

leadership. Based on conversations between the majority leader and myself, is the majority leader in a position to announce the funding and allocation assumptions for the next biennial committee funding period?

Mr. FRIST. I am pleased to respond to the inquiry of the Democratic leader. The budget assumptions for the next committee funding biennial period, subject to appropriations, will be an across-the-board freeze budget, with salary baselines adjusted by COLAs of 3.71 percent in 2005, as approved by the President pro tempore this week; and 3.3 percent assumed for 2006 and 3.5 percent assumed for 2007, although both the 2006 and 2007 actual COLA amounts remain subject to the approval of the President pro tempore.

Mr. REID. Is it my understanding that such a freeze will result in aggregate funding levels, subject to appropriations, as follows: March 1, 2005–September 30, 2005: \$53,243,918; October 1, 2005–September 30, 2006: \$93,467,365; and October 1, 2006–February 28, 2007: \$39,782,891, and that such funding levels include, but do not separately allocate, the additional 10 percent allocated to the committees in the 108th Congress?

Mr. FRIST. That is correct. With regard to committee personnel salary allocations between the majority and minority staff, the Democratic leader and I have agreed to a 60–40 split of all personnel funds, after allocations for non-designated administrative and clerical staff are agreed to by the chairman and ranking member pursuant to Rule XXVII of the Standing Rules of the Senate. However, the chairman and ranking member of any committee may, by mutual agreement, modify the allocation of personnel funds. The division of committee office space shall be commensurate with this allocation agreement.

Mr. REID. I thank the majority leader for his comments and assistance in reaching this agreement.

Mr. REID. Mr. President, if I could, if the distinguished acting leader would allow me to say a word, what we have just done has been something that is important for the institution. We want to show bipartisanship, and this has been very difficult. Briefly, because I know we have a joint session, let me say the chairmen and ranking members do yeoman's work around here. They work very hard.

What has just been completed is a compromise. I appreciate the cooperation of Senator FRIST and Senator MCCONNELL, Senator LOTT and Senator DODD. We have worked hard to arrive at this point, and we have shown some bipartisanship. We on the Democratic side, and I think I can speak for some of my friends on the Republican side, hope that the money the committees are going to get to do their work is not all needed. We didn't use it all last time. I hope we don't need it this time. But at least we have a framework where we have divided the responsibilities of the Senate on a 60–40 basis. I

believe that is fair. I hope never in the future of this institution, no matter what party is in control, will it ever change and be any lower.

Mr. MCCONNELL. Mr. President, I thank my colleague, the Democratic leader, as well. I am glad we were able to work this out.

UNANIMOUS CONSENT
AGREEMENT—H.R. 241

Mr. MCCONNELL. I ask unanimous consent that when the Senate receives from the House H.R. 241, the Senate proceed to its immediate consideration, that the bill be read three times, passed, and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR JOINT SESSION OF
THE TWO HOUSES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now recess to reassemble in the Hall of the House of Representatives for the joint session for the purpose of the counting of electoral votes and the Senate reassemble in the Senate Chamber on the dissolution of the Joint Session.

There being no objection, the Senate, at 12:52 p.m., recessed, to reassemble in the Hall of the House of Representatives for a joint session, and at 1:30 p.m. reassembled in the Senate Chamber when called to order by the Vice President.

OBJECTION TO COUNTING OF OHIO
ELECTORAL VOTES

The VICE PRESIDENT. Pursuant to S. Con. Res. 1 and section 17 of title 3, United States Code, when the two Houses withdraw from the joint session to count the electoral vote for separate consideration of an objection, a Senator may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question: Shall the objection be sustained?

The clerk will report the objection made in the joint session.

The assistant legislative clerk read as follows:

Ms. TUBBS JONES, a Representative from Ohio, and Mrs. BOXER, a Senator from California, object to the counting of electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from California.

Mrs. BOXER. Mr. President, thank you so much.

For most of us in the House and in the Senate, we have spent our lives fighting for what we believe in, always fighting to make our Nation better. We may not agree from time to time, but we are always fighting to make our Na-

tion better. We have fought for social justice. We have fought for economic justice. We have fought for environmental justice. We have fought for criminal justice. Now we must add a new fight: the fight for electoral justice.

Every citizen of this the greatest country in the world who is registered to vote should be guaranteed that their vote matters, that their vote is counted, and that in the voting booth in their community their vote has as much weight as any Senator, any Congressperson, any President, any Cabinet member, or any CEO of any Fortune 500 corporation. I am sure every one of my colleagues agrees with that statement, that in the voting booth everyone is equal. So now it seems to me that under our great Constitution of the United States of America, which we swear allegiance to uphold, which guarantees the right to vote, we must ask certain questions.

First, why did voters in Ohio wait hours in the rain to vote? Why were voters at Kenyan College, for example, made to wait in line until 4 a.m. to vote? It was because there were only 2 machines for 1,300 voters when they needed 13.

Why did voters in poor and predominantly African-American communities have disproportionately long waits?

Why in Franklin County did election officials use only 2,798 machines when they needed 5,000? Why did they hold back 68 machines in warehouses, 68 machines that were in working order? Why were 42 of those machines in predominantly African-American communities?

Why in the Columbus area alone did an estimated 5,000 to 10,000 voters leave polling places out of frustration without having voted? How many more never bothered to vote after they heard this because they had to take care of their families or they had a job or they were sick or their legs ached after waiting for hours?

Why is it when 638 people voted at a precinct in Franklin County, a voting machine awarded 4,258 extra votes to George Bush? Thankfully, they fixed it. Only 638 people had shown up, but George Bush got more than 4,000 votes. How could that happen?

Why did Franklin County officials reduce the number of electronic voting machines to downtown precincts while adding them in the suburbs? This also led to long lines.

In Cleveland, why were there thousands of provisional ballots disqualified when everyone knew that poll workers had given faulty instructions to the voters?

Because of this and voting irregularities in so many other places, I am joining today with Congresswoman STEPHANIE TUBBS JONES, a 10-year judge, an 8-year prosecutor, a 6-year Member of Congress, a woman inducted into the Women's Hall of Fame. Folks, she has great credibility, and she asked just one Senator to take a couple of

hours. I hate inconveniencing my friends, but I believe it is worth a couple of hours to shine some light on these issues.

We passed the Help America Vote Act, which was important to help American voters, but then we did nothing.

Senators GRAHAM, CLINTON, and I introduced a bill to ensure that a paper trail go along with electronic voting. We couldn't even get a hearing in the last Congress. In the House, it is the same problem. We need this kind of bill.

Let me simply say to my colleagues: I have great respect for all of you. But I think it is key, whether it is Republicans or Democrats, that we understand that the centerpiece of this country is democracy, and the centerpiece of democracy is ensuring the right to vote.

I ask you, my friends from both sides of the aisle, when we get busy working within the next few weeks, let us not turn away from the things that happened in Ohio. Our people are dying all over the world. A lot of them are from my State. For what reason? To bring democracy to the far corners of the globe. Let us fix it here, and let us do it the first thing out.

Thank you very much, Mr. President. I yield the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, I find it almost impossible to believe that I am actually standing on the floor of the Senate today engaged in a debate over whether George Bush won Ohio in the 2004 Presidential election. Clearly he did and did so by 118,000 votes.

Because I am limited under the rules to 5 minutes, I will not have time to address all of the wild, incoherent, and completely unsubstantiated charges that have been made about the 2004 Ohio Presidential election. What might be a better way for me to explain the absurdity of the suggestion that Ohio did not go for President Bush is to quote from numerous editorials that have been written in Ohio newspapers.

The Cleveland Plain Dealer, a newspaper that did not endorse either President Bush or JOHN KERRY, said in an editorial this past Tuesday addressing those in Ohio and those from out of State still contesting Ohio's results:

The election horse is dead. You can stop beating it now. Not one ounce of political flesh remains on that carcass. Ohio has counted and recounted: President George W. Bush received 118,775 more votes than your man Sen. John Kerry.

The senator had the good grace and sense to acknowledge the abundantly obvious, go home, and resume his life. You might consider emulating his excellent example, be-

cause what you are doing now—redoubling your effort in the face of a settled outcome—will only drive you further toward the political fringe. And that long grass already is tickling your knees.

The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by the two of you and a handful of unrelenting zealots still ranting in the January rain, eight weeks after the November voting?"

The headline for the Akron Beacon Journal's editorial from December 24, 2004 was:

We wish John Kerry would have won Ohio. He didn't.

The piece went on to say:

The allegations being thrown around are of the flimsiest nature . . . Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated.

The Columbus Dispatch, in an editorial dated December 12, 2004, said:

On Monday, the 20 Ohio members of the Electoral College will cast their votes to elect the next president of the United States. When those votes are added to those from electors in the other 49 states, George W. Bush's re-election will be official.

But that won't stop the conspiracy theorists who claim that Bush stole his victory. Though they are small in number, these naysayers are loud and repetitious. So the truth bears repeating, too: Bush won because more Ohioans voted for him than for Senator John Kerry.

Kerry understands that George Bush legitimately won the election, which is why he conceded on November 3rd. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence, nor have they explained how a conspiracy could be carried out successfully in a decentralized system involving 88 separate, bipartisan county election boards.

Such a conspiracy would have to involve scores, if not hundreds, of Democratic election-board members actively working against their own party and presidential candidate.

It is terribly unfortunate that this body is meeting under these circumstances. I urge my colleagues to act unanimously in seating Ohio's electors.

