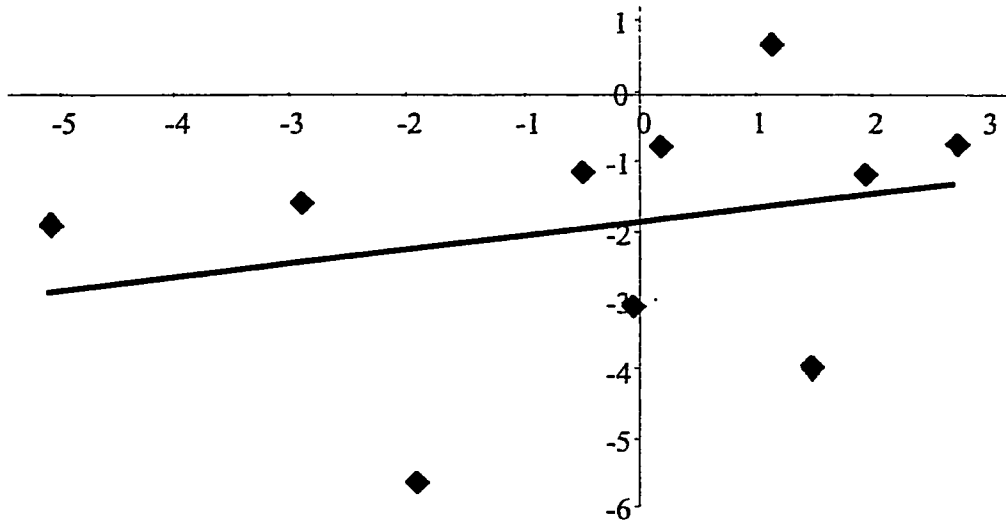


D) Counties that used Punch Card Machines in both Elections -- Whites



E) Counties that used DataVote Machines in both Elections -- Whites

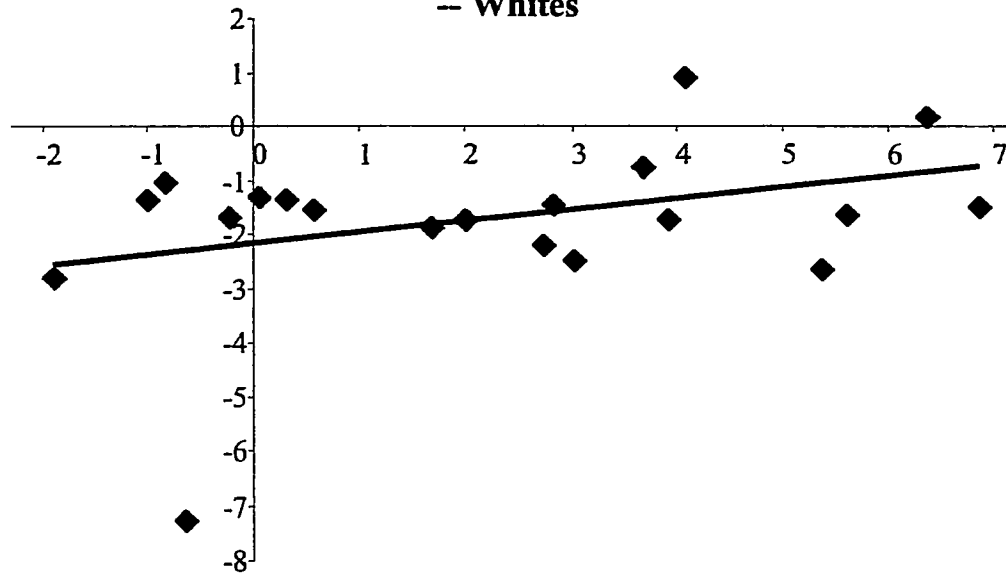
Change in Percent of Voters who are White
Between 1996 and 2000



Change in Percent of Non-Voted Ballots Between 1996 and 2000

F) Counties that used Optical Scan Machines in both Elections -- Whites

Change in Percent of Voters who are White
Between 1996 and 2000



Change in Percent of Non-Voted Ballots Between 1996 and 2000

APPENDIX X

Supplemental Report by Dr. Allan J. Lichtman on the Racial Impact of the Rejection of Ballots Cast in Florida's 2000 Presidential Election and in Response to the Statement of the Dissenting Commissioners and Report by Dr. John Lott Submitted to the U.S. Senate Committee on Rules in July 2001

**Supplemental Report on the Racial Impact of the Rejection of Ballots Cast
in Florida's 2000 Presidential Election and in Response to the Statement of
the Dissenting Commissioners and Report by Dr. John Lott Submitted to
the U.S. Senate Committee on Rules and Administration in July 2001**

Dr. Allan J. Lichtman, Professor
Department of History
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August 2001

INTRODUCTION

This supplemental report provides additional evidence confirming the finding in my first report of wide disparities between ballot rejection rates for blacks and non-blacks in the presidential election of 2000 in Florida. It also examines issues raised in the statement of dissenting commissioners and the accompanying statistical report by Dr. John Lott submitted to the Senate Committee on Rules in late July of 2001.¹ In particular, this report comprehensively examines the question of whether other factors such as poverty, income, education, literacy, and first-time voting account for racial disparities in ballot rejection. The supplemental report demonstrates the following:

1. The finding in my initial report of major racial disparities in ballot rejection rates in Florida's 2000 presidential election is confirmed by additional evidence of what actually happened in voter precincts in three additional counties.
2. The dissenters' statistical consultant admitted before the Senate Committee on Rules that "a greater percentage of black and Hispanic people are turned away than, or don't get to vote, than white people." The dissenters concede that African Americans in Florida had their ballots rejected at a rate at least triple that of non-African Americans.
3. Racial disparities in ballot rejection rates cannot be explained by differences between blacks and non-blacks in education, income, or any other factor pointed to by the dissenters.
4. The relationship between race and ballot rejection remains substantial and statistically significant even within comprehensive models with much greater explanatory power than any of the models presented by dissenters.
5. Although the dissenters offer education and literacy as explanations for ballot rejection, the statistical models developed by their consultant do not show the importance of these variables. These models also exclude other key variables, include redundant variables, explain relatively little of the variation in ballot rejection among counties, and are contradicted by precinct-level results.
6. The dissenting opinion, which relies heavily on Dr. Lott's improperly designed and conducted statistical report, provides no credible discussion of the issues posed by the study of ballot rejection in Florida's presidential election.

1. THE FINDING OF MAJOR RACIAL DISPARITIES IN FLORIDA'S 2000 PRESIDENTIAL ELECTION IS CONFIRMED BY ADDITIONAL EVIDENCE AND IS NOT CONTRADICTED BY ANY ALTERNATIVE FINDINGS

¹ It should be noted the dissenters' report and Dr. Lott's statistical analysis are revisions of earlier documents submitted to the Senate and the media in late June of 2001. Where necessary this report will draw upon the information contained in the original report and accompanying statistical analysis.

In my initial report I wrote, "It should be stressed that the purpose of this study was to determine whether there existed in the Florida 2000 presidential election disparities between the ballot rejection rates of blacks and non-blacks. The purpose was not to establish the causes of any such disparities." The results of my analyses, both of county-level data and of precinct-level data within several counties, demonstrated that there were major differences in the rate of ballot rejection for blacks and non-blacks in Florida's 2000 presidential election. There is not a single alternative finding in the dissenting opinion or statistical report that even purports to show the lack of such race-linked disparities in ballot rejection. Indeed, the dissenters' statistical consultant, John R. Lott, Jr., admitted the existence of such disparities in his testimony before the Senate Committee on Rules. The only numerical findings on the ballot rejection rates for African Americans and non-African Americans in either the dissenting opinion or the accompanying statistical report are numbers copied from my initial report. Thus the conclusions of my initial report stand without contradiction by any alternative results.

Since completing the original report I have gathered additional precinct-level data for Broward, Escambia, and Gadsden Counties.² These are important additions: Broward is the second most populous county in Florida. Escambia is a county with optical scanning technology recorded by precinct. Gadsden is the only majority-black county in Florida and had the highest ballot rejection rate in the state. In Broward County 14 percent of registered voters are black and 2.5 percent of ballots were rejected, slightly below the average for counties using punch card technology. In Escambia County 16 percent of registered voters are black and 3.6 percent of ballots were rejected, tied for second place among counties with optical scanning technology recorded by precinct. Escambia County had the largest number of rejected ballots (4372) for such counties, accounting for about a quarter of all rejected ballots for counties with optical scanning technology recorded by precinct. The analysis of Escambia County offers the first detailed glimpse using precinct-level data of the relationship between race and ballot rejection for counties with optical scanning technology recorded by precinct. It confirms the finding suggested in my first report of racial disparities in ballot rejection rates even among counties with the best available technology. In Gadsden County 54 percent of registered voters are black and 12.4 percent of ballots were rejected. The precinct-level data (for Broward, Duval, Escambia, Gadsden, Miami-Dade and Palm Beach Counties) now includes 59 percent of the statewide total of rejected ballots and 54 percent of the black registered voters in the state.

Precinct-by-precinct rejection rates and black voter percentages for Broward, Escambia, and Gadsden Counties are reported in Graphs 1S, 2S, and 3S (attached at the end of this report). These graphs also include the linear regression line to depict the relationship between race and ballot rejection. As indicated by the results of ecological regression and extreme case analysis reported in Table 1S and Charts 1S through 6S, the estimated rejection rates derived from precinct-level data in these three counties confirm the findings of the first report of major racial disparities in ballot rejection rates in Florida's 2000 presidential election.

For Broward County, as demonstrated in Table 1S and Chart 1S, the rate of rejection for ballots cast by blacks was an estimated 6.2 percent, compared to an estimated rate of 1.8 percent

² Ballot rejection data Broward and Escambia was available on Professor Hansen's Web site referenced in my first report. I received registration data by race directly from each county supervisor of elections. Data for Gadsden County was obtained from the voter record lists of individual voters.

for votes cast by non-blacks. As demonstrated by Table 1S and Chart 2S, results of extreme case analysis for 90%+ black and non-black precincts confirm the findings of ecological regression analysis for Broward County. In precincts that were 90 percent or more black the overall rate of rejection was 6.5 percent, compared to a rate of 2.0 percent for precincts that were 90 percent or more non-black.

For Escambia County, as demonstrated in Table 1S and Chart 3S, the overall rate of rejection for votes cast by blacks was an estimated 16.8 percent, compared to a rate of 1.7 percent for votes cast by non-blacks. As demonstrated by Table 1S and Chart 4S, results of extreme case analysis for 90%+ black and non-black precincts confirm the findings of ecological regression analysis for Escambia County. In precincts that were 90 percent or more black the overall rate of rejection was 13.7 percent, compared to a rate of 2.2 percent for precincts that were 90 percent or more non-black.

The Escambia County results powerfully confirm race-related discrepancies in ballot rejection even among counties with the best available technology in Florida's 2000 presidential election. These results also sustain the conclusion that improved technology is not the complete answer to reducing rates of ballot rejection and diminishing race-related discrepancies. Press reports indicate that Escambia County might have turned off its precinct check on overvoting for reasons of economy, confirming the importance of resources and training. The findings for

TABLE 1S: ECOLOGICAL REGRESSION AND EXTREME CASE RESULTS: BALLOT REJECTION RATES BY RACE, BROWARD ESCAMBIA, GADSDEN COUNTIES FLORIDA, 2000 PRESIDENTIAL ELECTION			
BROWARD COUNTY: INVALID BALLOTS			
ECOLOGICAL REGRESSION		EXTREME CASE ANALYSIS	
BLACK VOTERS	NON-BLACK VOTERS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS
6.2%	1.8%	6.5%	2.0%
ESCAMBIA COUNTY: INVALID BALLOTS			
ECOLOGICAL REGRESSION		EXTREME CASE ANALYSIS	
BLACK VOTERS	NON-BLACK VOTERS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS
16.8%	1.7%	13.7%	2.2%
GADSDEN COUNTY: INVALID BALLOTS			
ECOLOGICAL REGRESSION		EXTREME CASE ANALYSIS	
BLACK VOTERS	NON-BLACK VOTERS	90%+ BLACK PRECINCTS	90%+ NON-BLACK PRECINCTS
21.6%	4.4%	22.8%	NA

CHART 1S: REJECTION RATE BY RACE, BROWARD COUNTY: ECOLOGICAL REGRESSION ESTIMATES

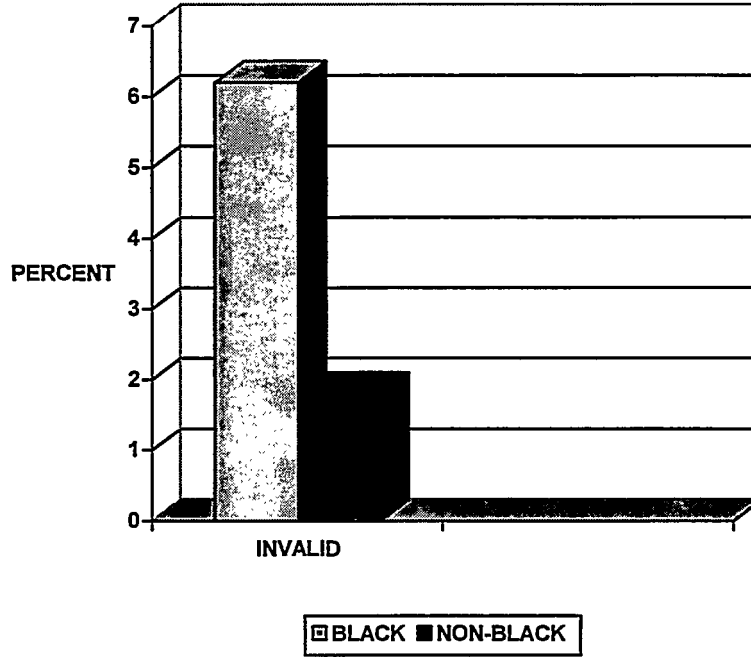
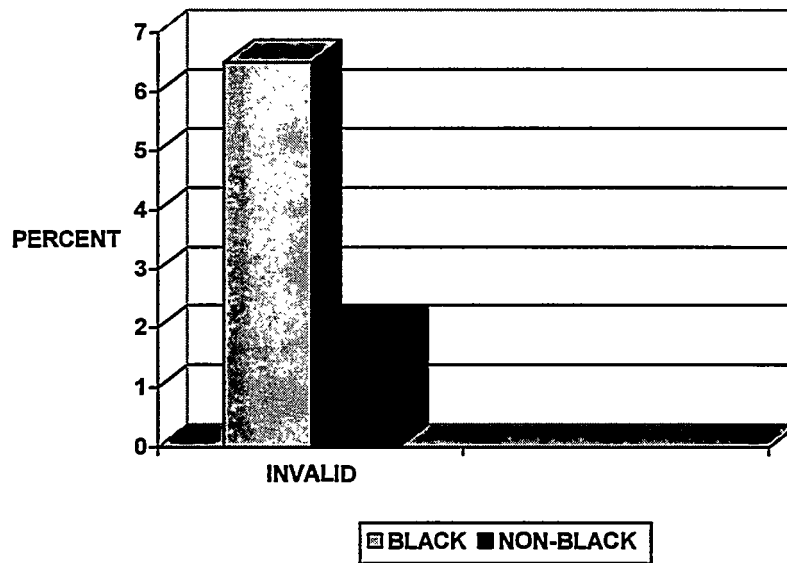
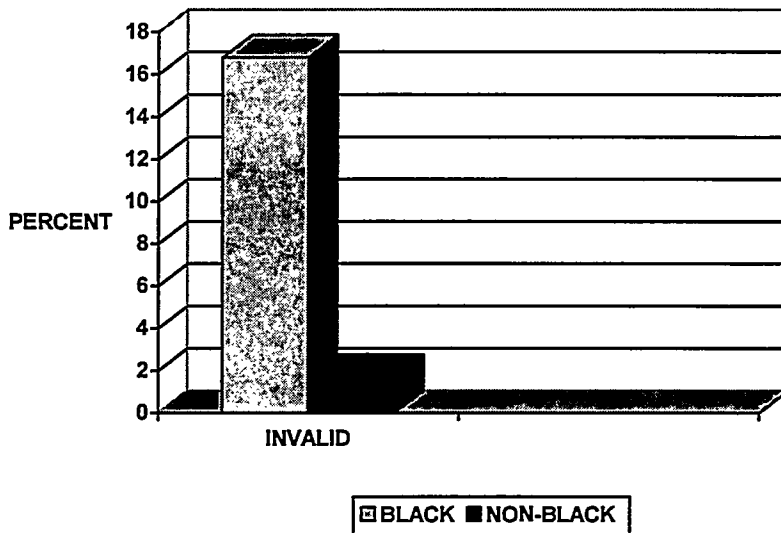


