

was the 2004 presidential election stolen?



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EXIT POLLS, ELECTION FRAUD,  
AND THE OFFICIAL COUNT

Steven F. Freeman and Joel Bleifuss

Foreword by U.S. Representative John Conyers, Jr.

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# Foreword

Dear Reader,

The Founders of the American republic were explicit in their desire that the voice of the people operate in the election of the President. More than simply reflecting the desires of the majority, Hamilton insisted that the electoral process afford a “moral certainty.” Elections needed to convey a sense of fairness and finality if the fledgling democracy was to survive.

The United States has not always lived up to the notion of justice and equity at the ballot box. Much of the national story can be told as the grudging but certain extension of voting rights to every free American. But despite the obstacles of the past—and despite how very far we have to go to live up to the ideal—the principle of electoral justice remains sound. No event has a more profound impact on the contours of American citizenship than participation in a national election. No civic responsibility is more important than the duty of a citizen to challenge the wisdom of his or her elected leaders.

And when we have reason to doubt, when officials operate secretly under color of law or behind the veil of untested technologies, when the results of a national election cannot be trusted to reflect the ballots cast, no obligation could be greater than that of a citizen to question the electoral process itself.

The events of November 2004 gave us such reason to doubt. This book, *Was the 2004 Presidential Election Stolen?* by Steven F. Freeman and Joel Bleifuss, asks some very hard, very important questions about an electoral process that yielded anything but “moral certainty.”

To be sure, aberrant results in exit polls are but one warning that something may have gone wrong—either with the statistical analysis or with the election itself—and that the election results warrant greater scrutiny.

Guided in no small part by Steve Freeman's original analysis of exit polls nationwide, I began my own investigation of the official results. My staff reviewed thousands of pages of primary source materials, copies of actual ballots, voter registration databases, and poll records. They conducted interviews with any number of individuals having firsthand knowledge of irregularities. We traveled all over the country in search of even more information, so much of it obscured by government failings and partisan motives.

What we found indicated problems in nearly every sphere of the electoral process—ranging from machine tampering and malfunction to the intimidation of minority voters in urban and rural areas, from the purposeful misallocation of voting machines to unjustifiably long lines in precincts with historically high turnout.

Without a doubt, most states did not experience the extent of problems uncovered in Florida in 2000 or Ohio in 2004. Most secretaries of state and local election authorities are competent and conscientious officials, men and women who faithfully execute a broad and complicated task. Unfortunately, the lesson of our past two presidential elections has become patently clear—poor decisions by election officials, whether motivated by political bias or stunning negligence, can result in the disenfranchisement of voters and the massive distortion of election results.

In these pages, Steve Freeman and Joel Bleifuss shape the raw data into an image of all that the Founders warned us against. Precious few polling sites can actually verify that votes are recorded as cast. Voting machines are unreliable and easily subject to tampering. Election officials acting in bad faith have little difficulty blocking the sparse opportunities to check the accuracy of the results. There is a critique that warrants response.



As I commend this work to you, I reflect upon the sentiments of Martin Luther King, Jr., who believed that Americans “shall have to do more than register and more than vote; we shall have to create leaders who embody virtues we can respect, who have moral and ethical principles we can applaud with enthusiasm.” Our elections are about more than the ballots we cast—the outcome must be shaped by decent men and women, in government and around it, who will neither be deterred by the frustrations of a broken system nor silenced by those who wield it.

—Congressman John Conyers, Jr.  
Washington, D.C., October 2005



# Preface

Driving to the University of Pennsylvania on the afternoon of the election, I turned on the radio. The host of a talk-radio show was lamenting that the exit-poll numbers looked impossibly grim. Unless the President found some way to turn this thing around, we were in for a bad four years. “Now we were going to see the real John and Teresa Heinz Kerry,” he warned. For most of my brief commute, a caller from Florida complained about the huge turnout in his precinct. In the long line where he had waited to vote, he said, he was probably the only Bush voter. He could hardly believe all the derelects, drug addicts, and other dregs that the Democrats had managed to drag out to the polls.

At 9:30 p.m. EST that evening, I went to my neighbor’s home to watch election coverage. I was surprised by how little information was being transmitted, and there was not a word about the exit-poll results I had heard about earlier in the day. When the anchorman assured us that they would be giving us projections as soon as the network decision team was confident, but not a minute before, I bolted.

I picked up my friend’s laptop and began to pore through CNN’s Web site. Their data largely confirmed those earlier reports of a Kerry victory, and given that these were the numbers after the polls had closed, it appeared to me as though Kerry had won both the popular vote and in the electoral college. After about fifteen minutes of inspection, I announced this to the eight or so people in the room. They responded that that wasn’t what was being reported on

TV. I looked up over the laptop to watch the television screen, puzzled by the contrasting stories. The laptop screen projected a Kerry victory in nearly every battleground state, in many cases by substantial margins. But on TV James Carville was saying that Kerry needed to “draw an inside straight” to pull off the win. The Slate Web site indicated a narrow edge to Kerry in Florida; the networks all had Florida solidly in the Bush camp. CNN’s Web site data informed us of commanding Kerry victories in Pennsylvania and Minnesota; TV anchors told us these states were too close to call.