I ask unanimous consent to have the full text of the above-mentioned articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the Cleveland Plain Dealer, Jan. 4, 2005)

PLEASE, LET IT GO. ELECTION WAS 2 MONTHS AGO; INAUGURATION IS IN 2 WEEKS; JACKSON AND TUBBS JONES SHOULD GET ON TO SOMETHING USEFUL."

Memo to Rep. Stephanie Tubbs Jones and the Rev. Jesse Jackson: The election horse is dead. You can stop beating it now.

Not an ounce of political flesh remains on that carcass. Ohio has counted and recounted: President George W. Bush received 118,775 more votes than your man, Sen. John Kerry.

The senator had the good grace and sense to acknowledge the abundantly obvious, go

home and resume his life. You might consider emulating his excellent example, because what you are doing now—redoubling your effort in the face of a settled outcome—will only drive you further toward the political fringe. And that long grass already is tickling your knees.

The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by the two of you and a handful of unrelenting zealots still ranting in the January rain, eight weeks after the November voting?

Yes, long lines built voter frustration. Yes, some electronic machines malfunctioned. Yes, boards rejected more provisional ballots than usual. But such things happen when hundreds of thousands of new voters join the process and new technology debuts under fire. Your doubts notwithstanding, numerous nonpartisan election experts say Ohio did an above-average job.

Americans treasure the right to be loudly mistaken—a right you now freely exercise. But for two national figures whose constituencies are among the poorest of the poor, it seems an embarrassing waste of energies sorely needed elsewhere. Fold your mildewed tents, collect your soggy cardboard and focus on the poverty, single-parenthood and dropout rates that have so impoverished those in whose names you protest too much. Good causes await your serious advocacy. And what you are doing now isn't serious.

[From the Akron Beacon Journal, Dec. 24, 2004]

STILL CHASING CONSPIRACIES; WE WISH JOHN KERRY WOULD HAVE WON OHIO. HE DIDN'T

The \$1.5 million recount of presidential votes in Ohio is almost finished. With all counties except Lucas reporting, the results haven't shifted by more than a few hundred votes for either candidate. George W. Bush's win in Ohio, which gave him a majority of Electoral College votes, is safe.

Still, die-hards are continuing to question. A challenge filed in the Ohio Supreme Court by a group backed by the Rev. Jesse Jackson alleges fraud, computer hacking and post-election vote-switching, among other things. John Conyers of Michigan, the highest-ranking Democratic member of the House Judiciary Committee, wants an FBI investigation. A lawyer representing Sen. John Kerry's campaign now says some parts of the recount in Cuyahoga County should be counted again.

The allegations being thrown around are of the flimsiest nature. Jackson and Conyers are, for example, seeking exit polling data to compare with the official voting results. To what end? Is the election to be handed to Kerry based on a sampling of voters' opinions on Election Day, or the actual results?

Conyers based his request for an FBI investigation, in part, on the fact that a vote-tabulating computer had undergone routine maintenance before the recount in Hocking County. A review of the procedure by the election board and computer technicians showed the maintenance hadn't altered a thing.

Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated. There isn't any. What happened on Election Day, the long lines, tens of thousands of punch-card ballots that failed to record a vote, confusion over provisional voting and proper registration, can and should be addressed by J. Kenneth Blackwell, the secretary of state, and local election boards.

The voters would be better served if those backing the challenges backed off, concentrating on election reforms instead of electoral futility.

[From the Dayton Daily News, Dec. 20, 2004]
DID VOTES VANISH IN MIAMI VALLEY?

Specific complaints about the Ohio vote count keep getting aired—especially on the Internet—and keep getting laid to rest, but then just keep on getting cited by some diehard Democrats.

The supposed outrage in Republican Warren County? There the authorities closed off the vote-counting site on election night. Turns out, however, the local Democratic authorities were there, inside the building, and were fine with what went down, seeing no shenanigans.

The fact that many ballots in Montgomery County showed no vote for president? Turns out there was an electrical malfunction, and the counts have been changed, with Republicans benefiting.

Votes showing up late in the process in Miami County? Turns out the original state reports were wrong.

Similar phenomena in other parts of the state have similarly turned out not to amount to much.

Yet 12 Democrats on the U.S. House Judiciary Committee have posed questions about these alleged irregularities to Secretary of State J. Kenneth Blackwell. The strategy seems to be throw everything at the wall and see what sticks.

Several Miami Valley issues are at the center of this national squabble.

Some committee questions are just nonsense: How can the secretary of state explain that Sen. John Kerry did no better in Warren County than Al Gore did in 2000, even though Sen. Kerry spent more money and Ralph Nader wasn't on the ballot this time? Please. This is nothing. Republicans are leaving central urban counties for places like Warren, making the places they leave bluer and the new places redder.

Perhaps the most intriguing question is the one about the race for chief justice of the Ohio Supreme Court.

Democratic challenger C. Ellen Connally ran worse than Sen. John Kerry statewide, by about 3 percentage points. But in some counties in Southwest Ohio—Miami, Darke, Butler, Claremont, Brown—she ran ahead of him. Why?

Is it possible, as has been charged, that some 60,000 Kerry votes somehow disappeared in those counties?

Consider: Party labels do not appear on the ballots for judicial candidates. So, in these very Republican counties, one would not expect Judge Connally to have the kind of problem that Sen. Kerry had.

But why did Judge Connally run behind Sen. Kerry statewide if she ran ahead of him in these counties? Probably because the Moyer campaign—the only well-funded one—focused its commercials and mailings someplace other than small, Republican counties.

To ask the secretary of state to explain these things is absurd. Any response he offers will be treated by the Democrats on the House committee as partisan. Nonpartisan think tanks could do this work more credibly and with more expertise.

The partisan Democrats know that. They're just playing games.

[From the Cleveland Plain Dealer, Dec. 15, 2004]

MOVE ON NOW; THE ZEALOTS WHO REFUSE TO ACCEPT OHIO'S VOTE COUNT RISK UNDERMINING CONFIDENCE IN THE SYSTEM ITSELF

Most Americans, including the vast majority of those who supported John Kerry for

president, have grasped the most basic reality of Election Day 2004:

George W. Bush was re-elected. He won roughly 60.7 million votes and carried 31 states with 286 electoral votes. Ohio's 20 Electoral College members formally cast ballots for the president Monday in the Statehouse.

Unfortunately, there is a small, but very vocal, group of Americans who refuse to accept this reality. They argue that what appear to be routine technical glitches and human errors were in fact an elaborate conspiracy to skew the election results. They claim that long lines at a few polling places, the rather unsurprising result of high voter interest, were evidence of a systematic campaign to discourage participation. In short, having failed to get the outcome they wanted at the polls, they have decided to mount an irresponsible campaign aimed at undermining public confidence in the electoral system itself.

Ohio, arguably the most intensive battleground for Bush and Kerry, has been the No. 1 target of these diehards.

Since Election Day, they have seized on isolated problems in a relative handful of this state's 11,366 precincts as proof of greater ills or even criminal activity.

One speaker in Columbus over the weekend likened Ohio to Ukraine. The Rev. Jesse Jackson has complained of widespread "fraud and stealing."

The Green and Libertarian parties, whose presidential candidates got a combined three-tenths of one percent of the vote in Ohio on Nov. 2, have demanded a recount of the state's 5.7 million ballots. That will cost taxpayers about \$1.4 million. A coalition of critics, led by a former Ohio organizer for Ross Perot, has asked the Ohio Supreme Court to overturn the presidential election, as well as the outcome in the race for chief justice. The Kerry campaign, reflecting its leader's maddening desire to have everything both ways, has said it does not expect a recount to change anything—yet has also issued a list of things it wants local elections officials to double-check.

Obviously, there were problems on Election Day. There always are. Elections are run by imperfect humans. Many individual polling places are in the hands of civic-minded neighbors with a few hours of training. Machines malfunction. Voters mess up ballots.

But Ohio has already done its usual intensive post-election audit and reconciliation, a process designed to spot mistakes. That canvass resulted in Bush's unofficial 136,000-vote margin being reduced to the 119,000-vote edge that Secretary of State Kenneth Blackwell certified last week.

Ohio's bipartisan elections system makes the kind of GOP conspiracy that some allege all but impossible to execute. Every county board of elections consists of two Democrats and two Republicans. So when Jackson and other national Democrats question Ohio's outcome, they demean their own allies. William Anthony Jr., the African-American who chairs both the Franklin County Democratic Party and its elections board, has been personally stung by Jackson's slander: "Why would I sit there and disenfranchise my own community?" he asks.

The recount will go forward because by law it must; history suggests few votes will change. But it is time to focus on how to make future elections more efficient.

Clearly it would help if groups that register new voters did not deliver thousands of applications at the last minute. Ohio also needs an early voting system to relieve at least some of the pressure on Election Day. And rather than retreating from electronic voting machines, the state needs to find a se-

cure system and back it up with a paper record.

Common-sense solutions can make a difference. Endless sour grapes will not.

[From the Columbus Dispatch, December 12, 2004]

SOUND AND FURY; ELECTION-CONSPIRACY THEORISTS DO NOTHING TO IMPROVE VOTING

On Monday, the 20 Ohio members of the Electoral College will cast their votes to elect the next president of the United States. When those votes are added to those from electors in the other 49 states, George W. Bush's re election will be official.

But that won't stop the conspiracy theorists who claim that Bush stole his victory. Though they are small in number, these naysayers are loud and repetitious. So the truth bears repeating, too: Bush won because more Ohioans voted for him than for Sen. John Kerry.

Kerry understands that Bush legitimately won the election, which is why he conceded on Nov. 3. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence. Nor have they explained how a conspiracy could be carried out successfully in a decentralized system involving 88 separate, bipartisan county election boards.