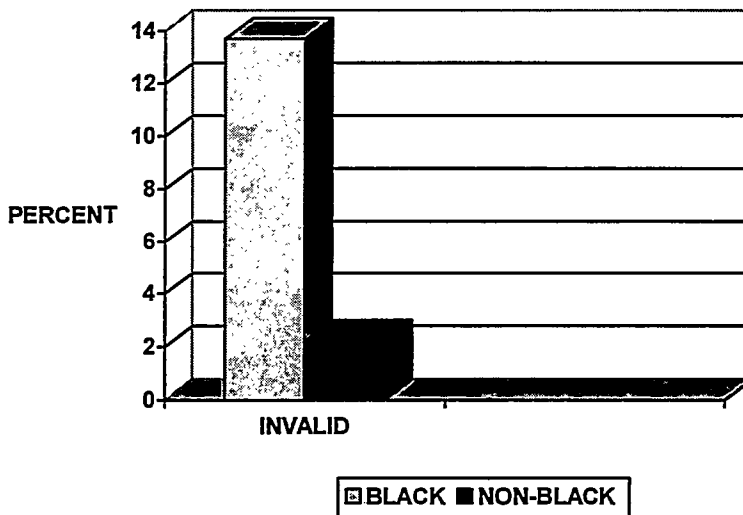
CHART 2S: REJECTION RATE BY RACE, BROWARD COUNTY: RESULTS FOR 90%+ BLACK AND 90%+ NON-BLACK PRECINCTS



**CHART 3S: REJECTION RATE BY RACE, ESCAMBIA COUNTY:
ECOLOGICAL REGRESSION ESTIMATES**



**CHART 4S: REJECTION RATE BY RACE, ESCAMBIA
COUNTY: RESULTS FOR 90%+ BLACK AND 90%+ NON-
BLACK PRECINCTS**



Escambia County reveal large, statistically significant differences in the rates of rejection for blacks and whites. The difference of 15 percentage points in estimated rates of ballot rejection for black and white voters exceeds the discrepancy of about 13 percent estimated from county-level data for all Florida counties, and is far greater than the discrepancy of about 4.5 percent estimated from county-level data for counties with optical scanning precinct-recorded technology.

For Gadsden County, as demonstrated in Table 1S and Chart 5S, the overall rate of rejection for votes cast by blacks was an estimated 21.6 percent, compared to a rate of 4.4 percent for votes cast by non-blacks. The difference of 17 percentage points in estimated rates of ballot rejection between black and white voters is second only to Duval County among the six counties examined. As demonstrated by Table 1S and Chart 6S, results of extreme case analysis for 90%+ black precincts confirm the findings of ecological regression analysis for Gadsden County. In precincts that were 90 percent or more black the overall rate of rejection was 22.8 percent. There were no 90%+ non-black precincts in Gadsden County, although the two counties that were 88% non-black had rejection rates of 5.5 percent.

For all six counties examined with precinct-level results, the rate of rejected ballots by African Americans ranged from about 6.5 percent to about 24 percent. For all six counties, the unweighted mean rejection rate for ballots cast by blacks was 16.9 percent. In contrast, the ballot rejection rate for non-African Americans ranged from about 2 percent to 6 percent. The unweighted mean rejection rate for ballots cast by non-blacks was 3.7 percent, for a gap of 13.2 percentage points. **For all six counties, the weighted mean rejection rate for ballots cast by blacks was 14.0 percent, meaning that nearly one of seven African Americans who entered**

CHART 5S: REJECTION RATE BY RACE, GADSDEN COUNTY: ECOLOGICAL REGRESSION ESTIMATES

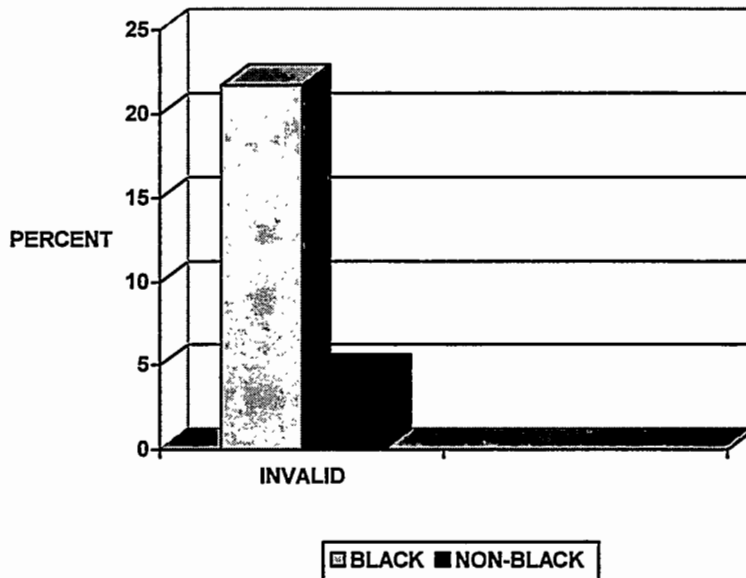
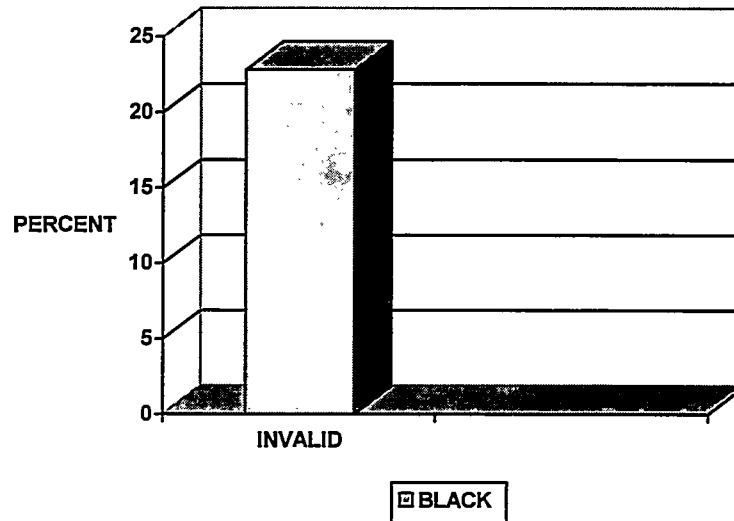


CHART 6S: REJECTION RATE BY RACE, GADSDEN
 COUNTY: RESULTS FOR 90%+ BLACK PRECINCTS
 NO 90%+ NON-BLACK PRECINCTS
 IN COUNTY



the polling booth in these counties had their ballots rejected as invalid. The weighted mean rejection rate for non-blacks was 3.5 percent, for a gap of 10.5 percent. These results are comparable to the difference in ballot rejection rates of 12.8 percent for blacks and non-blacks statewide derived from the county-level ecological regression analysis of my first report. The racial divide of 10.5 percent net means that as compared to non-blacks 30,000 additional African Americans had their ballots rejected in these six counties alone. Statewide, a racial gap of 10.5 percent would mean that as compared to non-blacks, more than 60,000 additional African American voters had their ballots rejected in Florida's 2000 presidential election.

In response to the county-level and precinct-level findings in my initial report of major racial disparities in ballot rejection rates, the dissenters and their statistical expert present not a single alternative numerical estimate of the ballot rejection rate for African Americans in Florida's 2000 presidential election. The dissenters and their statistical consultants inexplicably fail to examine any of the precinct-level data that is available in Florida, even though such data provides crucial tests of county-level models and direct information on actual ballot rejection rates for overwhelmingly black and non-black precincts included within counties where purportedly the same voting technology was used in each precinct.

2. RACIAL DISPARITIES IN BALLOT REJECTION RATES CANNOT BE EXPLAINED BY DIFFERENCES BETWEEN BLACKS AND NON-BLACKS IN EDUCATION, LITERACY, INCOME, POVERTY OR ANY OTHER FACTOR CITED BY DISSENTERS

The only statistical analysis presented by dissenters is in their accompanying statistical report prepared by John R. Lott. However, Lott's report ignores the central issues of racial disparities in ballot rejection for Florida's 2000 presidential election. Instead it addresses the separate issue of whether such disparities can be attributed to other factors. The analyses presented below will demonstrate that differences in literacy, education, income, or poverty do not account for the major differences in ballot rejection rates for African Americans and non-African Americans in the presidential election of 2000. The relationship between race and ballot rejection remains substantial and statistically significant even after controlling for such variables as well as for many other factors, including measurements of first-time voting.

Table 2S below reports a county-level multiple regression analysis that, unlike the statistical report presented by dissenters, controls directly for literacy, education, poverty, and income for all counties. In addition, these equations also control for differences in technology: whether a county uses punch cards, optical scanning centrally recorded, or paper ballots or machines. The influence of these technological variables is measured against the remaining system used in Florida: optical scanning by precinct. An additional analysis, presented in Table 3S, examines the issue of the influence of education and first-time voting on ballot rejection rates for precincts within Miami-Dade County.³

The county-level findings reported in Table 2S show that racial differences in ballot rejection rates in the 2000 presidential election are not reducible to differences between blacks and non-blacks in income, poverty, education, or literacy. To the contrary, as indicated by the preliminary analysis presented in my initial report, controlling for socio-economic factors fails "to diminish the relationship between race and ballot rejection or to reduce the statistical significance of the relationship." As demonstrated in Table 2S, even after controlling for a wider array of socio-economic variables than any of the dissenters' models, the relationship between race and ballot rejection remains substantial and statistically significant at levels beyond the stringent .01 standard used in social science.⁴ The regression coefficient for the percentage of black voters, controlling for all variables in Table 2S, is .140, which corresponds to a difference in ballot rejection of 14.0 percentage points between blacks and non-blacks, holding constant the variables included in the equation. This means that independent of income, poverty rates,

³ The multiple regression analyses are unweighted so that the explanatory power of each model can be compared directly to the models of ballot rejection in the 2000 presidential election that the dissenters' statistical report presents in Table 2. The use of weighted regression, however, would not change any of the interpretations offered in this report.

⁴ It should be noted that the only socio-economic variable that has a statistically significant influence on ballot rejection rates is the percentage of persons with less than a 9th grade education. The models presented by Dr. Lott do not include this variable or any other measure of educational attainment.

education, literacy, and the technology for voting, there is a double-digit difference in ballot rejection rates between African Americans and non-African Americans. This result is comparable to the difference in ballot rejection rates of 12.8 percent for blacks and non-blacks derived from the ecological regression analysis of my first report.⁵

VARIABLE	REG. COEFF.	T VALUE	SIGNIF.
BLACK VOTERS	.140	4.2	.000
POVERTY PERSONS 18+	-.047	-.644	.522
MEDIAN INCOME	-.00009	-1.24	.220
LITERACY	-.077	-1.14	.261
% UNDER 9 TH GRADE	.192	2.65	.010
PUNCH CARD	3.20	6.81	.000
OPTICAL CENTRAL	4.42	7.70	.000
PAPER/LEVER	3.02	2.65	.011
R ² = .805			

The findings of an analysis of precinct-level data from Miami-Dade County, reported in Table 3S, confirms that the relationship between race and ballot rejection is independent of educational levels. In Miami-Dade County, which includes numerous black and Hispanic voters, a greater percentage of Hispanics than African Americans had less than a ninth grade education—the only socio-economic variable that was statistically significant in the analysis reported in Table 2S above. The percentages are 27 percent for Hispanics and 18 percent for African Americans. Moreover, Hispanics face additional language barriers to voting. If education were responsible for differences in ballot rejection, the Hispanic rate of ballot rejection in Miami-Dade County should be comparable to or even greater than the black rate. As demonstrated in my initial report, these expectations are not confirmed. The heavily African American precincts have a much higher rejection rate than the heavily non-African American precincts. However, the heavily Hispanic precincts have a lower rejection rate than the heavily non-Hispanic precincts (many of which are African American).

⁵ Weighted regression produces an even larger coefficient for the percentage of black voters.

TABLE 3S: ECOLOGICAL REGRESSION RESULTS: BALLOT REJECTION RATES FOR BLACKS AND HISPANICS, FLORIDA 2000 PRESIDENTIAL ELECTION MIAMI-DADE COUNTY			
INVALID VOTES			
BLACK VOTERS	HISPANIC VOTERS	WHITE VOTERS	
10.0%	4.2%	1.7%	

TABLE 4S: THE INFLUENCE OF RACE ON BALLOT REJECTION RATES 2000 PRESIDENTIAL ELECTION IN FLORIDA, CONTROLLING FOR RACE AND 17-20-YEAR-OLD REGISTRANTS, MIAMI-DADE COUNTY			
INVALID VOTES			
VARIABLE	REG. COEFF.	T VALUE	SIGNIF.
PERCENT BLACK VOTERS	.093	21.6	.000
PERCENT HISPANIC VOTERS	.027	6.2	.000
PERCENT 17-20	-.202	-4.0	.000

Table 3S provides a more refined analysis of the influence of race and ethnicity on ballot rejection in Miami-Dade County. It reports the results of a multiple regression analysis, based on precinct-level data, which estimates the percentages of rejected ballots of African American, Hispanic, and white voters in each precinct. The results of analysis shows that the black rejection rate is substantially higher not only than the white rate but also than the Hispanic rate as well. The rejection rate for whites is only 1.7 percent. The Hispanic rate is higher at 4.2 percent,

whereas the African American rate is 10.0 percent, almost 6 percentage points higher than the Hispanic rate and more than 8 percentage points higher than the white rate.

The data available in Miami-Dade County also provides an opportunity to extend the regression model to include a measure that in part captures the phenomenon of first-time voting: the percentage of registrants aged 17 to 20. Virtually all of those voting from this group will be first-time voters in 2000, although, of course, first-time voters could also belong to other age groups. The results of analysis, reported in Table 4S, show that when controlling for race, the coefficient for the percentage of 17- to 20-year-old registrants is negative. In contrast, the coefficient for black voters is positive, substantial, and statistically significant, indicating a 9.3 percentage point gap between black and white rejection rates, controlling for first-time registrants. The coefficient for Hispanics reveals a smaller, but still statistically significant gap of 2.7 percentage points.

In sum, the results of analyses at both the county-level and precinct-level decisively reject the proposition—asserted but never fully tested by the dissenters—that differences between African American and non-African American rates of ballot rejection are a function of socio-economic factors. To the contrary, racial differentials in ballot rejection rates are virtually unaffected by controls for literacy, education, income, and poverty. Moreover, at least a partial control for first-time voting, using precinct-level data from Dade County shows no influence on the relationship between race and ballot rejection.

3. THE RELATIONSHIP BETWEEN RACE AND BALLOT REJECTION REMAINS SUBSTANTIAL AND STATISTICALLY SIGNIFICANT EVEN WITHIN COMPREHENSIVE MODELS WITH FAR GREATER EXPLANATORY POWER THAN ANY MODELS PRESENTED BY THE DISSENTERS

The results of estimating a more comprehensive model of ballot rejection in Florida counties than that presented in Table 2S is reported in Table 5S. This model surpasses the effort to control for socio-economic factors by also including the increase in the vote cast between the elections of 1996 and 2000, the turnout of registered voters in 2000, the percentage of the presidential vote received by the Democratic candidate, the ratio of voters to precincts in each county, and whether the election supervisor is Republican or Democratic.