As a professor who has taught courses in research methods—earlier that semester I had taught a workshop on survey methods—it seemed inexplicable to me that exit polls could be so far off. Exit polls are not predictions of what might happen on Election Day; they are surveys of actual voters who have just cast their votes.

Eventually, the election came down to Ohio, where exit polls showed Kerry with a projected victory of more than 4%, based on a large sample that should have been accurate within 2% to 3% of the final tally. But although the networks were conservative in refusing to call the state, TV viewers were left with little doubt that Bush had won. I was perplexed and uncertain—there were voters still waiting in line in Ohio cities, uncounted provisional votes, and so on. How could the exit polls be that far off?

The next morning, I learned that Bush had prevailed and that Kerry was preparing his concession speech, but nothing was reported on why the exit polls were so far off—or even that they were far off. I went to the CNN site to study the numbers that I had seen the night before and saw instead an entirely different set of numbers with no explanation. I wondered if I had incorrectly remembered what I’d seen the night before.

Over the next two days, I listened to the news and read the papers, expecting an explanation, but there was little mention of the exit polls, except as the source of data used to inform us that Bush had won because of “moral values” and how the Democratic

Party was out of touch with America's heartland. When the exit-poll discrepancy did come up, the few meager explanations offered—there were “too many women in the sample,” for instance—could not conceivably be correct. I asked a few colleagues if they had heard anything. None had. I was doubly baffled, not only by the exit-poll discrepancy itself, but that this fact had all but vanished from the face of the earth.

I spent much of the day Friday trying to find the original exit-poll data. Why was the exit-poll data carried on CNN, MSNBC, and other major Web sites so different from what they'd posted on the night of the election? And what was the explanation for the wide discrepancy between the original exit-poll data and the official count? That the outcome of the election might be invalid had not even occurred to me as a possibility, but why were the exit polls so far off? On the Web I came across widespread speculation that the election results were fraudulent. Much of it was clearly flawed. But there was a reasonably coherent 2004 presidential election theft thesis put forward by author Thom Hartmann on a Web site called Common Dreams.<sup>1</sup> I also found damning charges concerning issues of which I was only vaguely aware, notably electronic voting, Ohio vote suppression, and anomalies in the 2002 midterm elections.

Regarding what might have gone wrong with the polls, I found no reasonable answers, just deflections and vacuous reporting. Lead exit pollster Joe Lenski told the *Los Angeles Times*, “I'm not designing polls for some blogger who doesn't even understand how to read the data.”<sup>2</sup> A *New York Times* article reported that the newspaper had obtained a report issued by pollsters that “debunked the possibility that the exit polls are right and the vote count is wrong,” but the story did not explain beyond that declaration how the possibility was “debunked.”<sup>3</sup> In fact, no evidence whatsoever was presented in the *Times* or anywhere else of skewed survey data or any problem at all with the polls other than the fact that “uncorrected” data had been released to the public, and that a technical glitch

allowed that data to remain on the CNN Web site throughout election night.<sup>4</sup>

On the academic research methods listserv of which I am a member, I asked colleagues for explanations about the discrepancy. Few answers were forthcoming, but it turned out others had the same questions.

Trying to find the original data I'd seen on election night, I came across a post by Jonathan Simon on a surprisingly vast Web site, Democratic Underground. Simon's post recorded forty-six exit-poll projections and how far they deviated from the official counts.<sup>5</sup> I went to my neighbor's house to get the computer that I had been using on election eve. The election night screen shots from the national survey and sixteen states were still preserved, and they corroborated completely Simon's data.

I was more perplexed than suspicious. It seemed inconceivable that millions of votes could be stolen in a U.S. presidential election. What happened to those twenty thousand Democratic National Committee lawyers? Doesn't the party track the numbers? If there were something to this, why would Kerry concede? And why wouldn't reporters be jumping on the story? And why weren't political scientists speaking up? Florida 2000 was one thing, but a discrepancy of millions of votes that goes uncontested by the would-be victors, unchallenged by responsible professionals, unreported in the media, and undetected in academia in what was probably the world's most closely watched election in half a century—that was an entirely different matter.

All these questions led back to the more fundamental one: what had caused the large, unexplained discrepancy between the exit polls and the official count?

In the 2004–5 academic year, I held a special position as a research scholar at the University of Pennsylvania's Center for Organizational Dynamics, affording me unusual freedom to conduct interdisciplinary research of broad significance. So, when neither

reporters, nor pollsters, nor the Democrats, nor political scientists raised the obvious questions, I thought that, well, perhaps this is my job as much as anyone else's. So, after some research, I sat down to write. I described what I was able to learn about exit-poll reliability, the statistical implausibility of their being so far off, and the inadequacy of the explanations offered thus far. On November 9, I circulated a first draft of "The Unexplained Exit-Poll Discrepancy" to colleagues and invited them to comment. On every page in big bold letters was this notice:

DRAFT—Do not circulate, reproduce, post, or cite without the express consent of the author.