Such a conspiracy would have to involve scores, if not hundreds, of Democratic election-board members actively working against their own party and presidential candidate.

The idea that Democratic election officials disenfranchised voters in minority and Democratic precincts offends William A. Anthony Jr., chairman of the Franklin County Democratic Party and of the Franklin County Election Board, who was at the center of planning for the Nov. 2 election.

He was particularly incensed after the Rev. Jesse Jackson recently repeated the allegations and called for an investigation of the Ohio election.

"I am a black man," Anthony said. "Why would I sit there and disenfranchise voters in my own community? I feel like they're accusing me of suppressing the black vote. I've fought my whole life for people's right to vote."

Anthony's indignation is justified.

The major problem with the Nov. 2 election was the long lines at many polling places. But these were the result of high turnout, not conspiracy. Republican and Democratic voters alike were inconvenienced. In many precincts, the problem was exacerbated by a long ballot containing many tax and bond issues in addition to candidate choices.

Ohio is in the midst of an effort to replace election machinery throughout the state. Secretary of State J. Kenneth Blackwell made a good-faith effort to have the new equipment in place in time for the Nov. 2 election, but he was stymied by political disputes over the security and verifiability of the machines. County election officials wisely are waiting until this issue is sorted out before moving ahead with purchases of new machines.

But before that, Ohio lawmakers can reduce lines by rewriting election laws to allow voters to cast absentee ballots instead of visiting polling places.

Much work remains to be done to improve the state's voting system. The conspiracy theorists are contributing nothing to the effort but useless noise.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I advise Members on the minority side if they

want to speak on this issue, I have been informed that when the speeches end there will be a rollcall vote. If people are waiting to come here an hour from now, they may not get the chance to speak. Members who want to speak should come here now. I have been informed on the majority side there may not be another speaker or, if so, maybe only one other speaker.

For my side, I repeat, as I understand the rules, they should be here to speak for the 5 minutes when the time comes. That time is now.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I have the greatest respect and personal regard for my friend from the State of California. It is not often I find myself rising in disagreement, but I emphatically disagree and say respectfully that I believe those involved, citizens from around the country, with all their good intentions, are seriously misguided and are leading us into a very unfortunate precedent that was not in any way contemplated by the Constitution, by the law, or by historical precedent.

Obviously, the law, which was established in 1887, did not envision that our role would be to adjudicate in any State the results of an election for President. If it were the intent, it clearly would not have designed this kind of forum where an objection is raised, we each express our opinion for up to 5 minutes, and then vote on a whole array of facts and allegations and statements and contradictions that we could not possibly in this setting determine fairly and accurately.

If we were to do so, if we were to hypothetically object on an inevitably partisan basis to the actions taken by the electorate of a certain State, certified by the election officers of that State and then brought to us today, if we were to overturn that process and in this instance throw the election into the House of Representatives, the damage it would do to our democracy, to the integrity of our system, would be incalculable. If it were to result hypothetically in an alteration of the publicly expressed electoral will in an election for President, the entire credibility of our system would possibly be destroyed.

I am not the complete authority, but as I have read some of the assertions made about the conduct of the election in Ohio, I find serious imperfections. If we shed that spotlight on most States in this country, including my own State of Minnesota, we would find other imperfections.

Democracy is not a perfect process, but it is a process that we have a responsibility, not in hindsight but with foresight, to try to structure and to continue to perfect so it is as close to perfect as is humanly possible. I share entirely the concerns expressed by my colleague from California and others who said despite our best efforts—and I was part of that collaborative effort in this body and under the Rules Com-

mittee in the last couple of years—we made some progress but we still fell short.

I respectfully ask the chairman of the Rules Committee, Senator LOTT, who is here today, if he would be willing to convene hearings in the very near future and look not just at Ohio but at the experience from this election and how it can instruct us to improve that process for the future.

The Senator from California is absolutely right; every American should know he or she has a right to vote, that they can vote expeditiously, that their vote will be counted and it will be tabulated accurately, whether under Republican or Democratic election officials, whether it is for President from one party or another.

Whether I agree or disagree with the judgment of the American people, I respect and agree more than anything else with that process and the integrity of the process that produces whatever result they determine. It is that which we must guard today. I regret we are in a position of possibly compromising it. It would be a fatal mistake to overturn it in the way suggested.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I say at the outset, this historic meeting in the Senate will end at some point in a vote. When the time comes to vote I would vote to certify the vote from the State of Ohio.

I do not have personal knowledge of what occurred in the election in Ohio, but I have spoken to those who were present, who tell me that despite irregularities, which I will note, they do not rise to a level where we would challenge the outcome of the election in Ohio.

In addition, the Democratic Party Kerry-Edwards campaign had more than 2,000 lawyers on the ground in Ohio on election day. That was replicated in many States across the Nation. I think what it says is that the nature of this debate and the challenges which we are raising do not go to the results of the election but rather go to our electoral system.

Some may criticize our colleague from California for bringing us here for this brief debate. I thank her for doing that because it gives Members an opportunity once again on a bipartisan basis to look at a challenge that we face not just in the last election in one State but in many States. Because of different electoral practices in States across America, voters who wish to cast a vote for President or Vice President cannot approach the polls with certainty that their vote will be counted or that they can vote in a fair and convenient manner.

There are litanies of examples that could be cited. I do not challenge the legitimacy of the 2004 election outcome. I do not believe there is evidence of widespread fraud. I believe Senator KERRY was correct in announcing his concession, but let us concede on a bi-

partisan basis that we can and should do better.

In the case of *Reynolds v. Sims*, the Supreme Court of the United States made it clear that we have a constitutional right to vote. Thank God. That decision which was handed down in 1964 appears clear and unequivocal. But wait. Four years ago that same Supreme Court, in the case of *Bush v. Gore*, reached a different conclusion and stated that the individual citizen has no Federal constitutional right to vote for electors for the President of the United States.

It appears that this statement by the highest court in the land is inconsistent with a decision reached 40 years ago.

So where do we stand today? There is great uncertainty. Congressman JESSE JACKSON of my home State of Illinois is proposing a constitutional amendment to make it clear and unequivocal that we have a constitutional right to vote in America. I am loathe to jump on the bandwagon for constitutional amendments. I have seen some things done here that are not very proud moments in the history of the Senate when it comes to offering constitutional amendments, but I will take this one seriously.

When you look at the results of the election in Ohio and in many other States, serious questions are raised. These have been documented by the House Judiciary Committee Democratic staff.

Mr. President, I ask unanimous consent that the Executive Summary of this report, entitled "Preserving Democracy: What Went Wrong in Ohio," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT WENT WRONG IN OHIO
EXECUTIVE SUMMARY

Representative John Conyers, Jr., the Ranking Democrat on the House Judiciary Committee, asked the Democratic staff to conduct an investigation into irregularities reported in the Ohio presidential election and to prepare a Status Report concerning the same prior to the Joint Meeting of Congress scheduled for January 6, 2005, to receive and consider the votes of the electoral college for president. The following Report includes a brief chronology of the events; summarizes the relevant background law; provides detailed findings (including factual findings and legal analysis); and describes various recommendations for acting on this Report going forward.

We have found numerous, serious election irregularities in the Ohio presidential election, which resulted in a significant disenfranchisement of voters. Cumulatively, these irregularities, which affected hundreds of thousand of votes and voters in Ohio, raise grave doubts regarding whether it can be said the Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law, let alone federal requirements and constitutional standards.

This report therefore, makes three recommendations: (1) consistent with the requirements of the United States Constitution concerning the counting of electoral votes by Congress and Federal law implementing these requirements, there are ample

grounds for challenging the electors from the State of Ohio; (2) Congress should engage in further hearings into the widespread irregularities reported in Ohio; we believe the problems are serious enough to warrant the appointment of a joint select Committee of the House and Senate to investigate and report back to the Members, and (3) Congress needs to enact election reform to restore our people's trust in our democracy. These changes should include putting in place more specific federal protections for federal elections, particularly in the areas of audit capability for electronic voting machines and casting and counting of provisional ballots, as well as other needed changes to federal and state election laws.

With regards to our factual finding, in brief, we find that there were massive and unprecedented voter irregularities and anomalies in Ohio. In many cases these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush-Cheney campaign in Ohio.

First, in the run up to election day, the following actions by Mr. Blackwell, the Republican Party and election officials disenfranchised hundreds of thousands of Ohio citizens, predominantly minority and Democratic voters:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters. This was illustrated by the fact that the Washington Post reported that in Franklin County, "27 of the 30 wards with the most machines per registered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry." Among other things, the conscious failure to provide sufficient voting machinery violates the Ohio Revised Code which requires the Boards of Elections to "provide adequate facilities at each polling place for conducting the election."

Mr. Blackwell's decision to restrict provisional ballots resulted in the disenfranchisement of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters. Mr. Blackwell's decision departed from past Ohio law on provisional ballots, and there is no evidence that a broader construction would have led to any significant disruption at the polling places, and did not do so in other states.

Mr. Blackwell's widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party's decision to engage in preelection "caging" tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout. The Third Circuit found these activities to be illegal and in direct violation of consent decrees barring the Republican Party from targeting minority voters for poll challenges.

The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of legal voters, who were not only intimidated, but became discouraged by the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges "can't help but create chaos, longer lines and frustration."

Mr. Blackwell's decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being

able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors.

There were 93,000 spoiled ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25% each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties throughout the state: (i) in Mahoning county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than voters in other precincts, and voters casting more than one ballot; (iv) in Butler county a down ballot and underfunded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of numerous irregularities in tallying provisional ballots and conducting and completing the recount that disenfranchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete):

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority votes. In Cuyahoga County alone, the lack of guidance and the ultimate narrow and arbitrary review standards significantly contributed to the fact that 8,099 out of 24,472 provisional ballots were ruled invalid, the highest proportion in the state.

Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and the Equal Protection Clauses. We found innumerable irregularities in the recount in violation of Ohio law, in-

cluding (i) counties which did not randomly select the precinct samples; (ii) counties which did not conduct a full hand count after the 3% hand and machine counts did not match; (iii) counties which allowed for irregular marking of ballots and failed to secure and store ballots and machinery; and (iv) counties which prevented witnesses for candidates from observing the various aspects of the recount.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide "cheat sheets" to those counting the ballots. The cheat sheets informed election officials how many votes they should find for each candidate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full county-wide hand recount mandated by state law.

Mr. DURBIN. Mr. President, the irregularities were not confined to the State of Ohio. Let me give you an Illinois example. In DuPage County, IL, 26 percent of provisional ballots were counted, but in Chicago, a few miles away, 61 percent were counted. That is more than twice as many. That is largely because Chicago allows provisional ballots to be cast by a voter who turns up in the wrong precinct on election day. DuPage County does not, the county right next to Cook County.

How is it that the fundamental right of an American citizen to have his or her vote counted can vary dramatically—not just from State to State but from county to county? We need to address this on a national basis.

The PRESIDENT pro tempore. The Senator's time has expired.

Who seeks recognition?

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today to talk about the most fundamental right in our democracy, the right to vote. Every election day, millions of people in America from different social, economic, and ethnic backgrounds converge on polling stations to cast their ballots. And as they leave the polling booths, they emerge, one by one, as equals.

They are equals because the power of our Constitution resides with the people who delegate power to the Government. Our Constitution guarantees the right of every American to be heard equally about whom they want to lead their Government. We, as their elected leaders, have a responsibility to ensure that those constitutional freedoms are honored and protected.

We have heard from some voters in Ohio and across the country about the election in November. They feel that their voices were not heard.

Thousands of voters waited in line for up to 10 hours to cast their ballots. Some waited until 4 in the morning, and some waited for hours in the rain. Many voters with job, family, and other responsibilities simply could not wait any longer, and they left without voting. It is unreasonable to expect voters to wait 10 hours to exercise their constitutional right to vote.

Some soldiers and other Americans living overseas believe their ballots

were not counted. Without question, every legal ballot should count, whether it is cast overseas or here in the United States.

Many precincts across the country continue to use outdated punch-card ballots and decades-old voting machines that are more prone to error or simply do not work properly. That is disturbing enough—machines from the 1950s being used in 2004—but even more disturbing is that urban areas are disproportionately affected. More urban areas do not have the modern voting machines and equipment that is available in other areas of the country. This disparity affects voting for a large number of minorities, and that is unacceptable.

Even those precincts with electronic voting machines had problems. Some machines malfunctioned, causing votes to be counted more than once or not at all. Anyone who has used a computer at home or at work knows that even saved data can be lost. Yet most electronic voting machines do not have a paper record to back up the system. It could be as simple as a paper receipt like the one you get when you withdraw money from an ATM machine.

In Nevada, electronic voting machines have a paper trail, and we need it for all electronic voting machines. We must ensure the integrity of our voting process.

Many voters felt intimidated at the polls. When they went to vote, so-called election observers demanded that they provide more than the required form of identification. Others read flyers that directed them to the wrong polling places.

These are real people with real concerns, and we need to listen to them. Our Constitution requires that we listen to them. As elected leaders of these people and all of those in our States who have delegated to us the power to represent them, we have an obligation to listen.

After voters experienced similar problems in the last election, we addressed many of those issues. Congress passed, and I supported, the Help America Vote Act, which required the use of provisional ballots for voters who went to the wrong location so ballots would be sealed and counted later in the proper precinct, and each State received funding to update their voting systems.

But in Ohio, the provisional ballot was rendered virtually worthless in the November 2004 election. Ohio's Secretary of State ruled that provisional ballots were valid only if they were cast in the proper precinct.

So today we talk about the problem, but I think we also need to talk about the solution. Voting is fundamental to our democracy. The process should be fair, honest, and easy.

I do not support holding up the results of our November election to address the concerns many voters have raised about the process because I believe we need to move on with the busi-

ness of the country. But I do support the GAO investigation into these concerns. When we find out what the GAO has to say, we have an obligation to address the problems they uncover.

I do support true election reform that will create a 21st century voting system that we can all be proud of.

The PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. First of all, I commend and thank our friend from California, Senator BOXER, for giving us this opportunity to address the Senate on this issue.

On November 3, JOHN KERRY conceded the 2004 Presidential election to George Bush. While we do not question the outcome, many of us remain deeply concerned that for the second time in a row, in a closely contested election, there were so many complaints about the ability of voters to cast their votes and have them counted fairly.

The right to vote is the cornerstone of our democracy. Every Member of Congress has a duty to protect and uphold that right. When that right is threatened, Congress must act to protect it. Clearly, the legislation we enacted to do so after the 2000 election was not adequate for the 2004 election.

Forty years ago this year, after the Selma-Montgomery march, many of us in the Senate and House worked hard to pass the landmark Voting Rights Act of 1965, to guarantee that racism and its bitter legacy do not close the polls to any citizen.

After the 2000 election, we passed the Help America Vote Act in an effort to correct the serious problems that undermined the right to vote in that election.

Unfortunately, last November, we learned that we still have work to do. As in 2000, the votes of many who wanted to vote were not, in fact, counted. The reasons are many and varied. Some voters gave up in the face of endless lines and waits of many hours at polling places unable to handle the large turnout of voters. In other cases, voting was frustrated by broken or ancient voting machinery, by confusion over applicable rules for voting precincts, or because States decided that certain votes did not comply with arbitrary and inflexible State or local procedures. We saw all those problems in Ohio. It is far from clear the extent to which these serious problems were the result of intended manipulation or widespread incompetence, but either way, the voting process did not live up to the standards worthy of our democracy.

Today's debate is an opportunity for all of us to admit that the 2004 election was flawed and to pledge action in this new Congress to fix the festering problems once and for all.

Citizens must have faith that they will be able to cast their votes efficiently and with complete confidence that their votes will be fairly and accu-

rately counted. We cannot go through another election wondering whether a patchwork of unequal and outdated procedures—whether by accident or design—have yet again denied so many of our fellow citizens the right to vote.

I commend the many thousands of citizens in Massachusetts and other States who insisted that treating today's electoral vote count in Congress as a meaningless ritual would be an insult to our democracy unless we register our own protest against the obviously flawed voting process that took place in so many of our States. We are hopeful that this major issue that goes to the heart of our democracy is now firmly implanted on the agenda for effective action by this Congress.

Few things are more important to the Nation and to each of us, both Republican and Democrat, than a genuine guarantee that the people's will is heard through the ballot. No democracy worth the name can allow such a flawed election process to take place again.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, today, the Congress gathers to exercise the role laid out by the Framers in the Constitution of the United States. The past two national elections have been surrounded in controversy, not just controversy over issues and ideas—which is important and healthy in a democratic system of government—but also controversy over the mechanics of the election and the counting of the votes.

The 2000 election left citizens across this country with a belief that not every vote was fairly counted. In response, Congress passed a much-needed reform legislation. States worked to modernize their equipment and procedures. We had high hopes that the 2004 election—under much closer scrutiny than the election of 2000—would provide the public with confidence that everyone who registered would be able to vote, and that every vote cast would be counted accurately.

Yet, despite the legislation and the more than \$2 billion dedicated to fixing the election problems, the election of 2004 was marred with reports of irregularities and, as a result, there is a significant group of our citizenry that seriously questions the results of the vote, and particularly the vote in Ohio.

There are several groups and organizations that are investigating the reported irregularities in the Ohio election. That is important work and it should and will continue. When the investigations conclude, should there be solid evidence of criminal activity, those responsible should be prosecuted, no matter how high that responsibility may reach. But the Senate should not prejudice the results of those investigations.

I applaud the efforts of the Senator from California, Mrs. BOXER, and the Congressional Black Caucus to defend the integrity of the electoral process. But the question before us today is

whether we uphold the objection to the certification of Ohio's electors in the count of the electoral vote. The Senate must vote, based on the information available to us at this moment, and absent the clear conclusions of the ongoing investigations into reported irregularities in Ohio, I shall vote to allow the electoral count to proceed.

In this session of Congress, I hope that we can take the lessons learned from November and continue to improve the integrity of elections and encourage greater faith in the results. The legitimacy of our government rests upon the confidence of the people. We, in Congress, must get serious about crafting legislation aimed at restoring confidence in the most fundamental characteristic of a representative democracy, the Constitutional right and duty to vote.

Mr. INOUE. Mr. President, although there were voting irregularities in Ohio, I will not vote in support of the objection. I do respect the result of the recent Presidential election, but I do not respect the process. Several thousand voters believe they were discouraged or even prevented from voting, and several thousand who did vote believe that their votes were not correctly reported. The inequitable allocation of voting machines, the lack of instruction for the review of provisional ballots, and the questionable activities surrounding the recount of the electronic ballots call into question the final results in Ohio. However, I am unconvinced that it would have made a difference in the final outcome of this Presidential election.

I had hoped that we would not have the electoral college votes called into question again. After the 2000 Presidential election, we worked together to pass election reform legislation, the Help America Vote Act. That legislation set Federal requirements for provisional ballots and for voter information, registration, and identification. Unfortunately, that legislation has not yet been fully implemented and does not go far enough.