This model does a far better job than any of the models in the dissenters' statistical supplement in accounting for changes from county to county in the percentage of rejected ballots in Florida's 2000 presidential election. With an R^2 value of .866, this model accounts for 86.6 percent of the variation from county to county in ballot rejection rates for the 2000 presidential election. The models in the dissenters' statistical report (Table 2) explain only from 73.4 percent to 79.5 percent of the variation from county to county in ballot rejection rates for the 2000 presidential election.

TABLE 5S: THE INFLUENCE OF RACE ON BALLOT REJECTION RATES 2000 PRESIDENTIAL ELECTION IN FLORIDA, COUNTY DATA			
VARIABLE	REG. COEFF.	T VALUE	SIGNIF.
BLACK VOTERS	.143	4.77	.000
POVERTY PERSONS 18+	-.014	-.218	.828
MEDIAN INCOME	-.00002	-.229	.820
LITERACY	-.0003	-.002	.998
% UNDER 9 TH GRADE	.012	.158	.875
INCREASE VOTE 96-2000	-.014	-.638	.526
TURNOUT 2000	-.075	-2.42	.019
PERCENT DEM.	-.049	-2.01	.050
VOTERS PER PRECINCT	-.002	-2.78	.008
DEM SUPERVISOR	-.345	-.466	.686
REP SUPERVISOR	-.317	-.406	.643
PUNCH CARD	3.46	8.09	.000
OPTICAL CENTRAL	4.31	8.18	.000
PAPER/LEVER	2.35	2.30	.026
R ² = .866			

Despite the stringent controls included in this model, the relationship between race and ballot rejection is substantial and statistically significant at levels beyond the stringent .01 standard used in social science. The regression coefficient for the percentage of black voters, reported in Table 5S, is .143, which corresponds to a difference in ballot rejection of 14.3 percentage points between blacks and non-blacks, controlling for the variables in the equation. This coefficient value is almost identical to the coefficient reported above without the additional variables.⁶ None of the socio-economic variables in this comprehensive model, however, have a statistically significant influence on ballot rejection rates. Neither does the variable measuring changes in voter turnout between 1996 and 2000, a variable that would partly capture the phenomenon of first-time voting.

Similarly, the political identity of election supervisors has no discernible influence on ballot rejection rates in the comprehensive model. Variables measuring whether the supervisor is Republican or Democrat both have negative signs (relative to non-partisan supervisors), and fail

⁶ The value for weighted regression is .120.

to approach conventional levels of statistical significance. In contrast, controlling for the factors included in the equations of Table 5S, the relationship between ballot rejection rates and the Democratic vote in the 2000 presidential election is negative and statistically significant at .05. This indicates that as Gore strength declines, ballot rejection rates are higher than would be expected based on the other variables in the model.

The findings of this study that the relationship between race and ballot rejection remains substantial and statistically significant even under stringent controls is confirmed by other independent analyses, including one performed by Philip A. Klinkner, Associate Professor of Political Science of Hamilton College, and submitted to the United States Senate Committee on Rules.⁷ All his models explain far more variation than any of the models in the statistical report presented by the dissenters. Professor Klinkner found that for every model studied, the relationship between the percentage of black registered voters and the percentage of rejected ballots remained substantial and statistically significant. Professor Klinkner concludes, "While my data and findings were arrived at independently, these findings are essentially the same as those of the U.S. Commission on Civil Rights (USCCR). Thus, my data and findings contradict the accusations that the USCCR conducted a biased survey with inaccessible data."⁸

Based on an analysis of Florida's individual voter files for 2000, Professor Klinkner has also provided county-by-county percentages of first-time voters.⁹ Results reported in Table 6S demonstrate that substituting this direct measure of first-time voting into the model for change in voting between 1996 and 2000 produces virtually no change in the relationship between race and ballot rejection.¹⁰ According to Table 6S, the coefficient for the percentage of black voters is statistically significant beyond conventional levels and has a value of .137, corresponding to a difference in ballot rejection of 13.7 percentage points between blacks and non-blacks, controlling for the variables in the equation. The coefficient measuring the relationship between first-time voting and ballot rejection is negative and falls far short of statistical significance. None of the other variables from Table 5S show any substantial change in Table 6S. The model in Table 6S also explains 87.4 percent of the variance in rejection rates, far greater than any of the models presented by Dr. Lott. Thus the hypotheses presented by the dissenters regarding the alleged effects of income, poverty, education, literacy, or first-time voting do not withstand scrutiny. The inclusion of these variables in an analysis estimating ballot rejection rates does not diminish the relationship between race and ballot rejection in Florida counties for the 2000 presidential election.

⁷ Professor Klinkner downloaded relevant data from the publicly available sources identified in my original report and independently developed several comprehensive county-level models of ballot rejection in Florida's presidential election.

⁸ Philip A. Klinkner, "Whose Votes Don't Count? An Analysis of Spoiled Ballots in the 2000 Florida Election," submitted to the United States Senate Committee on Rules.

⁹ These percentages represent the maximum number of first-time voters, given that some voters may have voted in other states or prior to 1994, but would be indicated as first-time voters on the individual records for 2000.

¹⁰ This measure will slightly overestimate first-time voting because voters may have voted in other states or have voted prior to 1994, when the records begin.

4. THE STATISTICAL REPORT PRESENTED BY DISSENTERS PROVIDES NO CREDIBLE MODELS OF BALLOT REJECTION IN FLORIDA'S 2000 PRESIDENTIAL ELECTION

The statistical report commissioned by dissenters includes only one table that provides the results of estimating models of ballot rejection in the presidential election of 2000. These estimates, which are for county-level data, are in Table 3 of the dissenters'

TABLE 6S: THE INFLUENCE OF RACE ON BALLOT REJECTION RATES 2000 PRESIDENTIAL ELECTION IN FLORIDA, COUNTY DATA			
VARIABLE	REG. COEFF.	T VALUE	SIGNIF.
BLACK VOTERS	.137	4.56	.000
POVERTY PERSONS 18+	.011	.167	.868
MEDIAN INCOME	.00001	.149	.882
LITERACY	-.009	-.142	.887
% UNDER 9 TH GRADE	.024	.326	.746
% FIRST-TIME VOTERS	-.015	-.319	.751
TURNOUT 2000	-.071	-2.50	.016
PERCENT DEM.	-.047	-1.98	.054
VOTERS PER PRECINCT	-.002	-2.20	.033
DEM SUPERVISOR	-.452	-.637	.527
REP SUPERVISOR	-.475	-.640	.525
PUNCH CARD	3.32	8.27	.000
OPTICAL CENTRAL	4.47	8.94	.000
PAPER/LEVER	2.32	2.24	.030
$R^2 = .874$			

statistical report, which includes 16 models. The results of Models 1 through 8, which include the literacy variable, are fully reported in Table 3. The results of Models 9 through 16, which do not include literacy, are only partially reported in Table 3. These models are nearly, but not quite identical, to the 8 models presented in Dr. Lott's original report. Dr. Lott's models, at a minimum, suffer from the following flaws:

- 1. The dissenters' models lack conceptual foundation. Among other problems they omit key variables that are essential to hypotheses advanced in the dissenters' written opinion, including measures of education and first-time voting.**

2. **The dissenters' models include duplicative measures of the racial composition of county, destroying the integrity of the effort to gauge the independent influence of race on ballot rejection rates.**
3. **The dissenters' models explain far less of the variation in ballot rejection than the models developed by Professor Klinkner and myself.**
4. **The dissenters' models produce results that are internally contradictory and conflict with what we actually know happened at the precinct level in Florida's 2000 presidential election.**

The dissenting opinion—as opposed to the statistical report—in both its initial and revised form cited education, literacy, and first-time voting as the key explanatory factors accounting for the relationship between race and ballot rejection in Florida's 2000 presidential election (see pp. 21–24). Despite this emphasis on education, literacy, and first-time voting, of the 8 statistical models of ballot rejection in the 2000 presidential election in Dr. Lott's initial report, not a single model included variables measuring education, literacy, or first-time voting. He does not explain his exclusion of education and first-time voting, but does attempt to justify his omission of literacy by claiming that my initial report “does not reference data on literacy rates.” (Lott report, p. 4). Yet in my initial report I fully defined my literacy variable, precisely reported its source, and provided printouts of the data for each of the 67 Florida counties. I provided the same information for my use of educational data. Indeed, the dissenters' own report, as distinct from Dr. Lott's statistical supplement, includes an extensive discussion of my use of literacy data. In the current revision of his report, Dr. Lott somehow discovers the literacy data and includes it in an additional eight models that he presents in his revised report.

Dr. Lott's new results decisively reject the thesis that literacy accounts in significant part for racial disparities in ballot rejection rates in Florida's 2000 presidential election. In 7 of Dr. Lott's 8 new models literacy does not have a statistically significant influence on ballot rejection, even using the lenient .1 standard that Dr. Lott employs in his report.¹¹ One out of 8 statistically significant results (Model 1) is about what would be expected by chance or random factors alone. Dr. Lott claims that literacy also has a statistically significant influence (at the .1 level) in another model—Model 6. However, this claim is mistaken. The t-statistic for the literacy variable in his Model 6 is only 1.047, well below the level needed for statistical significance even at the .1 level. In the same model 6, the t-statistic for the median income variable is 1.27, which Dr. Lott correctly does not identify as statistically significant at even the .1 level. Dr. Lott's models, which have now grown to 16 in his revised report, still exclude education and first-time voting despite the importance of these variables to the dissenters' arguments.¹²

¹¹ A .1 level of statistical significant corresponds to a probability of 10 percent of obtaining a statistical result under the hypothesis that the statistic was produced by chance or random variation. This is a very lenient standard. The more conventional standards of .05 and .01 correspond respectively to probabilities of 5 percent and 1 percent of obtaining a statistical result under the hypothesis that the statistic was produced by chance or random variation.

¹² My initial report, like this report, included a printout not just of literacy but also of all data used. All my data had been publicly available on the Web for months—it is primarily election and registration data generated by the State of Florida—and I specified the Web sites from which it could be readily downloaded. In contrast to my presentation

These crucial omissions are but one indication that Dr. Lott's statistical models lack conceptual foundation. Among other problems, the models include redundant racial variables, thereby producing misleading results. Why would the dissenters' statistical models exclude the variables that dissenters affirm to be most relevant while—as will be shown below—including redundant variables that provide no new information, but only cancel each other's effects? One can only speculate that the dissenters might have been less interested in accurately modeling the ballot rejection process in Florida and more interested in coming up with models—however invalid—that at least appeared to minimize and obscure the independent influence of race on ballot rejection in Florida's 2000 presidential election.

Table 7S and 8S reproduce the variables used in the dissenters' statistical report. The tables indicate which variables are included in each of the 16 models of ballot rejection in Florida's 2000 presidential election presented in Table 3 of Lott's report. A notation of Y indicates that the variable is included in the model; a notation of N indicates that the variable is not included. Table 7S reports results for the first 8 models in his report: the models to which he has now added the literacy variable. Table 8S reports results for models labeled 9 through 16 in his report, which are the initial models that did not include the literacy variables, but are otherwise identical to models 1 through 8. Dr. Lott did choose to report coefficient values for all variables included in Models 9-16. Thus Table 8S includes only variables for which Dr. Lott provides results in his revised report. Table 7S and 8S also report the R^2 value for each model and the sign and statistical significance of the coefficients estimated for each variable in each model. For the percentage of black voters, Tables 7S and 8S duplicate the coefficient value and its statistical significance as reported in Table 3 of the dissenters' statistical report. All 16 models are based on county-level data, with no attempt to check their credibility with precinct-level data within counties—a critical omission as will be demonstrated below.

of data and sources, the dissenters provided no printout of the underlying data so that it could be checked or verified or any specification of where the data could be obtained from publicly available sites on the Web. Thus, to the extent that the dissenting report provides any data not included in my initial report, such data is unverified and, as will be demonstrated below, highly suspect.

TABLE 7S: MODELS 1-8 OF BALLOT REJECTION IN THE 2000 FLORIDA PRESIDENTIAL ELECTION: STATISTICAL REPORT OF DISSENTERS, TABLE 3

VARIABLE	1	2	3	4	5	6	7	8
% BLACK VOTERS	Y .00115	Y -.0002	Y .00067*	Y .00061	N .0012	N .00037	Y .0009	Y .002
% BLACK VOTERS & ELEC SUP = DEM	N	N	N	N	Y (-)	N	Y (-)	N
% BLACK VOTERS & ELEC SUP = REP	N	N	N	N	Y (-)	N	Y (-)	N
% BLACK VOTERS & ELEC SUP = BLACK	N	N	N	N	N	Y (+)	Y (+)	N
OPTICAL SCANNING	Y (+) *	Y (+) *	Y (+) *	Y (+) *	Y (+) *	Y (+) *	Y (+) *	Y (+) *
PAPER/HAND	Y (+)	Y (+)	Y (+)	Y (+)	Y (+)	Y (+)	Y (+)	Y (+)
PUNCH	Y (+) *	Y (+)	Y (+)	Y (+)	Y (+)	Y (+) *	Y (+)	Y (+) *
PRECINCT SCANNING	Y (-) *	Y (-) *	Y (-) *	Y (-) *	Y (-) *	Y (-) *	Y (-) *	Y (-) *
% HISPANIC POPULATION	Y (-) *	Y (-)	Y (-)	Y (-)	Y (-)	Y (-)	Y (-)	N
% WHITE POPULATION	Y (-) *	Y (-)	N	N	N	N	N	N
% BLACK POPULATION	Y (-) *	N	N	N	N	N	N	N
% HISPANIC VOTERS	N	N	N	N	N	N	N	Y (+)
% WHITE VOTERS	N	N	N	N	N	N	N	Y (+)
ELECTION SUP REP				Y (-)	Y (+)	Y (-)	Y (+)	Y (-)
ELECTION SUP DEM				Y (-)	Y (-)	Y (-)	Y (+)	Y (-)
ELECTION SUP BLACK				Y (-)	Y (+)	Y (-)	Y (-)	Y (-)
MEDIAN INCOME	Y (+) *	Y (+)	Y (+)	Y (+)	Y (+)	Y (+)	Y (+)	Y (+) *
POVERTY	Y (+) *	Y (+)	Y (+) *	Y (+) *	Y (+) *	Y (+) *	Y (+) *	Y (+) *
LITERACY	Y (+) *	Y (+)	Y (+)	Y (+)	Y (+)	Y (+) *	Y (+)	Y (+)
R ²	.783	.743	.739	.742	.749	.746	.749	.795
* INDICATES THAT COEFFICIENT IS IDENTIFIED AS STATISTICALLY SIGNIFICANT IN TABLE 2 OF DISSENTERS' STATISTICAL REPORT.								

TABLE 8S: MODELS 9-16 OF BALLOT REJECTION IN THE 2000 FLORIDA PRESIDENTIAL ELECTION: STATISTICAL REPORT OF DISSENTERS, TABLE 3:

VARIABLE	9	10	11	12	13	14	15	16
% BLACK VOTERS	Y .00073	Y -.0002	Y .00087*	Y .00082*	N .0006	N .00085	Y .0009	Y .003
% BLACK VOTERS & ELEC SUP = DEM	N	N	N	N	Y (-)	N	Y (-)	N
% BLACK VOTERS & ELEC SUP = REP	N	N	N	N	Y (-)	N	Y (-)	N
% BLACK VOTERS & ELEC SUP = BLACK	N	N	N	N	N	Y (+)	Y (+)	N
R ²	.760	.740	.730	.737	.743	.741	.745	.786
* INDICATES THAT COEFFICIENT IS IDENTIFIED AS STATISTICALLY SIGNIFICANT IN TABLE 2 OF DISSENTERS' STATISTICAL REPORT.								

