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As Alito Takes Supreme Court Seat, Ohio GOP Guts Election Protection

by Bob Fittrakis and Harvey Wasserman

Ohio's GOP-controlled legislature has passed a repressive new law that will gut free elections here and is already surfacing elsewhere around the US. The bill will continue the process of installing the GOP as America's permanent ruling party.

Coming with the swearing in of right-wing extremist Supreme Court Justice Samuel Alito, it marks another dark day for what remains of American democracy.

Called HB3, the law now demands discriminatory voter ID, severely cripples the possibility of statewide recounts and actually ends the process of state-based challenges to federal elections---most importantly for president---held within the state.

In other words, the type of legal challenge mounted to the theft of Ohio's electoral votes in the 2004 election will now be all but impossible in the future.

Section 35-05.18 of HB3 requires restrictive identification requirements for anyone trying to vote in an Ohio election. Photo ID, a utility bill, a bank statement, a government check or other government document showing the name and current address of the voter will be required.

This requirement is perfectly designed to slow down the voting process in inner city

precincts. It allows Republican "challengers" to intimidate anyone who turns up to vote in heavily Democratic precincts. It virtually eliminates the homeless, elderly and impoverished from the voting rolls. Election protection advocates estimate this requirement will erase 100,000 to 200,000 voters in a typical statewide election. By way of reference, George W. Bush allegedly carried Ohio---and the presidency---by less than 119,000 votes in 2004.

The ID requirement is the direct result of intervention by two high-powered Republican attorneys with ties to the White House and Senate Majority Leader Bill Frist (R-Tenn.). Congressman Bob Ney allowed the Bush-Cheney re-election national counsel [Mark "Thor" Hearne](#) to testify last March as a so-called "voting rights advocate." Hearne, whose resume shows no connection to voting rights organizations, was responsible for [advising the Bush-Cheney campaign](#) on national litigation and election law strategy during the 2004 election.

Hearne, with the help of Republican attorney Alex Vogel, concocted a story that the problem with the 2004 elections in Ohio was the NAACP paying people with crack cocaine to register voters. Vogel's front group, the Free Enterprise Coalition, even indemnified a local Republican operative, Mark Rubrick, to file an Ohio corrupt practices act suit against the NAACP, the AFL-CIO, ACT-Ohio and ACORN, The suit was later quietly withdrawn after discovery showed that the operatives behind it were linked to the top levels of the Republican Party.

Ironically, the Republican Party engaged in racist and massive voter repression in Ohio and are now institutionalizing that very Jim Crow-style repression and selling it as an election reform bill.

HB3 also ends the ability of the public to conduct meaningful audits of voting machines. Election protection activists recently forced the adoption of an auditable paper trail into the Ohio election process. In a state where virtually all ballots are cast and/or counted on electronic equipment, this cuts to the core of the ability to monitor an election's outcome. The new provision in HB3 will make the paper trail virtually meaningless.

HB3 further imposes a huge jump in the cost of forcing a recount. In 2004, the charge was \$10 per precinct, with some 11,366 precincts in the state. Thus the Green and

Libertarian Parties, which paid for it, had to pay somewhat more than \$113,660. Now the charge will be \$50 per precinct, jumping the charge to some \$568,300.

Finally, and perhaps most astonishingly, HB3 eliminates the state statutes that have allowed citizens to challenge the outcome of federal elections within the state. After the 2004 election, election protection advocates filed a challenge to Bush's victory. Their attorneys were attacked with an official attempt to levy sanctions, and then were thwarted from an effective suit when GOP Secretary of State J. Kenneth Blackwell locked up the state's voter records.

But HB3 would now entirely eliminate any possibility of a state-based legal challenge. The only alleged recourse for those wishing to officially question the vote count in a presidential, US Senate or US Congressional race in Ohio would be at the United States Congress. There is now no recourse whatsoever on the state level.

Despite grassroots protests and bitter opposition from Common Cause, the League of Women Voters and other pro-democracy groups, HB3 passed with only one Republican vote against it (all Ohio Democratic Senators and Representatives voted against).

So the Ohio GOP has taken another giant step toward ending the possibility of any other party ever taking power in the Buckeye State. When combined with new campaign finance laws that allow huge chunks of private and corporate money to flow virtually unregulated into GOP coffers, HB3 may have all but ended free elections in Ohio---at least until election protection forces can somehow reverse the trend. .

Since the Civil War, only one presidential candidate---John F. Kennedy in 1960---has won the White House without carrying Ohio. This and the other repressive legislation passed by the Ohio GOP will make it virtually impossible for anyone but a Republican to carry the Buckeye State in future statewide and federal elections.

Bills like HB3 are also being lined up to flow through Republican-controlled legislatures throughout the US, including a very similar one in Georgia. "This comes straight from Karl Rove," says Cliff Arnebeck, one of Ohio's leading election protection attorneys. "This legislation originates with a demand that one-party rule be made permanent throughout the United States."

With today's passage of Ohio HB3, along with the seating of Justice Alito, the GOP grip on the American throat has very significantly tightened.

Bob Fittrakis and Harvey Wasserman are co-authors of "[How the GOP Stole America's 2004 Election and Is Rigging 2008](#)". They are co-editors, with Steve Rosenfeld, of "What Happened in Ohio?" forthcoming from the New Press.

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