I would like to work with my colleagues craft legislation to ensure that all of our citizens are encouraged to vote and participate in our democratic process. Our citizens must believe their vote will count. At a time when we are risking lives of our service men and women to spread democracy throughout the world, we cannot ignore the threats to the democratic process here at home. I do not relish the vote I am forced to cast today, but I as I do, I look forward to being able to cast future votes on Federal election reform to ensure that we are not in this position again.

Mr. KOHL. Mr. President, serious allegations have been raised about voting irregularities in Ohio during the 2004 presidential election. I agree with many of my colleagues that these allegations must be investigated to the fullest extent possible because every eligible citizen in this nation must

have an equal opportunity to exercise the constitutional right to cast a vote in Federal elections. That said, I do not believe there is anything to be gained by sustaining the objection to the ballot certification with regard to the state of Ohio. Senator JOHN KERRY has already conceded the election and there are no pending investigations that will result in sufficient votes being changed so as to alter the outcome of this election.

However, the last two elections have revealed a glaring need for us to rethink how we conduct elections in our Nation. With more and more voters needing to cast their ballots on Election Day, we need to build on the movement which already exists to make it easier for Americans to cast their ballots by providing alternatives to voting on just one election day. Twenty-six states, including my own state of Wisconsin, now permit any registered voter to vote by absentee ballot. Twenty three states permit in-person early voting at election offices or at other satellite locations. The state of Oregon now conducts statewide elections completely by mail. These innovations are critical if we are to conduct fair elections for it has become unreasonable to expect that a nation of 294 million people can line up at the same time and cast their ballots at the same time. And if we continue to try to do so, we will encounter even more reports of broken machines and long lines in the rain and registration errors that create barriers to voting.

That is why I have been a long-time advocate of moving our federal election day from the first Tuesday after the first Monday in November to the first weekend in November. Holding our federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections. I look forward to introducing legislation to this end in the 109th Congress and I urge my colleagues to join me in this effort.

Ms. CANTWELL. Mr. President, we meet in historic session today. The twelfth amendment to the Constitution sets forth the requirements for casting electoral votes and counting those votes in Congress. The electors are required to meet, cast and certify their ballots and transmit them to the Vice President in his capacity as President of the Senate.

With the exception of objections to the electoral votes from the State of Florida in the 2000 election, objections to an entire slate of votes from a State have been rare. But we have had one today, which gives us the opportunity to discuss and debate a very important issue for our country and for the citizens of my State—the issue of whether we have ensured that every vote is counted.

I will vote to uphold the outcome of this most recent election.

However, I think we have more work to do in the area of election reform,

and I think the discussion we are having today is appropriate and overdue.

In 2001, I supported the passage of the Equal Protection of Voting Rights Act. That law was designed to protect voting rights and ensure the integrity of the electoral system in our nation. I did so because I feel that making certain that each citizen's vote is counted and promoting public trust and confidence in our election process is crucial.

The job is far from over. We may need to have additional hearings and we may need to take additional legislative action. There have been troubling reports from this most recent election.

Representative JOHN CONYERS and the minority staff of the House Judiciary Committee have conducted their own hearings and investigations of instances of voter disenfranchisement, flawed or corrupted voting machinery, and inappropriate procedures for counting and recounting votes in Ohio. They have produced a compelling report itemizing and analyzing the irregularities.

A 2-hour debate on the matter, when people across the country waited in 4, 6 and 12-hour lines to vote all over this country in November, is the least we can do.

The debate we are having focuses attention on legitimate concerns that have been raised regarding the Ohio vote and count, and on broader concerns about America's inconsistent and sometimes flawed election processes which vary so radically from State to State that genuine equal protection concerns arise.

I will certify the election results, because I don't think we should sacrifice the greater good of the continuity of Government at this time. We need to govern. But, what we should be doing is using this debate to get this Congress, and this country, talking about the steps that must be taken to ensure that American elections provide a true representation of the people's will.

Mr. LEAHY. Mr. President, while I was pleased at the large number of Americans who turned out to vote in last year's Presidential election, I am deeply concerned about the many credible allegations of voting irregularities that surfaced in the weeks following the election.

I cannot, however, support an objection to the certification of Ohio's electoral votes. Although I believe this debate is worthwhile, I am not persuaded that the alleged fraud was sufficient to change the outcome of either the Electoral College or the popular vote. Senator KERRY conceded the election more than 2 months ago, and he does not support a challenge. Moreover, the practical effect of discounting Ohio's electoral votes would simply be to allow the election to be decided by the House of Representatives.

In the months leading up to Election Day, I joined with Senator KENNEDY in

writing with great frequency to Attorney General Ashcroft about our concerns about voter suppression and possible partisan activity by the Department of Justice. It is with dismay, then, that I have learned about the secret counting of votes in Warren County, OH, allegedly prompted by an FBI terrorism warning that the FBI denied making. I have read also of the nearly 4,000 votes President Bush was mistakenly awarded in a Franklin County precinct with only 800 voters. Although this mistake was corrected, such a malfunction suggests the possibility that other problems with the vote count may have been missed.

Finally, I would point to the shocking misdistribution of voting machines in Ohio. Voters from minority and urban communities frequently waited in line for four to five hours to cast their votes, while suburban voters faced far more manageable waiting times.

We cannot know the effect this may have had on vote totals, but we can and should work with State and local officials to prevent this from happening in future Presidential and other Federal elections.

I commend Representative CONYERS and many of his Democratic colleagues on the House Judiciary Committee for their tireless pursuit of a goal that all of us—Republicans and Democrats alike—should desire: a free and fair election in which every vote counts.

I look forward to the results of the Government Accountability Office's investigation of election irregularities called for by Representative CONYERS.

Mrs. LINCOLN. Mr. President, I accept the decision voters made on November 2 to elect George W. Bush as the President of the United States. I do not come to the floor today to challenge the outcome of the election. However, I do have concerns about the process. I believe there are some valid issues raised with the Ohio electoral votes regarding the legitimacy of our Nation's voting procedures, and I take these issues very seriously. In this modern, computerized age and in our magnificent, democratic country, there is absolutely no excuse for database errors, lack of polling-place education and training, equipment malfunctions, or voter disenfranchisement.

I supported the Help America Vote Act, HAVA, and have consistently supported adequately funding this law so that States can achieve its requirements and improve voting procedures to ensure every valid vote is counted. In addition, I helped introduce the Restore Elector Confidence in Our Representative Democracy, RECORD, Act, S. 2313, last year. This act contains a provision to strengthen security measures for electronic voting devices to prevent outside tampering and requires a paper printout of votes cast at electronic voting machines.

The right to vote freely and without intimidation is the foundation of democracy and we must do all we can to

ensure every vote is counted and recorded accurately. I believe voters must have faith in the electoral process for our democracy to succeed, and I look forward to working with my colleagues in the coming year to ensure that our Nation's election system is fair and effective.

Mr. JEFFORDS. Mr. President, we are here today in this extraordinary session to discuss a challenge to Ohio's electors.

It was gratifying to see the high level of interest in the election create such a large voter turnout. However, it was discouraging to hear of the problems that affected the election in many parts of the country, including Ohio.

Representative CONYERS, other House Democrats, and individuals across this country deserve our thanks for the important work they have done to document the issues that arose from the 2004 election.

I would also like to thank Senator BOXER and Representative TUBBS JONES for their diligence in bringing this issue to the forefront.

All voters deserve to get answers, and corrective actions, to the reported irregularities and flaws of the 2004 election.

As my colleagues may know, the Government Accountability Office, GAO, is currently conducting a comprehensive investigation of many of the issues raised in the 2004 election.

I am very supportive of this investigation, and believe that through a complete and full investigation by the GAO, answers to the questions raised regarding the 2004 election will be obtained.

The information the GAO obtains will allow the Congress to take appropriate action to address the problems uncovered.

At a minimum, there are two changes to our election system that should be implemented by the Congress: requiring a paper trail for electronic voting machines and creating a national standard for provisional ballots.

I will work with my colleagues in the Congress to enact these important reforms. We must work to maintain, and indeed improve, the confidence in and integrity of the election process.

I am under no illusion that the actions taken on this challenge will change the outcome of the election. Senator KERRY has conceded the election. The events of today will not change this result, and I fear they will only further polarize our political landscape.

The solutions to the irregularities of the election will not be found or enacted in this 2-hour process today. They will come from a complete investigation, like the on-going GAO one.

Because I believe that contesting the slate of Ohio electors is not the way to achieve the needed reforms of the election system, I will vote against this challenge today.

However, I want to put my colleagues on notice that I will be vigorously pur-

suing reforms of the election system to enact much needed improvements in the system.

We have to make sure our elections are a solid reflection of the voters' intent. Given the resources of our great Nation, there is no reason why we should not be able to achieve this goal.

Mr. FEINGOLD. Mr. President, I appreciate this opportunity to comment briefly on voting irregularities that occurred during our most recent presidential election. While some steps were taken after the 2000 election to help rectify a number of problems with our voting process that were identified across the country, the election in November demonstrates that more needs to be done.

The outcome of the November election will not change because of the current process underway in both the Senate and the House, but I certainly understand the goal of those who have initiated this debate with their written objections to certifying the election results. While I understand that the Senator from Massachusetts (Mr. KERRY) has indicated that his campaign's legal team was unable to find evidence that would change the outcome of the election, enough questions have been raised to justify a thorough examination by Congress and the administration. Of course, the rules governing this debate are highly restrictive, and do not afford any meaningful review of potential voting irregularities, let alone the consideration of possible solutions to any problems. That effort will have to be done outside the confines of the specific work we have today, and to that end, I strongly hope the Senate Rules Committee will make this the very highest priority, and that the Senate's leadership will schedule any legislation that comes from such a review for prompt floor action.