We will consider first Models 2 and 10 from the dissenters' statistical report—the only models that purport to show a negative relationship between race and ballot rejection, controlling for other variables—although the relationship is small and lacking in statistical significance. The two models, which are identical except for the inclusion of literacy in Model 2, fail to accurately represent the relationship between race and ballot rejection. The models are fundamentally flawed in design, failing to test the dissenters' hypotheses on the influence of education and first-time voting on ballot rejection rates. The only explanatory variables included in the model beyond voting technology and race are median income, poverty, and literacy—none of which is found to have a statistically significant relationship to ballot rejection even at the lenient .1 standard used in the dissenters' statistical report. Models 2 and 10 also lack explanatory power. As indicated by the R^2 value of .743 for Model 2 and .740 for Model 10, the models explain only 74.3 and 74.0 percent of the county-to-county variance in ballot rejection rates, as compared to the much larger 86.6 percent for the model presented in Table 5S above and 87.4 percent for the model presented in Table 6S above. It should also be noted that Dr. Lott's addition of the literacy variable to Model 2 as compared to Model 10 increases the explanatory power of the model by a miniscule .3 percent.

Dissenters' Models 2 and 10 also include redundant racial variables that destroy the integrity of the effort to gauge the independent relationship between race and ballot rejection. An elementary rule of statistical analysis is to avoid duplicative variables that are nearly perfectly correlated with one another, either positively or negatively. Such redundancy among variables ("multicollinearity") produces inaccurate statistical estimates, even incorrectly representing the relationship between an explanatory variable and the dependent variable in the model (e.g., between race and ballot rejection). Even beginner-level statistical texts warn about the highly misleading effects of extreme multicollinearity among variables. Sanford Weisberg, for example, writes that as a result of multicollinearity "estimated effects can change magnitude or even sign." Eric A. Hanushek and John E. Jackson observed that "high correlations among the exogenous variables lead to imprecise coefficient estimates. ... These results of multicollinearity can seriously handicap our ability to make inferences about individual coefficients."¹³

The multicollinearity in Model 2 is extreme, edging perilously close to the mathematical maximum, thereby making it impossible to reliably interpret the coefficients for racial variables included in the model. The model includes both the percentage of blacks among registered voters and the percentage of Hispanics and whites in the population, variables that are almost perfect mirror images of one another, with a squared correlation of about .90, approaching the mathematical maximum of 1.0, which occurs when you have two identical variables. Not surprisingly, with such duplicative variables, the model yields absurd results, with a negative sign for blacks, Hispanics and whites, suggesting nonsensically that membership in all three groups reduce ballot rejection rates.

It is also crucial in assessing the credibility of Models 2 and 10 that the only statistically significant results in the models are for variables measuring differences in the voting technologies across counties. Thus within counties, where the technology is the same, the model predicts random variation or perhaps even a slightly negative tilt in the relationship between the percentage of blacks among voters and the percentage of rejected ballots. This theorizing by the dissenters is contradicted by what we know actually happened in Florida's voting precincts. The

¹³ Sanford Weisberg, *Applied Linear Regression* (New York: John Wiley and Sons, 1985), p. 196; Eric Hanushek and John E. Jackson, *Statistical Methods for Social Scientists* (New York: Academic Press, 1977), p. 131.

precinct-level data ignored by dissenters demonstrates a powerful, positive statistically significant relationship between the percentage of black voters and the percentage of rejected ballots, with differences between black and non-black rejection rates that range as high as 18 percentage points.¹⁴ Thus, the model is invalidated by its own internal contradictions and by its manifestly false predictions of the within-county relationship between race and ballot rejection. Rarely in social science is a statistical model so decisively rejected by its own predictive results.

Table 9S below replicates Models 2 and 10, including controls for technology, median income, poverty, and literacy for Model 2, and technology, median income, and poverty for Model 10, but eliminating the redundant racial variables.¹⁵ Remarkably, these clearer and conceptually grounded models actually explain a greater amount of the county-to-county variance than the models developed in the dissenters' statistical report. This suggests that there may have been errors in the data and model estimation in the report prepared by the dissenters' statistical consultant.¹⁶ The non-redundant, more powerful model reveals a greater than 11 percentage point difference in ballot rejection rates for black and non-black voters, a relationship that is statistically significant at levels well beyond the stringent .01 standard.

Other models included in the dissenters' statistical report exhibit problems similar to those of Model 2. Models 1 and 9, which show a positive relationship between black voters and ballot rejection, but a lack of statistical significance, also include redundant racial variables.

Ironically, Models 3 and 11 in the dissenters' statistical report, where redundant demographic variables are eliminated and only measures of the percentage of African Americans and Hispanics are included, both show a positive, substantial, and statistically significant relationship between the percentage of black registered voters in a county and the percentage of rejected ballots, controlling for all other variables in the models.

Models 4 and 12 in Dr. Lott's statistical report add three new variables: whether the county election supervisor is Democratic, whether the supervisor is Republican, and whether the supervisor is black. The coefficients for the three variables are all negatively related to ballot rejection rates and lack statistical significance. Thus, as demonstrated by the analysis reported Tables 5S and 6S above, the political affiliation of the county supervisor has no discernible effect on ballot rejection rates. Moreover, the negative signs for the relationship between these three

¹⁴ For the five counties studied, the lowest value of the t-statistic measuring the statistical significance of the relationship between race and rejected ballots is 14.0, corresponding to a probability of well under one in one million of obtaining a positive relationship under the chance or random hypothesis.

¹⁵ Dr. Lott mistakenly attributes his use of redundant variables to the analysis presented in my initial report saying, "I started out using all the variables reported in their Appendix 1 and the literacy rate. (see Column 1 in Table 3)" (p. 4). In fact, I did not use in my report or include in my Appendix 1 any of the redundant population variables that Dr. Lott includes in the model reported in Column 1 and many of his other models. Dr. Lott's improperly specified models are his own responsibility.

¹⁶ The dissenters' models also have an erroneous specification of technology, including both optical scanning and scanning by precinct in their design, two variables with considerable overlap.

TABLE 9S: REPLICATION OF DR. LOTT'S MODELS 2 AND 9, REDUNDANT VARIABLES EXCLUDED

VARIABLE	LOTT'S MODEL 2			LOTT'S MODEL 9		
	REG. COEFF.	T VALUE	STAT. SIGNIF.	REG. COEFF.	T VALUE	STAT. SIGNIF.
% BLACK VOTERS	11.4	3.35	.001	11.3	4.36	.000
OPTICAL SCANNING	3.34	1.95	.056	3.39	2.07	.043
PAPER/HAND	3.1	1.40	.168	3.11	1.44	.157
PUNCH	2.09	1.28	.205	2.09	1.33	.188
PRECINCT SCANNING	-4.73	-8.01	.000	-4.78	-8.92	.000
MEDIAN INCOME	-.0001	-1.71	.093	-.0001	-1.70	.094
POVERTY	4.38	.64	.527	4.25	.651	.518
LITERACY	-.05	-.007	.994	NA	NA	NA
R ²	.790			.790		

variables and ballot rejection rates directly contradict the rhetoric of Dr. Lott and the dissenters that somehow the presence of black and Democratic supervisors has a positive effect on ballot rejection in Florida's 2000 presidential election.¹⁷

The next models—Models 5 and 13—add two interactive variables. The first such variable is obtained by multiplying by 1 the percentage of black voters for counties with a Democratic supervisor and by 0 for all other counties. The second interactive variable is obtained by multiplying by 1 the percentage of black voters for counties with a Republican supervisor and by 0 for all other counties. The coefficients for both these variables have a negative relationship to ballot rejection rates and lack statistical significance. Likewise the three variables measuring whether the county election supervisor is Democratic, whether the supervisor is Republican, and whether the supervisor is black also lack statistical significance. The variables for Democratic and African American supervisors are negative; the coefficient for Republican supervisor is positive. The only justifiable conclusion from these results is once again that there is no statistically significant relationship between whether election supervisors are Democratic, Republican or African American and either overall ballot rejection rates or racial disparities in ballot rejection rates.

The next models—Models 6 and 14—drop the previous interactive variables and substitute a new one that multiplies by 1 the percentage of black registered voters for counties with an African American supervisor and by 0 for all other counties. These models are of no analytic value. These models and all other models including measurement of whether an African American is running the county's elections are based on Dr. Lott's identification of only 4 African American supervisors, too few on which to base any reliable conclusions. Moreover, Dr. Lott's identification is based on the race of supervisors in 2001, not at the time of the election.

¹⁷ Dr. Lott also includes a Table (Table 2) in his report showing that counties with Democratic and non-partisan supervisors had, on average, higher ballot rejection rates than counties with Republican supervisors. Yet Democratic and non-partisan tended to be concentrated in counties with higher percentages of blacks and in counties that did not use optically scanning technology recorded by precinct.

Based on information provided by the staff of the Commission on Civil Rights, at the time of the 2000 election there was only one African American supervisor, in St. Lucie, which had a ballot rejection rate of .3 percent. Even taking Dr. Lott's model at face value, it fails to show a statistically significant relationship between the interactive variable and ballot rejection rates. Likewise the variables in the model that measure whether supervisors are African American, Democratic, or Republican also lack statistical significance.

Models 7 and 15 include all the interactive variables from previous models. None of these interactive variables has a statistically significant relationship to ballot rejection rates. Likewise the variables in the model measuring whether supervisors are African American, Democratic, or Republican also lack statistical significance. Models 8 and 16, the final two models, suffer from problems of redundant variables similar to Models 1, 2, 9 and 10.

Dr. Lott, in the statistical tables of his revised report, provides results for 27 estimates of the relationship between ballot rejection rates and the partisan affiliation and racial identity of election supervisors. Not a single one of these 27 relationships is statistically significant even at the .1 level that Dr. Lott employs in his report. Thus, Dr. Lott's actual statistical results (as opposed to his discussion of those results) demonstrate decisively that the party affiliation and racial identity of supervisors has statistically discernable influence on ballot rejection rates in Florida's 2000 presidential election.

Dr. Lott compounds his error of ignoring the lack of statistical significance for his results by also using a mathematically invalid procedure for reaching several of his report's rhetorical conclusions. He asserts, "the largest effect between the share of votes who are African American and ballot spoilage rates exists when African Americans are county election supervisors (column 6) and a net positive effect also occurs when Democrats are county election supervisors (column 5)" (p. 5 Lott Report). He reaches these and all other conclusions about the effects of the party and racial identity of election supervisors on racial disparities in ballot rejection by asserting that the "point estimates need to be added together" (p. 5). That is, he adds the coefficient measuring differences between black and non-black ballot rejection rates in counties where supervisors are African American with the coefficient measuring differences between black and non-black ballot rejection rates in all counties. Likewise, he adds the coefficient measuring differences between black and non-black ballot rejection rates in counties where supervisors are African American with the coefficient measuring differences between black and non-black ballot rejection rates in all counties.

Unfortunately, these measures are not additive. The coefficient for the percent of black voters within counties having African American supervisors measures disparities in black and non-black rates of ballot rejection in this group of counties, not the difference between racial disparities in those counties and racial disparities in all Florida counties, which include counties with African American supervisors. Likewise, the coefficient for the percent of black voters within counties having Democratic supervisors measures disparities in black and non-black rates of ballot rejection in this group of counties, not the difference between racial disparities in those counties and racial disparities in all Florida counties, which include counties with Democratic supervisors. The addition of a measure of racial disparity in ballot rejection for counties with African American or Democratic supervisors with a measure of racial disparity for all counties is equivalent to measuring racial disparities in counties using punch card technology by adding together the disparities found in the punch card counties with the disparities found in all counties.

Had I used Dr. Lott's procedure in my report I could have doubled my estimates of racial disparities in ballot rejection.

There are also contradictions in the results reported by Dr. Lott, which additionally question the accuracy of his data and statistical procedures. For example, in Model 8 Dr. Lott reports a coefficient value for percent of voters who are African Americans (.002) that is three times higher than the coefficient in Model 3 (.00067). Yet he claims that the coefficient in Model 3 is statistically significant, but the coefficient in Model 8 is not. Likewise his coefficient value for percent of voters who are African Americans in Model 1 (.00115) and Model 5 (.0012) are nearly twice as high as in Model 3, but Dr. Lott again claims that these higher values lack statistical significance. In addition, although Dr. Lott and the dissenters argue that the relationship between race and ballot rejection is explained by differences in literacy rates between blacks and whites, in several instances the addition of literacy to Dr. Lott's models actually increases not decreases the positive relationship between race and ballot rejection rates. In Model 1 the coefficient for the variables measuring percent of voters who are African American is .00115, compared to .00073 in Model 9, an identical model with literacy not included. In Model 5 the coefficient for the variables measuring percent of voters who are African American .0012, compared to .0011 for Model 13, an identical model with literacy not included. In Model 7 the coefficient for the variables measuring percent of voters who are African American .0009, compared to .00085 for Model 15, an identical model with literacy not included.

The remaining analyses in the statistical report pertain to comparisons between ballot rejection in 2000 and earlier years and provide no insight into the measurement of racially linked ballot rejection rates in 2000. The dissenters' statistical consultant first argues that the lack of a correlation between county-level changes in the percentage of registered voters who are black and changes in the percentage of rejected ballots provides evidence of the lack of a relationship between race and ballot rejection in 2000. Even assuming that his data on rejected ballots for 1996 is correct and comparable to the carefully examined data on rejected ballots for 2000, it is not true that the presence of racial effects in ballot rejection for 2000 produces a positive correlation between change in the percentage of black registrants and changes in the percentage of non-voted ballots over time.

First, the comparison between changes in black voter registration and changes in ballot rejection over time fails to control for changes in technology from 1996 to 2000, which could alter the impact of changes in black registration, even when there are substantial racial disparities in ballot rejection rates. Table 10S provides a numerical example. As indicated in Table 10S, County 1 and County 2 exhibit equal racial disparities in 1996 and continue to display racial disparities in 2000. However, County 1 experiences no increase in the percentage of black registered voters and no change in technology. County 2, however, has a 20 percent increase (the changes depicted on Figure 1 in the dissenters' statistical report are almost all within plus or

TABLE 10S: RELATIONSHIP BETWEEN CHANGES IN BLACK VOTER REGISTRATION AND CHANGES IN BALLOT REJECTION RATE 1996-2000: CHANGING TECHNOLOGY						
	COUNTY 1	VOTING SYSTEM & REJECTION RATE	REJECTED BALLOTS	COUNTY 2	VOTING SYSTEM & REJECTION RATE	REJECTED BALLOTS
# OF BLACK VOTER 1996	400 (40%)	PUNCH .10	40	100 (10%)	PUNCH .10	10
# OF WHITE VOTERS 1996	600 (60%)	PUNCH .02	12	900 (90%)	PUNCH .02	18
TOTAL	1000		52 (5.2%)	1000		28 (2.8%)
# OF BLACK VOTERS 2000	400 (40%)	PUNCH .10	40	120 (12%)	OPTICAL PRECINCT .05	6
# OF WHITE VOTERS 2000	600 (60%)	PUNCH .02	12	880 (88%)	OPTICAL PRECINCT .1	9
TOTAL	1000		52 (5.2%)	1000		15 (1.5%)

minus 2 percent), but switches from punch card technology to optical scanning technology recorded by precinct, thereby reducing the levels of both black and non-black rejected ballots. The percentage of rejected ballots stays the same in County 1 and declines in County 2 despite an increase in the percentage of black registered voters. This negative correlation between changes in black registered voters and changes in rejected ballots reflects not an absence of racial disparities in ballot rejection, but shifts in technology.