Despite the warning, the draft was widely circulated, and I received requests to post or circulate it even more widely. So I released it the next day with the qualifier that it was an early draft, again inviting comments and information and asking that I be informed if it were posted or cited so that I would at least know where to send revisions.

The conclusion I offered seemed to me fairly innocuous:

Widespread assumption of misplay undermines not only the legitimacy of the President, but faith in the foundations of the democracy. . . . The election's unexplained exit-poll discrepancies make fraud or mistabulation . . . an unavoidable hypothesis, one that is the responsibility of the media, academia, polling agencies, and the public to investigate.

Over the next ten days I received a torrent of messages from across the country and around the world—hundreds of phone calls and more than two thousand e-mails, most of them extending thanks for asking the obvious questions that the media and everyone else with a public voice had been ignoring. Both my personal

Web page and the Web page of the University of Pennsylvania research center where I work went down. Mixed in with the letters of support were inquiries and suggestions on how to improve the paper, and various theories about what went wrong with the exit polls. I also received a good deal of hate mail: “looser” [*sic*], “sour grapes,” a string of a hundred messages repeating “FOUR MORE YEARS,” and indignant letters to the Dean demanding my resignation or censure, including one that said, “How dare he hypothesize mistabulation or fraud in a presidential election!”

The paper spread all over the Internet, and I began to be overwhelmed with media phone calls and interview requests. But although the story was widely covered in the independent media, my interviews with reporters from the *Washington Post* and *USA Today* never made it into print. I rushed out on last-minute notice to do a CNN studio interview that did not air. An MSNBC interview was canceled (because a verdict was reached that afternoon in the Peterson murder trial). Over the next few days, stories appeared in the *Washington Post*, the *New York Times*, and many other publications ridiculing “Internet conspiracy theory.”<sup>6</sup> My article, as far as I know, was not mentioned in any of these stories; rather, they seemed to cherry-pick the weakest Internet allegations to debunk and, on that basis, dismiss any and all inquiry as “conspiracy theory.” Despite the obvious importance of the subject, colleagues with impressive credentials who raised questions about the official election results, such as Fritz Scheuren, the president of the American Statistical Association, could not get op-eds published.<sup>7</sup> ABC resisted publishing on their Web site a column by their own columnist, mathematician John Allen Paulos—the winner of the 2003 American Association for the Advancement of Science award for the promotion of public understanding of science—when he, too, took notice of the discrepancy.<sup>8</sup>



In addition, my mail contained some eyewitness reports of malfeasance. Three precinct workers from Perry County in Appalachian Ohio wrote:

360 people signed the book and 33 absentee ballots were cast for a total of 393 votes. The Board of Election is reporting 489 votes cast in that one precinct. WE HAVE A COPY OF THE ENTIRE POLL BOOK for this precinct (other totals were hand checked).

They said they went to the FBI, who referred them to the secretary of state's office, despite the fact that the precinct workers believe that the secretary of state's office was the source of the alleged malfeasance. (Ohio Secretary of State Kenneth Blackwell served as an Ohio chairman of the 2004 Bush-Cheney Campaign.<sup>9</sup>)

Unfortunately, I could not investigate these claims. I was unable to even look at most of the e-mails I received (sorry to those of you who wrote), and had to get a new, separate e-mail account so that my students could reach me. But nobody else was investigating either. Which itself was data. I looked at the problem as I would any other research question. I formulated the only two hypotheses that could explain the discrepancy—something was wrong with the exit polls or something was wrong with the official count. I then sought out theory and data that could substantiate either one of them.

Most public voices have been anxious to dismiss out of hand any inquiry into the possibility of a corrupted vote count.<sup>10</sup> But absence of scrutiny does not make a democracy function; democratic processes do. And among these processes is public scrutiny. Inquiry into the integrity of an election neither undermines democracy nor divides a nation. To the contrary, the only way to maintain democracy or unite a people is to ensure that election probity is beyond question. All the major political parties must be confident that they

did, in fact, have a fair chance to prevail. And the only way to restore such confidence is by an honest probe into what really happened in the 2004 presidential election.

—Steven F. Freeman  
Philadelphia, March 2006

NOTE ON TABLES, FIGURES, DATA, AND STATISTICAL ANALYSES

The tables and figures presented in this book use data that come from the indicated sources and, unless otherwise noted, are the creation of the authors and not reprinted directly from these sources.

Because of space limitations and the complexity of statistical analysis we were unable to present all the data compiled and all the analyses conducted in preparation for this book. Complete data sets and details of analyses, including statistical analysis, are available on Freeman's website, <http://www.electionintegrity.org>.