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November 17, 2000

DUVAL COUNTY

Democrats Rue Ballot Foul-Up in a 2nd County

By RAYMOND BONNER with JOSH BARBANEL

JACKSONVILLE, Fla., Nov. 16 — Democrats in Duval County prepared meticulously for Election Day. They registered thousands of voters and ferried enough people to the polls in predominantly African-American precincts to give a solid boost to Vice President Al Gore in a county expected to swing reliably into Gov. George W. Bush's column.

But the results of Duval County's vote left Democrats here shaking their heads. More than 26,000 ballots were invalidated, the vast majority because they contained votes for more than one presidential candidate. Nearly 9,000 of the votes were thrown out in the predominantly African-American communities around Jacksonville, where Mr. Gore scored 10-to-1 ratios of victory, according to an analysis of the vote by The New York Times.

The percentage of invalidated votes here was far higher than that recorded in Palm Beach County, which has become the focus of national attention and where Democrats have argued that so many people were disenfranchised it may be necessary to let them vote again. Neither Democrats nor Republicans have demanded a hand recount or new election in Duval County.

Local election officials attributed the outcome to a ballot that had the name of presidential candidates on two pages,

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which they said many voters found confusing. Many voters, they said, voted once on each page. The election officials said they would not use such a ballot in the future.

Rodney G. Gregory, a lawyer for the Democrats in Duval County, said the party shared the blame for the confusion. Mr. Gregory said Democratic Party workers instructed voters, many persuaded to go to the polls for the first time, to cast ballots in every race and "be sure to punch a hole on every page."

"The get-out-the vote folks messed it up," Mr. Gregory said ruefully.

If Mr. Gregory's assessment is correct, and thousands of Gore supporters were inadvertently misled into invalidating their ballots, this county alone would have been enough to give Mr. Gore the electoral votes of Florida, and thus the White House.

The voters turned out by Democrats, Mr. Gregory said, took the instructions to vote in every race to mean: "I've got to vote for Gore. I've got to be sure Bush doesn't get elected. I've got to vote on every page."

Democratic officials, Mr. Gregory said, should have told voters they were bringing to the polls. Vote for Gore, then skip the next page.

"In hindsight," he said, "we didn't fully understand the problem. "

The Duval County ballot listed Mr. Gore on the first page, along with Mr. Bush, Ralph Nader and two other candidates. Then on the second page were the names of five other presidential candidates. After voting for Mr. Gore, many Democratic voters turned the page and voted for one of the remaining names, Mr. Gregory said.

The double-marked ballots substantially affected Mr. Gore's showing, a Times analysis of voting data suggests. More than 20 percent of the votes cast in predominantly African-American precincts were tossed out, nearly triple the majority white precincts. In two largely African-American precincts, nearly one-third of the ballots were invalidated.

Altogether, 21,942 ballots were rejected because the voter punched the hole beside the name of more than one candidate, and another 4,927 were invalidated because the

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voter punched no hole next to a presidential candidate, said the Duval County supervisor of elections.

The Times analysis shows that about 16,500 of the votes thrown out were cast in precincts with Democratic majorities that, when taken together, were comfortably carried by Mr. Gore. The remaining 10,000 invalid votes were cast mostly in precincts in which Republicans outnumber Democrats and that were, as a group, solidly behind Mr. Bush.

When the results for Duval County were first tallied, those mathematics made it look like Duval County was a place in which Republicans could pick up some votes in a recount.

But Republican officials with ties to the Bush campaign said they concluded that it was doubtful a manual recount in Duval would, on balance, help their candidate.

The Bush campaign chairman in northeastern Florida, Michael Hightower, did not agree and said he doubted a substantial portion of the invalid ballots were cast by Gore supporters. They might be from districts where the registration was heavily Democratic, but many Democrats voted for Mr. Bush, he said.

The invalid ballots were cast "by people who did not, could not, or would not follow directions," said Mr. Hightower, an executive with Blue Cross/Blue Shield and a Bush Pioneer, which means he raised more than \$100,000 for the candidate. "I am not going to make a judgment why." But he said, he believed that more than half of those who did not follow directions were Republicans.

Although there is plenty of grouching about the ballot, the Democrats have not mounted a challenge to the vote here as they have in other parts of the state. For one thing, confusing though the ballot might have been, "there is nothing illegal about that ballot," said James Holland, a lawyer who worked as a poll watcher for the Democrats on voting day.

Amandlyn Brooks, 38, was one of many voters here who said she was taken aback by the two-page presidential ballot. "It was confusing to me," she said. "It was my first time voting." She does not know which precinct or district she voted in; she had gone to the polling station the Democrats had shown her. After first making a mistake and voting for Mr. Bush, she managed, after considerable assistance, to get a new ballot, she said.

But she still was not certain what to do. "I kept looking

around, pleading for help," she said. "But they just kept saying, 'read it, read it.'" Ms. Brooks said.

"I wanted to run out of there, but I was determined," she said. "So I just punched whatever. When I got home, I told my husband, I don't know who I voted for."

Stephanie Brown, an 18-year-old studying journalism at Florida Community College, also found the ballot confusing, but said she was saved from voting incorrectly by a warning from her mother, who voted just ahead of her.

But she said her 67-year-old grandmother had voted on each page, thus invalidating her ballot.

A spokesman for the Duval County elections office, Susan Tucker Johnson, said the 26,000 invalidated votes were four times the total recorded in 1996. Ms. Johnson said the county had fit the presidential candidates on one page in 1996, but had gone to two pages this year because there were so many parties. In addition to the Democratic, Republican and Green Parties, there were the Libertarian, and Socialist Workers Parties on page 1; and on page 2, the Natural Law, Reform, Socialist, Constitution and Workers World Parties, as well as a place for a write-in candidate.

In the final tally for Duval County, Mr. Bush received 152,114 votes, or 58 percent, and Mr. Gore 108,048, or 41 percent.

Democratic officials were pleased because Mr. Gore had exceeded Mr. Clinton's 35 percent showing in 1996, said Michael Langton, of the executive committee of the Duval County Democratic Party. He added, however, that he was disturbed by the number of invalid ballots from predominantly Democratic precincts.

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