Dr. Lott attempts to answer this criticism by adding to his revised report an Appendix that is not in his initial report that seeks to reexamine the relationship between changes in the percent of African American voters and changes in ballot rejection rates, controlling for technology. However, this additional analysis does not respond to an even more fundamental problem in Dr. Lott's approach. Even in the absence of changes in technology, the changes in ballot rejection rates may be greatest in counties with the highest percentage of black registered voters, not in counties with the largest changes in the percentage of black registered voters. Assume, for example, that the level of rejected ballots increases from 1996 to 2000 and the increase is concentrated among African Americans. As demonstrated in Table 11S, County 1, which is 40 percent African American in voter registration, but experiences no change in black voter registration from 1996 to 2000, will have a 2 percentage point increase in rejected ballots, whereas County 2 will have only a 0.7 percentage point increase even as the black percentage of registered voters soared by 20 percent from 1996 to 2000. Again, this negative correlation between changes in black voter registration and changes in rejected ballots does not reflect a lack of racial disparities in ballot rejection, but, to the contrary, expanded racial disparities between 1996 and 2000.

Dr. Lott also includes Tables attempting to analyze rejected ballots for the elections of 1992, 1996, and 2000. Even assuming Dr. Lott's unreported data for these elections is accurate, this analysis says nothing about the relationship between race and ballot rejection for the presidential election of 2000, the focus of my study. Moreover, the models that Dr. Lott uses for the combined data suffer from the same problems of misspecification as the models of the 2000 election analyzed above.

Professor Klinkner also independently analyzed the dissenters' statistical report and likewise found that "Lott's findings do not hold up under scrutiny." In particular he found that of the variables that Lott includes in his own models—median income, poverty, and the party of the election supervisor—"not one of Lott's variables is statistically significant." Also, after including Lott's variables in his models, Klinkner notes, "the percent of registered voters who are black remains statistically significant."¹⁸

TABLE 11S: RELATIONSHIP BETWEEN CHANGES IN BLACK VOTER REGISTRATION AND CHANGES IN BALLOT REJECTION RATE 1996-2000: SAME TECHNOLOGY, CHANGING RATES OF REJECTION						
	COUNTY 1	VOTING SYSTEM & REJECTION RATE	REJECTED BALLOTS	COUNTY 2	VOTING SYSTEM & REJECTION RATE	REJECTED BALLOTS
# OF BLACK VOTER 1996	400 (40%)	PUNCH .05	20	100 (10%)	PUNCH .05	5
# OF WHITE VOTERS 1996	600 (60%)	PUNCH .01	6	900 (90%)	PUNCH .01	9
TOTAL	1000		26 (2.6%)	1000		14 (1.4%)
# OF BLACK VOTERS 2000	400 (40%)	PUNCH .10	40	120 (12%)	PUNCH .10	12
# OF WHITE VOTERS 2000	600 (60%)	PUNCH .01	6	880 (88%)	PUNCH .01	9
TOTAL	1000		46 (4.6%)	1000		21 (2.1%)

¹⁸ Klinkner, *op. cit.*

5. THE DISSENTING OPINION PROVIDES NO CREDIBLE DISCUSSION OF THE ISSUES POSED BY THE STUDY OF BALLOT REJECTION IN FLORIDA'S PRESIDENTIAL ELECTION

The following responds to specific arguments presented in the dissenters' written report, which relies heavily upon but is not limited to the accompanying statistical report. It will be shown that these arguments fail to undermine the findings of substantial, statistically significant racial disparities in ballot rejection rates in Florida's 2000 presidential election, disparities that are not reducible to non-racial characteristics of voters. Before providing a detailed response to issues raised in the dissenting report, the following summary points need to be considered:

- * The dissenting report provides no analytic models of its own. It relies on the improperly designed and conducted study of its statistical consultant.
- * The key hypotheses in the dissenting report—that differences in ballot rejection rates for blacks and non-blacks result from differences in literacy, education, and first-time voting—are either not tested or are contradicted by the statistical analysis presented by dissenters' consultant.
- * There are contradictions between the dissenters' report and their consultant's statistical report, with the dissenters often citing statistical results not found in the consultant's report and picking and choosing among his statistical results.
- * The dissenters' concede that there were major differences in the ballot rejection rate of blacks and non-blacks, probably at least on the order of three to one.
- * The dissenters, without conducting reliability checks, propagate and rely on media statements about black voting and turnout in Florida that are demonstrably false.

1. The dissenters assert that with respect to my initial report, the analysis by their statistical consultant "challenges its main findings. Dr. Lott was unable to find a consistent, statistically significant relationship between the share of voters who were African Americans and the ballot spoilage rate" (p. 1). Later in their report they repeat this claim, writing: "strong evidence (Dr. Lott's research discussed below) suggests" that estimates of major racial disparities in the rate of ballot rejection "are entirely wrong" (p. 14). The main finding of my initial report was that there were substantial racial disparities in the rate of rejected ballots for African Americans and non-African Americans in Florida's 2000 presidential election. Whether using county-level or precinct-level data, racial disparities were statistically significant at levels far beyond the conventional standards used in social science. Dr. Lott does not challenge these findings. He does not even address these findings in any of his statistical analyses. Dr. Lott neither presents alternative estimates of race-related ballot rejection rates, nor analyzes the estimates presented in my initial report. There are no alternative findings on the rates of ballot rejection for blacks and non-blacks in either the dissenters' opinion or the statistical report. Dr.

Lott only attempts to address the different question of whether other factors such as income, poverty and literacy account for racial differences in ballot rejection rates.

Even if this claim were true—which it decidedly is not as I demonstrate in this supplemental report—the burden of ballot rejection would still fall most heavily on blacks and other minorities with low socio-economic status, as Dr. Lott admitted under questioning by Senator Charles Schumer during hearings before the Senate Rules Committee on June 27, 2001. The following is the account of that cross-examination in the New York Times:

“Mr. Schumer then wrung out of Mr. Lott a defeated ‘yeah’ to the question of whether ‘a greater percentage of black and Hispanic people are turned away than, or don’t get to vote, than white people?’”¹⁹

Thus the dissenters’ own expert confirmed under examination the key finding of my initial report.

2. The dissenters additionally claim that their consultant’s analysis “found *little relationship at all between racial population change and ballot spoilage*” (p. 1). As demonstrated above, the analysis upon which this claim is based has no validity given that it rests on false assumptions about the relationship between changes in black registered voters and changes in ballot rejection rates, and uses unverified data on ballot rejection prior to 2000.

3. The dissenters claim they did not have access to the data needed to assess my original report. In fact, I provided with the report a printout of all data and indicated precisely where this data could be downloaded from publicly available sources. It is all data that has been publicly available for months. All of the precinct-level data used in my initial report, as I clearly explained in that report, could be downloaded in a few minutes on spreadsheets from a single Web site: (<http://www.ssc.wisc.edu/~bhansen/vote/data.html>). The remainder of the data was a small data set for 67 Florida counties that could be readily downloaded or simply entered in a few hours. Independent scholars have had no trouble obtaining or using this data. Indeed, while complaining of a lack of data, the dissenters provided a lengthy statement and accompanying statistical report, with no printout of data and no indication of where the data could be downloaded from publicly available sources.

4. Dissenters argue that estimates of rejection rates for black and non-black voters cannot be obtained from aggregate data such as counties or precincts, citing the so-called “ecological fallacy” (pp. 14–17). The authors present the problem of analyzing aggregate-level data as though it is a revelation. In fact, the regression methods and reliability checks used in my report were designed for the analysis of aggregate data and are sustained by multiple levels of analysis—at both the county and precinct level. The far-fetched examples taken from analyses conducted at the level of states and strained analysis in the dissenters’ opinion suggests that African Americans lived in counties with mechanisms that somehow produce high ballot rejection rates for the non-blacks living in those counties, but not for the blacks living in the counties. Yet we know that this assumption is false because we have data for some two thousand precincts within counties demonstrating that African Americans within these counties, not the non-African Americans, experience especially high rates of ballot rejection.

The dissenters also strain to make something of the very small differences between the precinct-level ecological regression results and extreme case analysis of precincts that are 90 percent or more black and non-black in Miami-Dade, Duval, and Palm Beach Counties (p. 25). Yet, within a remarkably small margin of error, the results of extreme case analysis powerfully

¹⁹ Katherine Q. Seelye, “Senators Hear Bitter Words on Florida Vote,” New York Times, June 28, 2001.

confirm the pattern of major disparities between ballot rejection rates for blacks and non-blacks. Five of the six estimates of ballot rejection rates from extreme case analysis repeated in the dissenters' statement are within a single percentage point of the estimates derived from ecological regression and the remaining estimate is within 1.5 percentage points. The mean difference between the six findings of ecological regression and extreme case results cited in the dissenters' report is less than half a percentage point.

5. The dissenters write, "*the size of the black population (by Dr. Lichtman's own numbers) accounts for only one-quarter of the difference between counties in the rate of spoiled ballots (the correlation is .5)*" (p. 17). They additionally claim that a model developed by Dr. Lott "*enables us to explain 70 percent of the variance (three times as much as Dr. Lichtman was able to account for) without using the proportion of African American in each county as a variable*" (p. 18).

As explained in my first report, I drew no conclusions from the correlation between race and ballot rejection across counties—it was only a starting point for analysis. Given that this correlation does not take into account differences in the voting technologies and that African Americans comprise only about one in ten of Florida's voters, it is remarkable that racial composition alone explains 25 percent of the cross-county variation in ballot rejection.

Their claim that their model explains 70 percent of the cross-county variation "without considering racial composition," is meaningless, because any model could increase the percentage of explained variation by including enough variables that are correlated with race. But dissenters present no such model. Their only models of ballot rejection in the 2000 Florida election are found in Table 3 of their consultant's statistical report: all of these models include some measure of the racial composition of counties and all control for voting technology.²⁰ The results presented in Table 5S and Table 6S of this report, which includes racial composition, explain not 70 percent of the variation, but nearly 90 percent of the variation in ballot rejection rates. In contrast, the best of Dr. Lott's 16 models explains 79.5 percent of the variation in ballot rejection rates. Finally, as demonstrated in Table 12S, a model that includes only the percentage of blacks in a county and controls for voting technology tops the 70 percent of explained variation that is so highly touted by the dissenters. That is, simply knowing what technology is used in counties and how Florida's small proportion of black voters is apportioned among counties accounts for 74 percent of the cross-county variation in ballot rejection rates. The explained variation from this simplest of models is actually greater than the explained variation of 8 of the 16 models presented in Table 2 of the dissenters' statistical report.

6. Dissenters write, "*The obvious explanation for a high number of spoiled ballots among black voters is their lower literacy rate*" (p. 20). Dissenters made this same claim in their initial Senate report, even though their statistical consultant did not test for the influence of literacy on ballot rejection rates in any of his models. They continue to make the assertion in the current report even though Dr. Lott has now tested for the influence of literacy and his results decisively reject the thesis that literacy had a

²⁰ Dr. Lott makes a similar claim in his report, without presenting any such model. (p. 4) In yet another contradiction, dissenters assert that "removing race from the equation but leaving in all the other explanatory variables only reduced the amount of ballot spoilage explained by his regression from 73.4 percent to 69.1 percent, only a mere 4.3 percentage point reduction." (p. 20), whereas Dr. Lott asserts "removing the share of voters who are African American reduces the amount of variation in ballot spoilage from 73.9 percent to 72.2 percent, a 2.3 percent reduction." (p. 4) Of course, absent a model it is not possible to verify either claim.

statistically significant effect on ballot rejection rates.²¹ The dissenters' discussion of literacy does not even reference their own consultant's negative findings on the central hypothesis of their report. Yet, as indicated above, in 7 of Dr. Lott's 8 new models, the relationship

VARIABLE	REG. COEFF.	T VALUE	SIGNIF.
BLACK VOTERS	.132	5.57	.000
PUNCH CARD	3.32	7.58	.000
OPTICAL CENTRAL	5.36	9.78	.000
PAPER/LEVER	2.88	2.18	.033
$R^2 = .742$			

between literacy and ballot rejection rates lacks statistical significance even using his .1 level of significance. Likewise the comprehensive models presented in this report and the independent analysis by Dr. Klinkner show that neither literacy nor education has a statistically significant independent effect on ballot rejection rates.²²

The dissenters also claim it is counterintuitive to suggest that race influenced ballot rejection independent of literacy and to advocate "education for voters, for election officials, and for poll workers." However, the simple point is that such programs would ensure that technologies designed to reduce ballot rejection would be properly applied, administered and understood by all involved in the process of voting, especially given that much new technology will be used for the first time in many Florida counties in the next election.

Finally, the dissenters assail the literacy data itself—hardly possible if they had no access to this data. They note in passing that the data has confidence intervals of about 6 percent, without showing why that would be problematic for assessing differences in literacy for counties. "More important," they claim that literacy data is "not broken down by race" (pp 21–22, emphasis in original). Leaving aside the fact that Census data on education is broken down by race, the dissenters' argument misunderstands the basic foundations of statistical analysis. To test the dissenters' hypothesis that literacy independent of race was responsible for differential ballot rejection rates between blacks and non-blacks, a statistical model would obviously need to

²¹ Unlike the models used in this report, he still fails to include educational measures in any of his 16 models.

²² The models developed in this report and by Professor Klinkner in the report he submitted to the Senate are far more comprehensive than the models in the work by Judge Posner cited briefly by dissenters (p. 22). It is also puzzling that dissenters should attack my literacy data but endorse Posner's use of the same data. Moreover, the dissenters cite Judge Posner on literacy, but not the work of their own expert. The dissenters also fail to inform their audience, although they were themselves informed, that Judge Posner's data set erroneously tabulates the literacy data. For several counties beginning with the letter "M," including Miami-Dade, his data transposes the literacy statistics. Judge Posner's data can be found on his Web site: <<http://home.uchicago.edu/~rposner/election>>.

include a measure of overall literacy for all races, not a measure limited only to blacks. A measure of black literacy alone would not help to assess the influence of literacy on ballot rejection, independent of race. Surely dissenters do not mean to claim that blacks lacking literacy skills, but not non-blacks lacking literacy skills, might have problems in coping with Florida's presidential ballot. Their own statistical consultant in testing the influence of poverty and income on ballot rejection rates did not include in his model rates of black poverty and income, although such measures are readily available from the Census. Instead he used overall poverty and income measures for each county, to test whether economic standing influenced ballot rejection rates independent of race. Once again, there is a fundamental lack of connection between what is asserted in the dissenters' opinion and the analyses conducted or not conducted in their consultant's statistical report. The point of statistical analysis is to study the patterns of relationships across the units studied. If literacy, not race, produced differentials in ballot rejection this should be disclosed by patterns in the relationships across counties involving ballot rejection rates, race, and literacy.

7. Dissenters argue that the prevalence of first-time voters may be partly responsible for the high rates of ballot rejection for African Americans, although like their hypotheses on literacy and education they never test this proposition empirically (p. 23). They also note that "according to estimates widely cited in the press, as many as 40 percent of the African Americans who turned up at the polls in Florida had never voted before" (p. 22). It is surprising that the dissenters should be propagating unsubstantiated statistics from the media without performing any reliability tests. They also ignore the information that is now available on first-time voting in Florida. This data, based on individual records of voting identified by race and date of first voting, indicates that fewer than 25 percent of African Americans were first-time voters in 2000 and that the difference between first-time voting among African Americans and non-African Americans was only about four percentage points.²³ Unlike the dissenters' statistical consultant I used the newly available information to test the influence of first-time voting on ballot rejection rates, finding that it had no statistically significant effect of its own and did not diminish the relationship between race and ballot rejection.