Since the election, I have heard both Democrats and Republicans pledge to work together to tackle some of our most pressing issues. We are 3 days into the 109th Congress and it is time to put that promise to the test. I look forward to working with all of my colleagues to help ensure that in future elections every eligible citizen who wishes to vote is able to do so and all votes are counted.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. CORZINE. Mr. President, as we prepare to commemorate the 40th anniversary of the Voting Rights Act of 1965, we are called on to look back and reflect on whether we have fixed the systemic problems that this historic legislation sought to address. Have we ensured that all citizens are provided equal access to the ballot, regardless of race, ethnicity, or language-minority status? Have we created the proper safeguards and procedures that make certain that every vote is counted? Have we done enough to protect our democracy's most sacred right—the right to vote?

The accounts from our most recent Presidential election suggest that we have not yet met our goal of securing a free and fair election for all Americans. Driving this point home is yesterday's 102-page report published by the House Judiciary Committee's Democratic staff. The report goes into great detail describing the voting irregularities that arose in Ohio last November. The allegations include accounts of voter registration barriers, voter intimidation, voting machine shortages and failures, and confusion over the counting of provisional ballots. These accounts raise serious doubts about whether Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law or Federal requirements and constitutional standards.

The most troubling revelation from the committee staff's report is the seeming disproportionate impact these voting irregularities had on minority voters. And so I ask, 40 years later, have we done enough to make sure the letter and spirit of the Voting Rights Act is being enforced?

I ask my colleagues to join me in pushing for congressional hearings on the alleged voting irregularities witnessed in Ohio and elsewhere this past election season. I also ask them to join me in examining whether we need to reform our election laws to ensure that we have free and fair elections for all Americans, regardless of race or ethnicity. Only then can we be sure that we have adequately protected the constitutional right of all qualified citizens to participate in our democracy's most cherished right.

I am traveling overseas on a humanitarian mission to Southeast Asia to visit the areas most affected by the recent tsunami and regret that I will not be available to participate in this afternoon's debate. I nonetheless commend my colleagues who are raising these important issues, and applaud their efforts to give a voice to those who were disenfranchised last November.●

Ms. MIKULSKI. Mr. President, today I rise to discuss an issue that Congress tried to address after the 2000 election nightmare. Frankly, I am stunned to be standing before you 4 years later to take up the same issues of voting irregularities and uncounted votes. And I thank my colleague from California for bringing this important issue before the Senate for debate. Her opposition serves as a call upon the Congress to take action this year to address the ongoing problems in our electoral system.

Today, I will vote to certify the result, but once again we see that the election system in the United States does not work to provide absolute confidence in the results. Today, I am voting to certify the results because I do not believe that the voting problems changed the outcome of the election. Certification should not be delayed further under such circumstances. I believe the majority of voters in Ohio

have spoken and that result should be certified.

But while I do not question the result, I rise today to call attention to what went wrong, to the disenfranchised voters, the broken machines and problems people had casting their ballots on election day.

This should not be happening in the United States of America. When we vote for President, we should all have total confidence that every vote counts and that every vote is counted.

There simply should be no questions or problems when we vote for the President of the United States. But, here we are, again, talking about voting problems and talking about lost or uncounted votes.

Like many Americans, I was shocked in 2000 to see how outdated the voting systems in America were. I was also shocked to see how easy it was to manipulate those voting systems and how easy it was for votes to be lost or go uncounted.

It was literally unbelievable. I asked myself, how could such things happen here in the United States? In 2000, we all learned that many ballots, many people's votes, were thrown out, lost, misplaced, or miscounted.

We saw election officials who did not know the rules and some who appeared to ignore the rules.

We witnessed innocent mistakes, machine mistakes, ballot mistakes and mistakes that were not so innocent.

The result was that many votes simply did not count.

The Presidential election of 2000 was an eyeopener. Our election systems in this country, the World's oldest democracy, were broken and needed to be fixed.

Republicans and Democrats agreed this had to be done. It was important. It was vital.

And we did something. We passed the Help America Vote Act. We set standards. We authorized money for the states to help them get new machines, new technology and fix their electoral systems. We provided for provisional ballot systems so that if there was a question about a voters registration they could still cast a ballot.

We thought that our voting systems were well on their way to being fixed. We thought that we would never have another election like 2000. We thought that all votes were going to count and all votes were going to be counted.

We were wrong.

We now see, in 2004, 4 years after the 2000 election debacle, we have people standing in lines for hours because polling places could not handle the turnout, people being given the wrong information, machines breaking down, too few machines in some precincts, ballots being lost or misplaced, and voters being told to go to the wrong place to vote. That is simply not right.

It is not clear if these problems by accident or intended, but the result was that again people were not able to cast their votes or their votes simply

were not counted. That's just wrong. That is not suppose to happen in the United States.

And where did much of this happen? In minority neighborhoods, in cities, in economically distressed areas, in primarily Democratic areas across the Nation. I ask myself, is this just a coincidence? Those communities do not think so. And it is critical that we let them know that we take their concerns seriously.

What happened in the last election is less important than making sure that it never happens again. These communities need to know that the Congress is taking action to meet their concerns and will work to correct the abuses that were documented in many States in 2004.

This is not a Republican or a Democratic issue. Ensuring that every registered voter who wants to vote can vote is not a partisan issue. It is an issue of what it means to be an American. In 2004, everyone should agree that every vote should count and we have to do whatever is necessary to make sure that happens.

I call on the Congress to renew its efforts to ensure that there is true electoral reform that every American who casts their ballot can be sure it is counted and that every American who wants to cast their ballot has that opportunity. This Congress should take three steps:

We should fully fund the Help American Vote Act so that all States have the resources that they need to truly reform their electoral systems.

We need to pass legislation to ensure that there is a voter verified paper trail on electronic machines so voters can verify that they cast their ballot and who they cast it for.

We need to re-examine the issue of electoral reform to see what steps the Congress needs to take to ensure that the voting rights of all Americans are protected. So that we have uniform standards. So that provisional ballots work, people do not have to wait in long lines, machines are operative and voters can get to the polls on election day.

And, we must do it now, before this issue fades from view again. The media will move on to other issues. We will move on to other issues. There are many important issues that this Congress will address this year, but as we look forward, and this year celebrate the 40th Anniversary of the Voting Rights Act, we must make this a priority issue. We must act to protect those vital rights and protect our democracy. There is no better way to honor this historic Act than to ensure that we fix the problems in our electoral system that continue disenfranchise voters.

I thank my colleague, Senator BOXER, from California for giving us the opportunity to debate these important points and focusing the spotlight on the voting problems still facing our democracy. And while I vote today to

certify the election, I do not certify how our electoral system works in the United States and on that front we must now act.

I look forward to working on this with other members of the Senate. But, we must not be here in 2006 or 2008 talking about how shocked we are to see yet again votes not counted, ballots missing, lost and misplaced, and confused election officials. We must act this year, while the spotlight is still on, to do more to ensure that all voters will have confidence in our electoral system.

Mr. LEVIN. I will vote against objecting to counting Ohio's electoral votes. Of course I am concerned by reports of irregularities across the country during the 2004 presidential election. The 109th Congress should address these problems this year as part of election reform legislation. But voting to throw out the electoral votes of a State in the absence of clear evidence that voting fraud in that State changed the outcome would set a dangerous precedent for future elections in which the majority party of Congress could overturn the outcome of a presidential election.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, free and fair elections are the foundation of our democracy. Thanks to the efforts of tens of thousands of citizens, millions more Americans registered and went to the polls this year. But despite this dramatic expansion in public participation, many voters faced barriers to casting their ballot. Disenfranchisement and barriers to voting are fundamentally undemocratic and should be unacceptable in the freest nation in the world.

On November 3, I conceded the Presidential election to George Bush and also expressed my commitment to ensuring that every vote in this election is counted. The questions being raised by my colleagues in Congress about the vote in Ohio are important. As evidenced by the media and Congressman JOHN CONYERS' report of the vote in Ohio, there were many voting irregularities in the November election that led to the disenfranchisement of voters. These included long lines at predominantly minority polling places resulting from the failure to provide sufficient number of voting machines; voter intimidation and misinformation; the restriction of provisional ballots in a fashion that likely disenfranchised voters; and instances in which malfunctioning voting machines transferred Kerry votes to Bush.

I strongly believe that we need to investigate this election and reform our system. However, while I am deeply concerned about the issues the questions and issues being raised by this objection and think they are very important, I do not believe that there is sufficient evidence to support the objection and change the outcome of the

election and I am not joining their protest of the Ohio electors.

Despite widespread reports of irregularities, questionable practices by some election officials and instances of lawful voters being denied the right to vote, our legal teams on the ground have found no evidence that would change the outcome of the election.

It is critical that we investigate and understand any and every voting irregularity anywhere in our country, not because it would change the outcome of the election but because Americans have to believe that their votes are counted in our democracy.

We must take action this Congress to make sure that the problems voters encountered in Ohio and elsewhere never happen again. We must make sure there are no questions or doubts in future elections. It is critical to our democracy that we investigate and act to prevent voting irregularities and voter intimidation across the country.

I strongly support the efforts of the civil rights and voting rights groups across the country that continue to investigate what happened in 2004 and how we can ensure it will never happen again. A Presidential election is a national Federal election but we have different standards in different States for casting and counting votes. We must have a national Federal standard to solve the problems that occurred in the 2004 election.

