

EXCERPTS OF SPEECH BY JOHN C. BONIFAZ, FOUNDER AND GENERAL COUNSEL OF THE NATIONAL VOTING RIGHTS INSTITUTE

**BEFORE THE “FIGHT FOR DEMOCRACY” RALLY,
COLUMBUS, OHIO, DECEMBER 4, 2004**

We serve as co-counsel for presidential candidates David Cobb and Michael Badnarik in their demand for a full recount of all votes cast in Ohio for President in the 2004 general election.

In a democracy, votes must count and every citizen’s vote must be properly counted. We are here today to fight for our right to vote. We are here today to fight for the United States Constitution. We are here today to fight for the promise of democracy.

Our clients, David Cobb and Michael Badnarik, have demanded a full recount of all of the votes cast in Ohio for President in the 2004 election. They are standing up for all of us to help ensure a proper counting of the votes and to protect the integrity of our electoral process. We at the National Voting Rights Institute are proud to represent them, along with voters across the state and Common Cause/Ohio in support of the recount.

But certain election officials are standing in our way.

Under Ohio state law, candidates Cobb and Badnarik are entitled to seek a recount provided that they post the necessary bonds to help pay for it. People throughout this state and this nation have contributed the required \$113,000 for the posting of the bonds. Candidates Cobb and Badnarik have a right to this recount. We, as a people, have a right to this recount.

But certain election officials are standing in our way.

Secretary of State J. Kenneth Blackwell is actively engaged in thwarting the recount law. He is doing everything in his power to deny our clients from having a meaningful and timely recount. We stand here today on December the 4th, a full 32 days after the November 2nd election, and Mr. Blackwell has yet to certify the statewide results of this election. Thirty-two days – no certification. The Ohio recount law states that candidates shall file their requests for a recount within five days after the Secretary certifies the statewide results. Mr. Blackwell knows that, which is why he is delaying his certification until this Monday, December 6. On December 7, his office says he will be sending out certificates to the presidential electors for their casting of the votes at the Electoral College on December 13. These dates are created by federal statute. Mr. Blackwell knows that. He is intentionally allowing no time for a recount to occur before he sends out the certificates to the presidential electors on December 7 and before the Electoral College meets on December 13. Mr. Blackwell, who also serves as chair of the Bush-Cheney campaign in Ohio, is doing everything he can to push through a slate of electors based on an untested, initial count of the vote.

He must be stopped. The federal judiciary has sadly refused to intervene. The federal courts recognize that the candidates have a right to a recount. We will have our recount. But while the courts will not expedite this recount process, we have a message today for Mr. Blackwell:

In the name of democracy, in the name of the right to vote, in the name of the Constitution, let the recount process proceed to its completion before you send the certificates to the presidential electors. Let the recount process proceed to its completion before the Electoral College meets. Let the recount process proceed to its completion prior to the casting of Ohio's Electoral College votes.

Presidential electors serve a term of office. It is a one day term. They show up to meet to cast their state's electoral votes in the Electoral College. They derive their power from the people of each state. They represent the will of the voters.

If a recount process is proceeding, by definition, the will of the voters remains undetermined. No presidential elector has the right to assume his or her term of office until a final determination of the vote count is made. And no secretary of state has the right to certify the presidential electors until a final determination of the vote count is made. In a democracy, votes must count.

So, let me be clear here. Let me be clear. We will have a recount in this state. That recount process will begin immediately after Mr. Blackwell certifies the statewide results on Monday. And even if, even if the Electoral College meets on December 13, the recount process will proceed. And if, at the end of the recount process, it is determined that a different set of presidential electors should be representing the people of Ohio, that set of electors will meet and will cast their votes for President. And if that happens, the United States Congress will receive the votes of two competing sets of presidential electors from the state of Ohio when it convenes on January 6, 2005, to formally receive the Electoral College votes. One slate will be chosen by Mr. Blackwell. The other will be chosen by the will of the people of Ohio. We will have a recount. And the fight will go on.

Yesterday, the federal district court in Columbus denied the Delaware County Board of Elections and the Delaware County prosecutor their demand for an injunction to stop the recount in that county. The court recognized the candidates' right to a recount... We will fight any effort by any election official in this state who seeks to defy the law and deny our clients' right to a full recount of all votes cast for President in the 2004 election. We stand with you in this fight for democracy. Please visit our website, DefendTheRecount.org. Join our legal defense fund. Sign up for updates on the legal fight. We need you to help make this fight possible. DefendTheRecount.org

Mahatma Gandhi once said:

First, they ignore you. Then they laugh at you. Then they fight you. Then you win.

They are no longer ignoring us. They are no longer laughing at us. They are fighting us now. And we're going to win. The right to vote will win. The Constitution will win. Democracy will win. Count every vote.