The dissenters also asserted in their initial report to the Senate that "it was reported, the African American share of the total vote was larger than the black share of the state's population" (p. 22, initial report), which is 15 percent. They now withdraw this claim, citing a press report by Frank J. Murray that blacks actually constituted only about 10 percent of voters. They go on to say, "Dr. Lichtman did not know what the figures only released in July of 2001 would show" (p. 24). Unlike the dissenters, however, I did not uncritically accept media reports but conducted an ecological regression analysis of black and non-black turnout (referenced in footnote 9 of my initial report), which accurately found that the percentage of blacks among voters was slightly lower than the 11 percent share of blacks among registrants. The same Murray article that the dissenters cite in their report, acknowledged the accuracy of my ecological regression analysis, indeed conducted before the new information became available.

8. The dissenters argue that my analysis should have examined prior presidential elections in Florida in addition to the 2000 contest (p. 23). My analysis, however, focused on the question of exploring differences in black and non-black ballot rejection rates in 2000. If reliable

²³ The individual voter files indicate that 24.7 percent of African American voters were first-time voters. However, as indicated above, this percentage is an overestimate, given that some voters may have voted in other states or prior to the first date of voting listed on current records.

data were available it might be interesting to conduct studies of earlier elections, but that would not change what happened in 2000. As explained above, the dissenters' consultant uses flawed methods to compare the 2000 experience with earlier elections. He also provides no estimates for race-related ballot rejection rates in either 1992 or 1996.

9. The dissenters imply that a lack of data prevented them from replicating or extending the precinct-level analysis from my first report (p. 26). They even say that if they had access to the data they would surely have found my results to be "problematic." This is perhaps the most puzzling and troubling claim of many in the dissenters' statement. I provided as an appendix to my first report printouts of all precinct-level data and explained that the data is publicly available on a single Web site and could have been readily downloaded in machine-readable spreadsheet form. Remarkably, the dissenters and their statistical consultant compiled a new data set on presidential elections that I did not examine in my report—a data set that they do not print out for verification. Yet they did not take the few minutes needed to download the precinct-level data—the most refined data available on ballot rejection rates by race in the 2000 presidential election and data that could have readily been checked against my printouts.

Such research procedure would be inexplicable if the dissenters truly wanted to find out the truth about what happened in Florida's presidential election as opposed to just obscuring the plain as day finding of major racial disparities in ballot rejection rates. Clearly, the dissenters chose not to analyze precinct-level data because any such analysis would commit them to confirming the substantial differences in ballot rejection rates for blacks and non-blacks that is so evident in the precinct-level returns. They go to great lengths, including this patent smokescreen about a lack of data, to avoid putting their imprimatur on any empirical work that would demonstrate the existence of racial disparities in ballot rejection in Florida's 2000 presidential election.

10. With respect to precinct-level results dissenters argue that "*ballot rejection rates dropped dramatically when the precinct numbers were examined*" (p. 26). In fact, ballot rejection rates were higher for the precinct-level results than for the county-level results in my first report, including the rate for blacks. As compared to an estimated ballot rejection rate of 14.4 percent for blacks based on county-level data, the estimated ballot rejection rate based on precinct-level data was 23.6 in Duval County and 16.3 percent in Palm Beach County. Only Dade County, with a ballot rejection rate of 9.8 percent, fell below the county-level estimate for the state. The disparity between black and non-black rejection rates is higher than the statewide estimate in Duval County and lower in Dade and Palm Beach Counties. When the three additional counties studied for this report are considered, the black rejection rate is higher than the statewide estimate in four of six counties studied with precinct data (Duval, Escambia, Gadsden, and Palm Beach). Racial disparities are greater than the statewide estimate in three of six counties studied (Duval, Escambia, and Gadsden).

The main thrust of the dissenters' argument rests on differences in ratio of black to non-black ballot rejection rates for the state overall and within individual counties. Surely the dissenters understand the essential difference between a ratio computed within individual counties and a ratio computed across all counties, which comprises differences within counties, differences across counties, and differences in the racial composition of each county. Yet they persist in making their apples and oranges comparison. The within-county ratios range from about 3 to 1 in Palm Beach County to about 10 to 1 in Escambia County. The 10 to 1 ratio in Escambia does not mean that the statewide estimate understates the ratio between black and non-

black rejection rates any more than the 3 to 1 ratio in Palm Beach means that the statewide estimate overstates this ratio. The within-county analysis does not include three of the four counties with the largest percentages of African Americans—all of which have high rates of ballot rejection—or the many heavily white counties with extremely low rejection rates. To argue that because precinct-level data is better than county-level data that a statewide estimate should mirror a within-county ratio is to confuse the instrument of measurement with the results of measurement.

The dissenters also speculate that the differences found at the precinct-level between blacks and non-blacks may be the result of differences between blacks and non-blacks in their income and educational levels. Yet both the multivariate analysis presented in this report as well as the analysis of dissenters' own expert provide no support for the proposition that income and education explain ballot rejection rates. Moreover, I tested this proposition empirically at the precinct level in Dade County. Even though Hispanics had substantially lower educational levels than African Americans in Dade County, African Americans had much higher levels of ballot rejection.

Ironically, the dissenters ultimately plead for us to affirm that the statewide ratio of rejected ballots for African Americans and non-African Americans should mirror the *lowest* of the within-county ratios, which is about three to one. The dissenters concluded: "If precinct-level analysis yields better estimates than county-level estimates, the *actual* disparity in rates of ballot spoilage in Florida as a whole was probably far below nine to one. In fact, it was about three to one" (p. 28). Thus after all their inflammatory rhetoric, the dissenters are reduced to pleading (however fallaciously) that ballots cast by African American ballots really were rejected at a rate *only* triple that of ballots cast by non-African Americans, as though a 300 percent racial disparity in rejection rates was no cause for concern.

The dissenters also know that very small changes in the non-black percentage of rejected ballots can produce very large changes in ratios. Contrary to what dissenters imply, it is crucial to focus—as I did consistently in my report—on the magnitude of the difference between non-black and black ballot rejection rates, because percentage point differences indicate how many voters are impacted by differential ballot rejection rates. In Duval County, for example, the difference between rejection rates for African Americans (23.6) and non-African Americans (5.5) is more than 18 percentage points, despite a ratio of *only* 4.5 to 1. In Gadsden County, the difference between rejection rates for African Americans (21.6) and non-African Americans (4.4) is more than 17 percentage points, despite a ratio of *only* 5 to 1. In both Duval and Gadsden, as compared to non-African Americans, nearly an additional one in five African American voters had their ballots rejected. Such a disparity in rejection rates affects far more voters than would, for example, rejection rates of 0.2 percent for African Americans and 2.2 percent for non-Americans, even though the ratio in this example is 11 to 1. Overall, both the within-county and the state estimates produce similar double-digit percentage point differences in rejection rates for blacks and non-blacks. Projected statewide, these disparities mean that some 60,000 additional black votes would have counted in 2000, if ballots cast by blacks had been rejected at the same rate as ballots cast by whites.

11. Dissenters' claim that according to their consultant's report having a Republican election supervisor reduces ballot rejection rates and having a Democratic supervisor increases ballot rejection rates. In addition to all the problems with Dr. Lott's analysis of the relationship

between ballot rejection and the partisan identity of supervisors, the dissenters again reference statistics that are not contained in Dr. Lott's report.

The dissenters cite Dr. Lott's Table 3 to claim: "There was indeed a relationship between having a Republican running the county's election and the ballot spoilage rate. But it was a negative correlation of $-.0467$. Having a Democratic supervisor of elections was also correlated with the spoilage rate—by $+.424$ " (p. 29). The actual statistics from Dr. Lott's Table 3 are reported in Table 13S below. One searches in vain to find either of these statistics cited by dissenters in any of his models. In fact, there is not a single model in which the relationship between having a Republican running the county elections and ballot spoilage rates is negative and the relationship between having a Democrat running the county elections and ballot spoilage rates is positive. There is one model, however, Model 5, which has a positive relationship between having a Republican running the county elections and ballot spoilage rates, and a negative relationship between having a Democrat running the county elections and ballot spoilage rates. Model 7 has a positive relationship for both Republican and Democratic supervisors. And Model 5 has a positive relationship for Republican supervisors only. Thus Dr. Lott finds that in two of five models having a Republican running the county elections increases ballot rejection rates, whereas in only one of five models does having a Democrat running the county elections increase ballot rejection rates. Of course, as noted above, but ignored by dissenters, none of these relationships, whether positive or negative, is statistically significant.

Dissenters also say, "Lott estimates that a 1 percent increase in the black share of voters in counties with Democratic election officials increases the number of spoiled

MODEL NUMBER	4	5	6	7	8
REPUBLICAN ELECTION SUPERVISOR					
COEFFICIENT	-.009	+.007	-.0124	+.0034	-.020
T-VALUE	-.702	+.337	-.953	+.148	-1.667
STATISTICAL SIGNIFICANCE	NONE	NONE	NONE	NONE	NONE
DEMOCRATIC ELECTION SUPERVISOR					
COEFFICIENT	-.0058	-.0052	-.0077	+.0028	-.016
T-VALUE	-.478	-.220	-.628	+.117	-1.387
STATISTICAL SIGNIFICANCE	NONE	NONE	NONE	NONE	NONE
* THESE ARE THE ONLY MODELS FOR WHICH DR. LOTT REPORTS RESULTS FOR VARIABLES MEASURING THE PARTY AFFILIATION OF ELECTION SUPERVISORS.					

ballots by a striking 135 percent" (p. 30). Again, no such result is found in Lott's estimates. Lott's Table 3 shows that his variable measuring "percent of voters who are African American and whether the county election supervisor is a Democrat" has a negative not a positive

relationship to ballot spoilage in both the models in which Dr. Lott includes the variable. The coefficient for this variable is $-.00056$ for Model 5 and $-.00046$ for Model 7. Again, neither coefficient is statistically significant.¹⁴

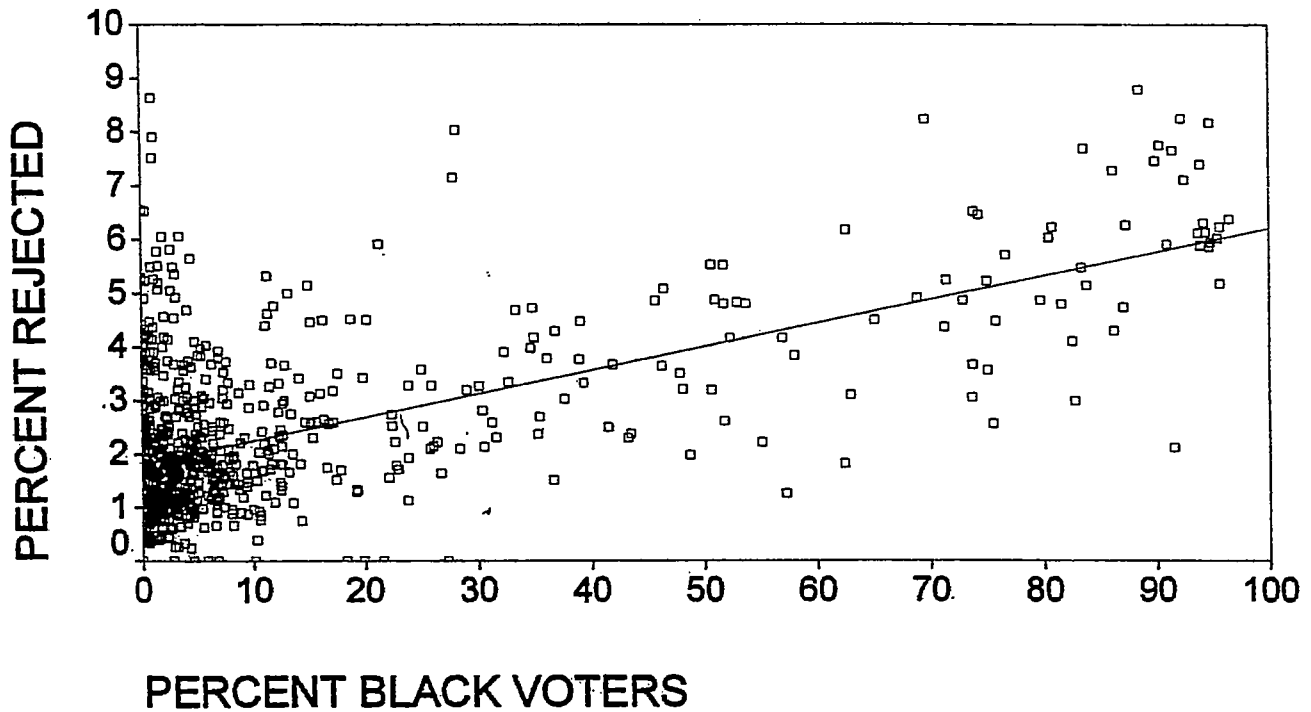
12. Finally, the dissenters complain that I did not study ballot rejection rates for Hispanics as well as African Americans. A study of ballot rejection rates for Hispanics is a legitimate project, but that does not undermine the validity of a study that focuses on African Americans. Moreover, although dissenters discuss the percentages of Hispanics in Florida's population, they ignore evidence presented by their own consultant that Hispanics are a small proportion of registered voters in Florida, with percentages much lower than for African Americans.²⁴ Miami-Dade County is the only Florida county with a substantial concentration of Hispanic registrants and Table 3S above reports the results of an analysis that distinguished between Hispanic and black ballot rejection rates. The results reported in Table 3S show that the rejection rate for Hispanics was higher than the rate for whites, but substantially lower than the rate for African Americans. Moreover, dissenters once again pick and choose from their consultant's results, ignoring the statistics in Dr. Lott's Table 3, which shows that in 7 of 8 models that has a measure of Hispanics in the population or among voters, the relationship with ballot rejection is negative.

CONCLUSION

In sum, as both my initial report and this supplement demonstrate, there were major racial disparities in ballot rejection rates in Florida's 2000 presidential election. Dissenters and their statistical consultant present no evidence contradicting this finding and both Dr. Lott's testimony before the Senate and dissenters' written statement even concede the existence of substantial racial differences in ballot rejection. Additional analyses presented in this report also show that such disparities are not attributable to factors cited by dissenters such as education, income, literacy, and first-time voting. In their efforts to attribute racial disparities in ballot rejection to other factors, dissenters either fail to conduct the necessary statistical tests or ignore the results of such tests. The statistical report on which the dissenters rely provides no credible models of ballot rejection in the 2000 presidential election in Florida. It is past time to cease arguing about the existence of racial disparities in ballot rejection and to start making sure that all voters have the greatest possible opportunity to cast legally valid ballots in future elections.

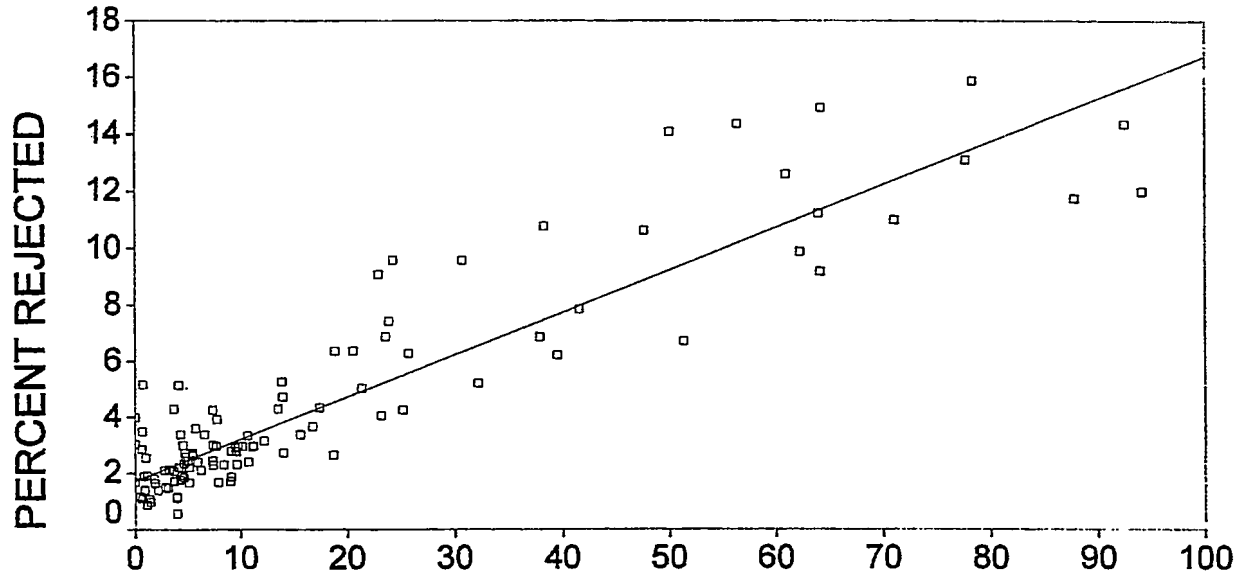
²⁴ Dissenters Statistical Report, Table 1 shows a mean of 2.45 for "the percentage of voters who are Hispanic," compared to a mean of 9.55 for "the percentage of voters who are African American."