I am calling on my Republican colleagues to put election reform on the congressional agenda this year. The Republican leadership in the House and Senate must commit to make protecting voting rights a priority and commit to adding election reform legislation to the legislative calendar this year. One goal must be to eliminate barriers to voting, to encourage the greatest level of civic participation possible, and to restore confidence in the notion that every eligible voter will have the opportunity to vote and to have their vote counted.

I have spoken with Democratic Senate Leader HARRY REID and my colleagues in the House and Senate about my intention to introduce legislation this year to ensure transparency and accountability in our voting system and the need for the Democratic Caucus to make voting rights and electoral reform one of our top priority pieces of legislation. Election reform will be one of my top agenda items.

I will be meeting in coming weeks with key leaders on both sides of the aisle and from civil rights and voting rights groups across the Nation. I plan to use the information gathered by Representative CONYERS in his report, and information from other investigations underway, to guide my legislation.

We must invest resources in our country to help State and local communities purchase modern voting machines and do research and development on safe and secure forms of voting. We must ensure that our voting

machines enable voters to verify their vote.

No American citizen should wake up the morning after the election and worry their vote wasn't counted. No citizen should be denied at the polls if they are eligible to vote. As the greatest, wealthiest nation on Earth, our citizens should not have to be forced to vote on old unaccountable voting machines. And, as the greatest, wealthiest Nation on Earth, our citizens should never be forced to vote on old, unaccountable and nontransparent voting machines from companies controlled by partisan activists.

Together we can put the critical issue of electoral reform on the front burner in Washington and across the country. •

Mr. WYDEN. Mr. President, I believe it is extraordinarily important for both sides to be gracious when an American election is over. But I also believe it is extraordinarily important not to ignore urgently needed election reform, such as requiring a paper trail for every single ballot that is cast in our country. Such a paper trail is required in my home State. In this last election, record numbers of Oregonians voted. There were no allegations of fraud. The system worked, and it worked well. Unfortunately, that is not the case in too many communities in our country.

When the Senate last debated the issue of election reform, this body spent weeks debating whether one dog in the Midwest was an illegal voter. I worked with colleagues on a bipartisan basis. We made sure that dog, Mitzl, would not be allowed to vote again. Now, in the name of justice, when hundreds of thousands of Americans feel they have been disenfranchised, I don't think their concerns ought to be swept under the rug.

Credible journalists have now documented voting irregularities across the country, and that ought to trouble every Member of the body. Incredible reports come from the States of North Carolina, Indiana, Washington, Florida, and Ohio. In my view, while not proving to be of a volume that would have changed the outcome of the Presidential election, when you take these findings together, they raise very significant and troubling matters that this body should be tackling on a bipartisan basis. I do believe there is critical work ahead of this body with respect to election reform. So I did write in November to Representative CONYERS to ask that he examine these voting irregularities. The problems with provisional ballots in the State of Ohio particularly concerned me because I was one of the principal authors of the section of the Help America Vote Act that involved provisional ballots. The decision of the Ohio Secretary of State to restrict the ability of voters to use provisional ballots, I thought, was troubling. His decisions raised serious questions with respect to whether they were consistent with what the Senate had in mind as we wrote that provision.

I was also concerned about the reports from Ohio, where in one county only 800 citizens were registered to vote and more than 4,500 votes were counted. This just defies common sense, and it is one of the reasons why I have come to the floor to make the case for a continued focus on the issue of election reform.

The problems of election abuse are not ones that can be given short shrift if we are to keep faith with our citizens and ensure that their fundamental belief that our democratic system is sound is maintained. Otherwise, we will see a growing lack of confidence in the conduct of our elections, and that lack of confidence will come to overshadow some of our elections altogether. We will see many more Members of this body come to the floor demanding to know what has happened.

I end my statement with the plea that, on a bipartisan basis, this body return to the issue of election reform, correct the abuses that have been credibly documented over the last few weeks, and that we do it in a bipartisan fashion.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise to support the contention of the junior Senator from California that we have to take a very hard look at this. We are trying to demonstrate the virtues of democracy to Iraqis and Ukrainians and other people around the world who are struggling to be free. People must have confidence that our election results are unassailable.

Unfortunately, questions have been raised in the Presidential election of 2000 and in the Presidential election of 2004. At this point, I want to be clear: I am not challenging President Bush's victory in the State of Ohio. Neither has Senator KERRY. But there have been reports of systematic voter disenfranchisement and other problems in Ohio, such that we would be derelict in our duty if we failed to investigate it.

Yesterday, Congressman JOHN CONYERS, ranking Democrat on the House Judiciary Committee, issued a report of problems that occurred in Ohio. Some of the problems he reported include problems with voting machines in predominantly minority, Democratic-leaning wards, which caused people to wait 10 hours or more in the rain. One precinct was forced to close at 9:25 in the morning because its voting machines were not working. The Ohio Republican Party suppressed the turnout of minority, Democratic-leaning voters by engaging in preelection caging tactics, tactics which were declared illegal by a Federal court.

Ohio Secretary of State Ken Blackwell, a Republican, deviated from election law by severely restricting voters' access to provisional ballots. He went so far as to reject voter registration applications based on paperweight and texture. Those actions and his complete unwillingness to cooperate

with Congressman CONYERS' investigation are deeply troubling. His actions are troubling, particularly because he didn't just serve as the chief election official of his State; he also cochaired the Bush-Cheney campaign in Ohio.

Allowing a State official to oversee a Federal election and simultaneously serve as a partisan campaign official for a candidate in that election is a blatant conflict of interest and we have to put a stop to it. That is why later this month I am going to introduce the Federal Election Integrity Act, a bill to prohibit State election officials from overseeing Federal elections in which they play a partisan role on behalf of one of the candidates.

Secretary Blackwell is now running for Governor. He recently sent a fundraising letter to potential Republican donors. I think his letter underscores the need for my bill. The first page of his letter tells the story. In part, it says:

I have no doubt that the strong campaign we helped the President run in Ohio . . . can easily be credited with turning out record numbers of conservatives and evangelicals on election day.

It is not surprising that many people have no doubt that Secretary Blackwell also ran a strong campaign against other voters, namely minorities and Democrats.

Americans need to believe their election officials are beyond reproach. Allowing such officials to serve simultaneously in a partisan campaign capacity seriously undermines that confidence. That is why, regardless of what happens today, I will introduce the Federal Election Integrity Act. It is a step we can and should take to restore confidence that our elections are fair and the results are accurate.

I don't believe the objection the junior Senator from California has raised will be sustained this afternoon, but that doesn't mean we should not discuss the problems that precipitated the objection and do something about them in the future to assure that when the votes are counted, we know everybody has had a fair chance to cast their ballots and that there hasn't been any tinkering with them.

I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, this is obviously a difficult debate for many reasons. I commend the Senator from California for joining with members of the House, most particularly Congresswoman STEPHANIE TUBBS JONES, in raising the objection, because it does permit us to air some of these issues—something I believe is necessary for the smooth functioning of our democracy and the integrity of the most precious right of any citizen, namely, the right to vote.

As we look at our election system, I think it is fair to say there are many legitimate questions about its accu-

racy and about its integrity, and they are not confined to the State of Ohio. They are ones that have arisen throughout our country and certainly because of the election of 2000 have been given high relief in the last 4 years. Then questions were raised additionally with respect to this election which deepened the concern of many people about whether we can assure the continuity of our democratic process by ensuring the consent of the governed and the acceptance of the results of elections.

Several weeks ago, we stood in great admiration as a nation behind the people of Ukraine as they took to the streets to demand they be given the right to an election where every vote was counted.

In a few weeks, we are going to see an election in Iraq. We know there are people literally dying in Iraq for the right to cast a free vote. I am very proud of our country, that we have stood with Ukrainians, Iraqis, and others around the world, but increasingly, I worry that if this body, this Congress does not stand up on a bipartisan basis for the right to vote here at home, our moral authority will be weakened.

I take that very seriously because freedom is our most precious value, and we have for 225-plus years worked to form a more perfect Union. At first, not everybody was permitted to vote in our own country, but through constitutional changes, a civil war, and a civil rights movement, we expanded the franchise. This year we will celebrate the anniversary of the Voting Rights Act, and it will be an opportunity for us to take a look at this landmark legislation and determine how we are going to move it into the 21st century so it really stands for what it was intended to do when it was first passed.

I would be standing here saying this no matter what the outcome of the election because I still think the best rule in politics is the golden rule: Do unto others as you would have them do unto you. I worry, whether it is a Democratic or Republican administration or a local county, State, or Federal election, that we are on a slippery slope as a nation.

My colleague, Senator BOXER, and I, along with former Senator BOB GRAHAM of Florida, introduced legislation last year to try to assure a verifiable paper audit. We did not get anywhere with that. We did not get a hearing before the Rules Committee, and I hope the distinguished chair of the Rules Committee will hold such a hearing this year because if we can buy a lottery ticket or go to a bank and make an ATM deposit, then we know we can use an electronic transfer mechanism that gives us a record. That is just one of the many issues we can deal with technologically.

Last spring, India, the largest democracy—we are the oldest democracy, so in that way we are real partners in this great enterprise of democracy—had an election. Mr. President, 550 million or

so people voted, from the dot-com billionaire to the poor illiterate peasant. They all voted. They voted on electronic voting machines. They voted in a way that guaranteed the safety, security, and accuracy of their vote. They had uniform standards. They had a nonpartisan board that oversaw that election, and the result was shocking. They threw out the existing government. Nobody had predicted that. Yet they did it with integrity.

Surely, we should be setting the standards. I hope in this body, and thanks to the objection of my friend from California, this debate which started today will continue.

Thank you, Mr. President.

The PRESIDENT pro tempore. The distinguished Democratic leader.