GRAPH 1S: RACE AND BALLOT REJECTION RATES
BROWARD COUNTY FLORIDA
2000 PRESIDENTIAL ELECTION



Cases weighted by WTBALLOT

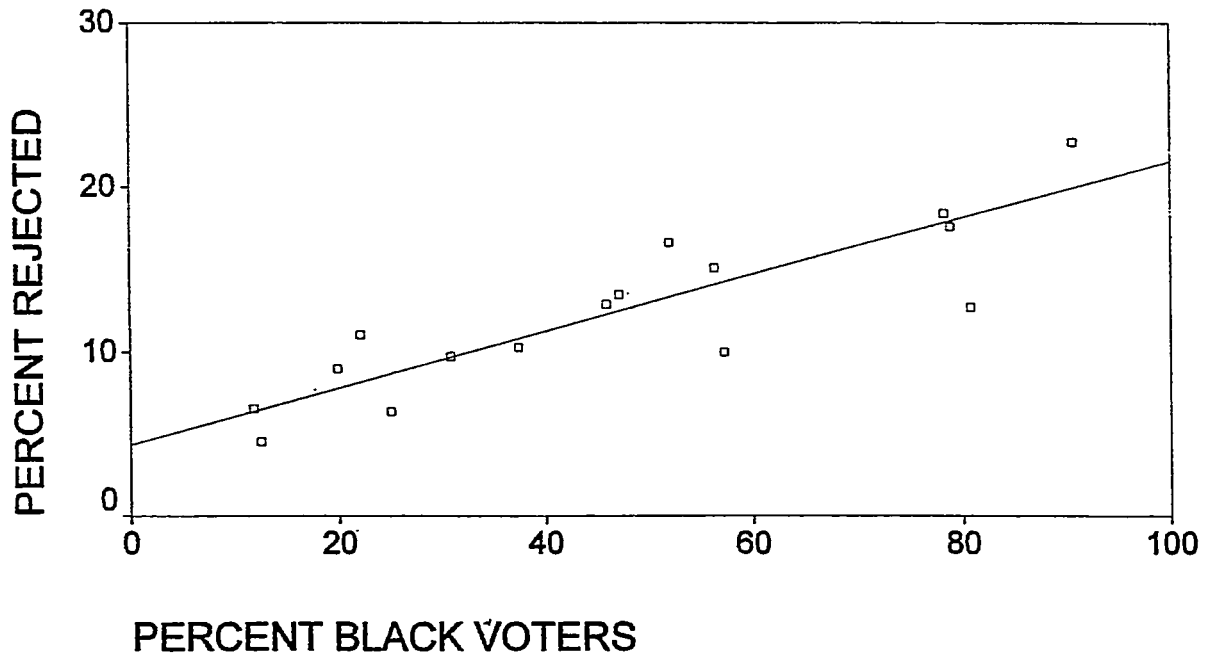
GRAPH 2S: RACE AND BALLOT REJECTION RATES
ESCAMBIA COUNTY, FLORIDA
2000 PRESIDENTIAL ELECTION



PERCENT BLACK VOTERS

Cases weighted by BALLOTS

**GRAPH 3S: RACE AND BALLOT REJECTION RATES
GADSDEN COUNTY FLORIDA
2000 PRESIDENTIAL ELECTION**



PERCENT BLACK VOTERS

Cases weighted by BALLOTS

APPENDIX XI

**Dr. Philip A. Klinkner's Report to the U.S. Senate Committee
on Rules and Administration on the Spoiled Ballots in the
2000 Florida Election**

**Whose Votes Don't Count?:
An Analysis of Spoiled Ballots in the 2000 Florida Election**

June 25, 2001

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Executive Summary:

A regression analysis of Florida counties shows that the pattern of ballot spoilage in the 2000 general election is due to a variety of factors. Most importantly, while much of the variation in spoiled ballots can be explained by the type of voting system used in a county, there is still a statistically significant relationship between the percentage of black registered voters and the percentage of spoiled ballots. Overall, holding other factors equal, for every 1 point increase in the percentage of registered voters who are black, there was a .114 increase in the percentage of spoiled ballots. This relationship is true even when factors such as voting systems, education, and literacy levels are controlled for. I would also add that while my data and findings were arrived at independently, these findings are essentially the same as those of the U.S. Commission on Civil Rights (USCCR) and therefore contradict the accusations that the USCCR conducted a biased survey with inaccessible data.

Biography of Philip A. Klinkner

Philip Klinkner is associate professor of Government and the Director of the Arthur Levitt Public Affairs Center at Hamilton College in Clinton, NY. Prior to coming to Hamilton, he was an assistant professor at Loyola Marymount University in Los Angeles.

Professor Klinkner graduated Phi Beta Kappa and summa cum laude with a B.A. in Politics from Lake Forest College in 1985. He earned his Ph.D. in Political Science from Yale University in 1992. In 1995, he received the Emerging Scholar Award from the Political Organizations and Parties section of the American Political Science Association. He was a Research Fellow at the Brookings Institution in Washington, D.C. in 1990-91 and a Guest Scholar in 1993 and 1995.

Professor Klinkner has authored numerous books and articles. He is the primary author (with Rogers Smith) of *The Unsteady March: The Rise and Decline of America's Commitment to Racial Equality* (University of Chicago Press, September 1999) which examines the dynamics of race in American politics and history. The book received the inaugural Horace Mann Bond Book Award from the W.E.B. Du Bois Institute for Afro-American Research at Harvard University and was a semifinalist for the 2000 Robert F. Kennedy Book Award.

In addition to his publications, Professor Klinkner has also contributed to the *New York Times*, the *Los Angeles Times*, *The Nation*, *Salon.com*, the *Chicago Tribune*, *Washington Post*, the *Christian Science Monitor*, and many other newspapers and magazines. He has also appeared on many television and radio broadcasts, including C-SPAN, NPR, and Black Entertainment Television.

Professor Klinkner lives with his wife and two children in Utica, NY.

**Whose Votes Don't Count?:
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This project began in response to media reports about the findings of the U.S. Commission on Civil Rights that indicated higher rates of ballot spoilage in Florida counties with larger numbers of blacks. I was intrigued by this result, so I decided to run my own independent analysis of the data.

As a first step, I obtained data on the dependent variable—the rate of spoiled ballots in each of Florida's counties. This information came from the Governor's Select Task Force On Election Procedures, Standards and Technology, conducted by the Collins Center for Public Policy (the report is available at <http://www.collinscenter.org/info-url2660/info-url.htm>).

The next step was to consider the different independent variables that might explain the differential rates of ballot spoilage. Among the list of possible suspects are the following:

Different types of voting systems:

As the Florida election controversy revealed, different types of voting systems have different rates of accuracy. Perhaps the differences in ballot spoilage rates could be explained by the fact that different Florida counties use different types of voting systems.

The type of voting system is indicated by four variables. Op/P refers to optical scan systems in which ballots are read at the precinct where the vote is cast. Op/C refers to optical scans systems in which ballots are collected from individual precincts and read at a central location. Punchcard refers to the now infamous punchcard voting systems. Other refers to the two counties using different types of voting systems. One county uses

the lever-machine system and the other uses paper/hand ballots. This information was obtained from the Governor's Select Task Force On Election Procedures, Standards and Technology, conducted by the Collins Center for Public Policy (the report is available at <http://www.collinscenter.org/info-url2660/info-url.htm>)

Turnout:

Turnout, defined as the percent of those registered who actually show up to vote, might influence turnout since it could mean more first time or inexperienced voters. High turnout might also lead to long lines at the polls and thus voters who are more concerned about completing their ballots than about doing so accurately. Finally, high rates of turnout might also mean polling places in which the number of voters might swamp the available poll workers, thus making them less able to assist voters in completing ballots accurately or in tabulating votes accurately.

Turnout rates are the number of votes cast in the county divided by the number of registered voters in that county. Information on registered voters for each county is available from the Florida Elections Division website:

<http://election.dos.state.fl.us/voterreg/vrArchive/2000voterreg.shtml#general>

Data on the votes in each county is available at the Florida Elections Division website:

<http://election.dos.state.fl.us/elections/resultsarchive/Index.asp>

Gore %:

This is defined as the percent of the votes cast in the county for Al Gore. Perhaps the rate of spoiled ballots differed among Republicans and Democrats. Data on the presidential voter for each county is available at the Florida Elections Division website:

<http://election.dos.state.fl.us/elections/resultsarchive/Index.asp>

% Hispanic:

Spoiled ballots might be more common among Hispanics for a variety of reasons, namely less familiarity with English and that recent immigrants might have less knowledge about voting procedures and politics. This data was obtained from the 2000 U.S. Census available at <http://factfinder.census.gov/servlet/BasicFactsServlet>

Median Income:

Spoiled ballots might be more common among poor people, and/or counties with low incomes might be less able to afford more accurate voting systems. This data was obtained from the 1990 U.S. Census at <http://venus.census.gov/cdrom/lookup>

Literacy:

Many have suggested that less literate voters might be more inclined to spoil their ballots since they will be less able to read and follow instructions. Data on the literacy by county in Florida is from the 1992 National Adult Literacy Survey. The numbers indicate the percentage of adults in the county at Level 1 Literacy. This is the lowest level of literacy and persons at this level are unable to complete such simple reading tasks, such as

understanding a bus schedule. The data is available from the website of the Florida Literacy Coalition at http://www.floridaliteracy.org/level_one.htm

Education:

Like literacy, low education levels might influence rates of ballot spoilage. For this I used the percent of persons aged 25 or older who have completed less than the 9th grade. This data was obtained from the 1990 U.S. Census at <http://venus.census.gov/cdrom/lookup>

% Black Registered Voters:

As the report of the U.S. Commission on Civil Rights showed and as media reports after the election indicated, the rate of ballot spoilage seemed higher in largely black areas. For this I used the percent of registered voters in the county who are black. Information on registered voters by race for each county is available from the Florida Elections Division website: <http://election.dos.state.fl.us/voterreg/vrArchive/2000voterreg.shtml#general>

Voters per Precinct:

As with turnout, spoiled ballots might result from voters who have had to wait in line. This factor might be reflected in the number of voters per precinct within the county. In addition, with more voters per precinct, it might also be the case that there are few election workers to assist in accurately filling out ballots. The number of voters along with the number of precincts in each county is available at the Florida Elections Division website: <http://election.dos.state.fl.us/elections/resultsarchive/Index.asp>

Increase in Registration:

Spoiled ballots might result from increased numbers of first time voters. Since these voters are, by definition, less familiar with the process, they might be more likely to spoil their ballots. One indication of more first time voters might be increased numbers of registered voters over a previous year, in this case 1996, the year of the last presidential election. Information on registered voters for each county in 2000 is available from the Florida Elections Division website: <http://election.dos.state.fl.us/voterreg/vrArchive/2000voterreg.shtml#general>

Information on registered voters in 1996 is available from the Florida Elections Division website: <http://election.dos.state.fl.us/voterreg/vrArchive/1996voterreg.shtml#General>

Increase in Voting:

Another indication of more first time voters might be an increase in the number of actual voters from one election to another. In this case, I've used the percentage increase in voters for each county from 1996 to 2000. Data on election results from both 1996 and 2000 is available from the Florida Elections Division website: <http://election.dos.state.fl.us/elections/resultsarchive/Index.asp>

Other variables: In addition to these variables, I also ran models with the following variables, all of which proved either substantively and/or statistically insignificant:

- county crime rates,
- percent of elderly population,
- percent of population under 25,
- party of the county election supervisor,
- percent of population with less than a high school diploma,
- percent of population with some college education,
- percent of population in rural areas,
- percent of population English-only speakers,
- county population density,
- percent of blacks with less than 9th grade education,
- percent of blacks with less than a high school diploma,
- percent of blacks with some college education,
- increase in percent of registered voters who are black from 1996 to 2000

I then ran a regression model using the fourteen independent variables previously listed. The regression was run using SPSS 10.0 for the Macintosh. The results are as follows:

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.933(a)	.870	.837	1.257534117413E-02
a Predictors: (Constant), % Increase Vote 96-00, OTHER, Level 1 Literacy, Gore%, Punchcard, 1989 Median \$, Turnout, % Hispanic, Voters/ Precincts, Opt/C, % Black Reg 2000, 96-00 % Increase Total Reg, % < 9th				

Coefficients(a)						
		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
Model		B	Std. Error	Beta		
1	(Constant)	.06236	.032		1.950	.057
	Opt/C	.04211	.005	.544	8.312	.000
	Punchcard	.03469	.004	.541	8.612	.000

OTHER	.02278	.010	.127	2.379	.021
Turnout	-.06523	.031	-.129	-2.087	.042
Gore%	-.04972	.022	-.146	-2.309	.025
% Hispanic	-.003395	.024	-.011	-.143	.887
1989 Median \$	.0000004052	.000	.061	.749	.457
Level 1 Literacy	.03147	.054	.058	.588	.559
% < 9th	.05617	.055	.094	1.030	.308
% Black Reg 2000	.133	.024	.392	5.442	.000
96-00 % Increase Total Reg	-.001337	.002	-.058	-.718	.476
Voters/ Precincts	-.00001666	.000	-.187	-2.763	.008
% Increase Vote 96-00	-.01598	.020	-.044	-.781	.439
a Dependent Variable: % Spoiled					

Excluded Variables(b)						
		Beta In	t	Sig.	Partial Correlation	Collinearity Statistics
Model						Tolerance
1	Opt/P	.(a)	.	.		.000
a Predictors in the Model: (Constant), % Increase Vote 96-00, OTHER, Level 1 Literacy, Gore%, Punchcard, 1989 Median \$, Turnout, % Hispanic, Voters/ Precincts, Opt/C, % Black Reg 2000, 96-00 % Increase Total Reg, % < 9th						
b Dependent Variable: % Spoiled						

As the model shows, the following variables were not significant:

1. % Hispanic
2. 1989 Median \$
3. Level 1 Literacy
4. % <9th
5. 96-00% Increase in Total Reg
6. % Increase Vote 96-00

Conversely, the following variables were statistically significant at the .05 level or greater.

1. Op/C
2. Op/P
3. Punchcard
4. Other
5. Turnout
6. Gore %
7. % Black Reg Voters
8. Voters/Precincts

I then re-ran the model using only the statistically significant variables. The results are as follows:

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.931(a)	.866	.850	1.204969268270E-02
a Predictors: (Constant), Voters/ Precincts, Punchcard, OTHER, % Black Reg 2000, Turnout, Gore%, Opt/C				

Coefficients(a)						
		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
Model		B	Std. Error	Beta		
1	(Constant)	0.09650	.018		5.381	.000

Opt/C	0.04394	.004	.592	10.137	.000
Punchcard	0.03465	.004	.537	9.838	.000
OTHER	0.02272	.009	.125	2.563	.013
Turnout	-0.08160	.027	-.159	-3.071	.003
Gore%	-0.04831	.019	-.141	-2.554	.013
% Black Reg 2000	0.13700	.019	.399	7.147	.000
Voters/ Precincts	-0.00002	.000	-.233	-4.172	.000

a Dependent Variable: % Spoiled

Excluded Variables(b)						
		Beta In	t	Sig.	Partial Correlation	Collinearity Statistics
Model						Tolerance
1	Opt/P	.(a)	.	.	.	.000

a Predictors in the Model: (Constant), Voters/ Precincts, Punchcard, OTHER, % Black Reg 2000, Turnout, Gore%, Opt/C

b Dependent Variable: % Spoiled

The previous model seems to do a good job of explaining the rate of ballot spoilage in Florida counties. The adjusted r^2 is .85, indicating that 85 percent of the variation between counties in the rate of spoiled ballots can be explained by these variables.

The model shows that the type of voting system used in a county has a clear impact on the rate of ballot spoilage. In addition, so does the level of turnout, Gore's percent of the vote, the percent of registered voters who are black, and the number of voters per precinct. The fact that higher levels of turnout and more voters per precinct are negatively associated with ballot spoilage seems a bit counterintuitive. On the other hand, higher levels of turnout might also reflect greater political interest and knowledge, and thus probably mean less chance of spoiled or mistaken ballots. With the number of

voters per precinct, the result is probably due to the fact that where counties have reduced the number of precincts, they will likely have more poll workers and election officials per precinct, thus making it easier for voters to obtain help in filling out their ballot. Finally, the fact that the Gore percent is negatively correlated while the percent of black registered voter is positively correlated with ballot spoilage remains a bit of a mystery to me. One possible reason is that black voters were more likely to end up spoiled in heavily Republican counties, but this explanation needs more investigation before it can be substantiated.

To determine more precisely the impact of different voting systems on the other variables I set up several interactive variables by multiplying the following variable with one another:

- Op/P * Turnout
- Op/P * Gore%
- Op/P * % Black Reg Voters
- Op/P * Voters/Precincts
- Op/C * Turnout
- Op/C * Gore%
- Op/C * % Black Reg Voters
- Op/C * Voters/Precincts
- Punch * Turnout
- Punch * Gore%
- Punch * % Black Reg Voters
- Punch * Voters/Precincts
- Other * Turnout
- Other * Gore%
- Other * % Black Reg Voters
- Other * Voters/Precincts

I then re-ran the model using the existing variables and these new interactive variables. After dropping out the non-significant variables, I came up with the following results:

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.945(a)	.892	.875	1.1009074770183E-02

a Predictors: (Constant), Punch*% Gore, Voters/ Precincts, % Black Reg 2000, Turnout, Gore%, Op/P, Op/P*Voters/Precincts, Op/P*Gore%, Punchcard

		Coefficients(a)				
		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
Model		B	Std. Error	Beta		
1	(Constant)	0.08397	.024		3.568	.001
	Op/P	-0.01099	.020	-.173	-.546	.587
	Punchcard	0.06845	.021	1.061	3.184	.002
	Turnout	-0.06101	.025	-.119	-2.429	.018
	Gore%	0.08671	.045	.253	1.910	.061
	% Black Reg 2000	0.11400	.019	.334	5.938	.000
	Voters/ Precincts	-0.00004	.000	-.446	-6.339	.000
	Op/P*Gore%	-0.13600	.049	-.918	-2.769	.008
	Op/P*Voters/Precincts	0.00003	.000	.523	3.415	.001
	Punch*% Gore	-0.17100	.050	-1.222	-3.448	.001

a Dependent Variable: % Spoiled

Thus, the statistically significant variables that exercise an independent effect are:

1. Punchcard
2. Turnout
3. % of Black Reg Voters
4. Voters/Precincts
5. Op/P * Gore%
6. Op/P * Voters/Precincts
7. Punch * % Gore

In overall terms, the following factors led to increased levels of spoiled ballots:

1. Counties with punchcard ballots

2. Counties with higher percentages of black registered voters
3. Counties with Op/P votings systems with higher numbers of voters per precinct

In addition, the following factors led to lower levels of spoiled ballots:

1. Counties with higher levels of turnout
2. Counties with more voters per precinct
3. Counties with Op/P voting systems with higher percentages for Gore.
4. Counties with punchcard voting systems with higher percentages for Gore.

In conclusion, while much of the variation in spoiled ballots can be explained by the type of voting system used in a county, there is still a statistically significant relationship between the percentage of black registered voters and the percentage of spoiled ballots. Overall, holding other factors equal, for every 1 point increase in the percentage of registered voters who are black, there was a .114 increase in the percentage of spoiled ballots. This relationship is true even when factors such as voting systems, education, and literacy levels are controlled for. I would also add that while my data and findings were arrived at independently, these findings are essentially the same as those of the U.S. Commission on Civil Rights (USCCR). Thus, my data and findings contradict the accusations that the USCCR conducted a biased survey with inaccessible data.

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Education

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Lake Forest College, Lake Forest, IL
B.A., Political Science, May 1985, Summa Cum Laude.

Teaching Positions

Associate Professor, Department of Government, Hamilton College, Clinton, NY, July 1998 to present.

Assistant Professor, Department of Government, Hamilton College, Clinton, NY, July 1995 to June 1998.

Assistant Professor, Department of Political Science, Loyola Marymount University, Los Angeles, CA, August 1991- June 1995.

Instructor, Department of Political Science, Yale University, September 1988-May 1989 and January-May 1990.

Administrative Positions

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Research Positions

Guest Scholar, The Brookings Institution, Washington, D.C., September-December, 1995.

Guest Scholar, The Brookings Institution, Washington, D.C., May-June 1993.

Research Fellow, The Brookings Institution, Washington, D.C., August 1990-August 1991.

Honors and Awards

Winner, 2000 Horace Mann Bond Book Award from the Harvard Afro-American Studies Department for *The Unsteady March: The Rise and Decline of America's Commitment to Racial Equality*. Chicago: University of Chicago Press, 1999. (With Rogers Smith, Yale University).

Semi-finalist for the 2000 Robert F. Kennedy Book Award for *The Unsteady March: The Rise and Decline of America's Commitment to Racial Equality*. Chicago: University of Chicago Press, 1999. (With Rogers Smith, Yale University).

1999 "Best of the Best" university press books by the American Library Association for *The Unsteady March: The Rise and Decline of America's Commitment to Racial Equality*. Chicago: University of Chicago Press, 1999. (With Rogers Smith, Yale University).

Emerging Scholar Award from the Political Organizations and Parties Section of the American Political Science Association, 1995.

Casassa Chair of Ethics and Social Values, Loyola Marymount University, 1993-1994.

Dissertation nominated for the American Political Science Association's E.E. Schattschneider Award given to the best dissertation in American government and politics, 1993.

Yale University Prize Teaching Fellowship, 1988-1989.

Phi Beta Kappa, Lake Forest College, 1985.

Phi Beta Kappa Senior Thesis Award, 1985

Survey Research Projects

Survey of Racial Attitudes of Young Americans, conducted by the Arthur Levitt Public Affairs Center at Hamilton College, the NAACP, and Zogby International, August 1999.

Survey of the Political Attitudes of Young Americans, conducted by the Arthur Levitt Public Affairs Center at Hamilton College and Zogby International, November 2000.

Books

The Unsteady March: The Rise and Decline of America's Commitment to Racial Equality. Chicago: University of Chicago Press, 1999. (With Rogers Smith, Yale University).

Winner, 2000 Horace Mann Bond Book Award from the Harvard Afro-American Studies Department.

Semi-finalist for the 2000 Robert F. Kennedy Book Award.

Named one of the 1999 "Best of the Best" university press books by the American Library Association.

Midterm: The 1994 Elections in Perspective. Boulder, CO: Westview Press, 1996 (Editor).

The Losing Parties: Out-Party National Committees, 1956-1993. New Haven: Yale University Press, 1994.

The American Heritage History of the Bill of Rights: The First Amendment. Foreword by Warren E. Burger. New York: American Heritage, 1991.

The American Heritage History of the Bill of Rights: The Ninth Amendment. Foreword by Warren E. Burger. New York: American Heritage, 1991.

Book Contributions

"Democratic Party Ideology in the 1990s: New Democrats or Modern Republicans?," in John K. White and John C. Green, eds., *The Politics of Ideas*, 2nd Edition. SUNY Press, 2001.

"The Unsteady March Toward Racial Equality," in Christopher Foreman, ed., *The African American Predicament.* Washington, DC: The Brookings Institution Press, 1999. (With Rogers Smith, Yale University).

"Bill Clinton and the Politics of the New Liberalism," in Adolph Reed, Jr., ed., *Without Justice For All: The "New Liberalism" and the Assault on Equality.* Boulder, CO: Westview Press, 1999.

"The Election and Governance of John Daniels as Mayor of New Haven and the Failure of the Deracialization Hypothesis," in Huey L. Perry, ed., *Race, Politics, and Governance in the United States.* Gainesville: University Press of Florida, 1996. (With Mary Summers)

"Court and Country in American Politics: The Democratic Party and the 1994 Election," in Philip A. Klinkner, ed., *Midterm: The 1994 Elections in Perspective.* Boulder, CO: Westview Press, 1996.

"Party Cultures and Party Behavior," in Daniel M. Shea and John C. Green, eds., *The State of the Parties: The Changing Role of Contemporary American Parties.* Lanham, MD: University Press of American, 1994

"A Comparison of Out-Party Leaders: Ray Bliss and Bill Brock," in John C. Green, ed., *Politics, Professionalism, and Power: Modern Party Organization and the Legacy of Ray Bliss.* Lanham, MD: University Press of America, 1994.

Journal Articles

"Beyond Pseudo-Science: Parties and Policymaking." *Polity*, 26 (Summer 1994): 769-791.

"Dwarfing the Political Capacity of the People?: The Relationship Between Judicial Activism and Voter Turnout, 1840-1988." *Polity* 25 (Summer 1993): 633-646.

"The Daniels Election in New Haven and the Failure of the 'Deracialization Hypothesis.'" *Urban Affairs Quarterly*, 27 (December 1991): 202-215. (With Mary Summers)

"The Election of John Daniels as Mayor of New Haven." *PS: Political Science and Politics* 25 (June 1990), pp. 142-145. (With Mary Summers)

Invited Presentations

"The Unsteady March of Racial Equality," presented at the Department of Political Science Research Colloquium, University of Massachusetts, Amherst, February 28, 2001.

"The Unsteady March of Racial Equality," presented at the Institute on Race and Social Division Workshop, Boston University, January 24, 2001.

Panel Discussion on African-American Reparations, Leila Cromwell Day, Smith College, November 2, 2000.

"The Example of Willie Mays and the Quest for Civil Rights" keynote address at the Willie Mays: Breaking the Barriers Award Luncheon, Lawyers' Committee for Civil Rights, San Francisco, CA, July 28, 2000.

Irvine Foundation Roundtable on the Status of African Americans in California Higher Education, University of California, Los Angeles, June 2000.

"Fighting on Two Fronts: War and Racial Equality in American History," presented at the Women, Minorities, and War Workshop, University of Pennsylvania, April 2000.

"The Unsteady March of Racial Equality," delivered at the Claremont Colleges Athenaeum, March 2000.

APPENDIX XII

"Senators Hear Bitter Words on Florida Vote,"
The New York Times, June 28, 2001 (includes exchange
between Senator Charles Schumer and Dr. John Lott)

Senators Hear Bitter Words on Florida Vote

By KATHARINE Q. SEELYE

WASHINGTON, June 27 — At an acrimonious hearing that showed how bitter the fight remains over the Florida election last fall, two members of the United States Civil Rights Commission strafed each other today and called each other liars. Even Katherine Harris, the Florida secretary of state, got into the act.

Despite this hostility, senators of both parties who were listening to the exchanges tried to move beyond the Florida dispute and gave some signs that changes in the election system might yet be on the horizon.

The Senate Rules Committee was the staging ground for a discussion of the commission's report on the Florida balloting and bills that would funnel money to states for new election systems. It provided a platform for two members of the commission — one appointed by Republicans, the other by Democrats — to air their differences over whether some Florida voters were disenfranchised.

The commission voted 6 to 2 this month to approve a report that said that blacks in Florida were at least 10 times more likely than other voters to have had their ballots rejected last Election Day.

One of the dissenting members, Abigail Thernstrom, presented her rebuttal to the report today. Relying on a statistical analysis by John Lott, an economist at Yale Law School, Ms. Thernstrom said that "voter error was the central problem in Florida, not disenfranchisement" and that the committee report was flawed and prejudicial.

"Inflated rhetoric depicting crimes for which there is no evidence undermines public confidence," Ms. Thernstrom said.

She also said the majority had withheld data from her.

Mary Frances Berry, the chairwoman of the commission, hotly denied the accusation as they sat next to each other at the witness table.

"It is an absolute falsehood," Ms. Berry said, noting that Ms. Thernstrom had asked for a disc of data and was told there was no disc but that the information was available on the Internet.

"She was not denied data," Ms. Berry said. "It makes a good story — 'I was denied this, I was denied that.' It is a lie. I am 63 years old. I'm too old for playing games."

Ms. Thernstrom responded, "I would never publicly call a commissioner a liar, but I have just heard a lie."

Ms. Berry affirmed the findings of the report and said she was "surprised that people are so exercised" about it. She said it was clear that black voters had higher rates of problems than others, regardless of whether they were intentional.

Signs that election system changes may be on the horizon.

"If I ran over you at 90 miles an hour and killed you, it doesn't matter whether I intended to or not, I still killed you," Ms. Berry said.

In another tense exchange, Senator Charles E. Schumer, Democrat of New York, took on the credibility of Mr. Lott, Ms. Thernstrom's statistician. Mr. Schumer, a proponent of gun control, first belittled Mr. Lott in passing as the person who had found, in Mr. Schumer's words, "The more guns, the less violence."

In prosecutorial tones, Mr. Schumer then wrung out of Mr. Lott a defeated "yeah" to the question of whether "a greater percentage of black and Hispanic people are turned away than, or don't get to vote, than white people?"

The packed hearing room broke into applause at Mr. Lott's concession, prompting Senator Christopher J. Dodd, Democrat of Connecticut, to gavel the room to order, saying, "It's not a rally; it's a hearing."

Ms. Harris, the Florida Secretary of State, was not present but sent a statement to the committee in which she accused the commission of "crafting a battle plan for politicians

interested in wielding the sword of racial division."

Two election bills the Rules Committee is considering have strong support in the Senate. Both would offer about \$2.5 billion to the states over five years to upgrade their election equipment. But one bill, sponsored by Senator Dodd, and supported by all 50 Democrats, would mandate that the states take certain actions. The other, sponsored by Senators Mitch McConnell, Republican of Kentucky, and Mr. Schumer and supported by 31 Democrats, 38 Republicans and one independent, has no mandates.

Supporters of both bills indicated that some compromise could pass the Senate later this year. Mr. Schumer said the question of mandates "will work its way through the process in the next several months and in fall we can sit down and have a compromise." And John Feehery, a spokesman for House Republicans, indicated there was "some cause for optimism" in the House as well, later in the year.

Larry Sabato, an election specialist at the University of Virginia who also testified today, said in an interview: "I was pessimistic for a long time, but I've changed now, not entirely because of the Democratic takeover of the Senate, but partly because of that. As we get closer to 2002, an awful lot of senators and House members on both sides of the aisle want to be able to tell African-American voters that they've done something, whatever that something is — money or money plus mandates."

Mr. McConnell said in an interview that he thought the shift in power in the Senate was slowing election reform. Now that Mr. Dodd is chairman of the Rules Committee, he has said he will hold hearings on the matter around the country. Mr. McConnell noted that state and national panels had already held more than 60 hearings and that no more were necessary.

"That may be important to certain parts of their base, but we know enough to move forward," Mr. McConnell said.

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