Mr. REID. Mr. President, I spoke on a procedural matter earlier. I ask unanimous consent that not be deemed to be my speech in regard to this matter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, today great men and women of our Armed Forces are working to bring the right of free and fair elections to Iraq. In less than a month, there will be elections in Iraq. The sacrifice of our military demands that we work to ensure our own elections are fair. That is why today's debate is here, and I applaud my friend from California for allowing us to talk a little bit about elections generally.

A constitutional right that can be said to help secure all other rights is the right to vote. History has shown us that the right to vote demands constant vigilance and attention. While secured by our Constitution, widespread disenfranchisement of African Americans and other Americans led to the landmark Voting Rights Act of 1965 and the amendments in 1970, 1975, and 1982.

Constitutional protection was not enough. We needed tough new laws and took action. More recently, the abuses in Florida 4 years ago demonstrated the need for change and led to reform—and it was reform—in the Help America Vote Act of 2002.

I spread on the RECORD today the good work of Senator MCCONNELL, Senator DODD, and Senator BOND. There were others, but those are the three who stand out in my mind.

While the literacy tests and poll taxes of the past are gone, a more insidious form of disenfranchisement continues to taint our electoral system.

In this past election, in the State of Nevada, phone calls were made to heavily African-American parts of Las Vegas to try to trick those voters into not voting. The same happened in the Hispanic areas of our State, especially in Clark County. These calls, which we were unable to trace, told voters election day was November 3, not November 2.

Our registration process in Nevada is also tainted by the proven destruction

of Democratic voter registration forms. This is clear. It happened. There was a company hired by the Republican National Committee to register only Republicans. We had people come forward and say they destroyed Democratic registration forms. That investigation is still underway.

In some of my earliest elections in Nevada, private individuals dressed in uniforms meant to resemble police officers stood around polling places in minority voting spots to frighten people from coming to vote, and it worked. These officers were posted, as I indicated, at the polls to intimidate these minority voters.

In this past election in Ohio, we heard a lot about what appeared to be wrong there, and I hope there will be more done to determine what went on in Ohio.

Legal challenges to restrict provisional voting, a provision of HAVA, which is the Help America Vote Act which I talked about earlier, meant to cure the widespread disenfranchisement of minorities in Florida and around the rest of the country.

These problems damage our system, deny our citizens equal protection, and undermine the right to vote. Rooting out this corruption requires not only strong laws but I believe strong hearts. It relies upon the integrity of our election officials in every State and each one of us to speak up when abuses occur.

It is my hope the debate today will once again lead to action to cure some of the more glaring defects of the 2004 election. One of the most significant problems in Ohio and in many other States was the lack of measures to ensure the integrity of electronic voting machines. While we have made improvements that are historic with HAVA, one important omission is in this area; that is, electronic voting, how to ensure the integrity of it.

In the last election, of all 50 States, Nevada was the only State where we had total electronic voting with a paper trail. When you voted in Nevada, you did your electronic voting and you could look right there to see for whom you voted. No mistakes. You did not take it with you, of course, but it was in the machine, and if there was a recount, it could be determined easily.

This is the way it should happen all over America, an electronic machine with a paper trail.

Last year, my colleague, the distinguished junior Senator from Nevada, Mr. ENSIGN, and I introduced a measure to require paper trails for electronic voting machines every place. We will introduce our bipartisan Voting Integrity and Verification Act in this Congress.

I hope that as we consider the 2004 election today—I ask unanimous consent for one additional minute, Mr. President.

The PRESIDENT pro tempore. The statute allows no more than 5 minutes to any Senator, I regret.

Mr. REID. I will end by saying we look forward to enacting commonsense measures such as the Voting Integrity and Verification Act which Senator ENSIGN and I will introduce in a few days to continue to improve the integrity of our elections.

I do not view the need to consider these additional reforms as a sign that our electoral system has failed. That we learn, investigate, and reform demonstrates its strength. The only failure following the 2004 election would be to not acknowledge and act to strengthen the right to vote.

I hope my colleagues on the other side of the aisle will join with me in that effort.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. The Senator from California is performing an important service for American democracy today, along with her partner in this effort on the House of Representatives side, the Congresswoman from Ohio. Their challenge allows a needed debate in the Senate, as well as in the House of Representatives. This debate is short today. We are limited to 5 minutes. I hope this debate will continue in the future, at least this year, to try to reach some better conclusions as to how we operate voting in America.

I want to be clear that I do not question the legitimacy or outcome of our 2004 Presidential election. Nor will I vote to overturn the result of the vote in Ohio. The irregularities and the disenfranchisement that took place in that State and elsewhere, which are real and deeply worrisome, do not appear to me to have determined the outcome, either nationally or in Ohio.

But the right to vote and the need for citizens to have confidence that their votes will be counted correctly are basic to our democracy. That is why I believe there can be no more appropriate time to talk about problems in our electoral system than today, the day on which we officially confirm and proclaim the results of our recent election. So I thank Senator BOXER, as well as Representative TUBBS JONES, who is a former judge in the State of Ohio, for this responsible action.

I say to my friend Mr. DEWINE from Ohio, whom I listened to briefly a little bit ago, this is not about whether George Bush won the election. It is about taking a hard look at the voting structure in America, asking how we can make it better. How can we make it better and more equitable for people?

Now we tried, through the Help America Vote, to fix some of the problems, but there is evidence we did not do enough. We know that massive lines at the polls in Ohio likely led to thousands of voters giving up on voting. People had to wait 4, 5, 10 hours in line. Standing in line for 10 hours in America is like throwing acid in the face of democracy. It mars it. It scars it permanently.

Now, why the long lines? They did not have an adequate number of voting

machines. Where were the lines? Many of them were in urban areas and minority communities because there was an inequitable distribution of machines between urban and suburban areas.

According to the *New York Times*, in Columbus, OH, there was an average of 4.6 machines per voter in Bush's strongest precincts while there were only 3.9 machines in the so-called Kerry precincts.

What we saw in Ohio was a concerted effort by an official, the Secretary of State, to try to minimize the ability of Ohioans to cast their vote. The Secretary of State was also the Chairman of the Ohio Bush re-election campaign. For example, in the weeks leading up to the election, the Secretary of State of Ohio tried to argue that thousands should be denied the right to vote because the forms they used to register were printed on the wrong weight of paper.

The Secretary of State also argued that absentee voters who had not received their ballots should not be allowed to vote, another concerted effort to suppress votes.

We also have reports of electronic voting machines not voting properly. A system where software is kept secret has been allowed to be the norm. This is an inappropriate practice that could result in serious fraud. Clearly, we need a Federal statute requiring independent review of the software used in electronic voting machines, as well as providing both sides access to the software in these machines.

What we saw in Ohio, what we likely would see in many States if they came under this type of scrutiny, is continuing problems with the whole election process that need to be fixed. We need to make changes in Federal law to make it clear that election officials are to work to maximize the right of people to vote rather than finding technicalities to disenfranchise them.

It is curious to note that in the Constitution of the United States, there is not a provision guaranteeing the right to vote. There are a number of amendments, the 14th, the 15th, 19th, 24th, 26th, that expand the concept, say people cannot be denied the right to vote on the basis of poll taxes, race, color, gender, and age.

Perhaps what we need is a constitutional amendment guaranteeing the right of every citizen of the United States a secret ballot and to have that ballot counted. I think it would come as a shock to most Americans to know that it is not in the Constitution of the United States that we have that right to vote.

This debate is needed to fix a system that is broken.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak on this matter?

The Senator from Illinois.

Mr. OBAMA. Mr. President, I did not anticipate speaking today, but the importance of this issue is enough for me to address this body.

During the election, I had the occasion of meeting a woman who had supported me in my campaign. She decided to come to shake my hand and take a photograph. She is a wonderful woman. She was not asking for anything. I was very grateful that she took time to come by. It was an unexceptional moment except for the fact that she was born in 1894. Her name is Marguerite Lewis, an African-American woman who had been born in Louisiana, born in the shadow of slavery, born at a time when lynchings were commonplace, born at a time when African Americans and women could not vote. Yet, over the course of decades she had participated in broadening our democracy and ensuring that, in fact, at some point, if not herself, then her children, her grandchildren, and her great-grandchildren would be in a position in which they could, too, call themselves citizens of the United States and make certain that this Government works not just on behalf of the mighty and the powerful but also on behalf of people like her.

So the fact that she voted and her vote was counted in this election was of supreme importance to her and it is the memory of talking to her and shaking her hand that causes me to rise on this occasion.

I am absolutely convinced that the President of the United States, George Bush, won this election. I also believe he got more votes in Ohio. As has already been said by some of the speakers in this body, this is not an issue in which we are challenging the outcome of the election. It is important for us to separate the issue of the election outcome with the election process.

I was not in this body 4 years ago, but what I observed as a voter and as a citizen of Illinois 4 years ago was troubling evidence of the fact that not every vote was being counted. It is unfortunate that 4 years later we continue to see circumstances in which people who believe they have the right to vote, who show up at the polls, still continue to confront the sort of problems that have been documented as taking place not just in Ohio but places all across the country.

I strongly urge that this Chamber, as well as the House of Representatives, take it upon itself once and for all to reform this system.

There is no reason, at a time when we have enormous battles taking place ideologically all across the globe, at a time when we try to make certain we encourage democracy in Iraq and Afghanistan and other places throughout the world, that we have the legitimacy of our elections challenged—rightly or wrongly—by people who are not certain as to whether our processes are fair and just.

This is something we can fix. We have experts on both sides of the aisle who know how to fix it. What we have lacked is the political will.

I strongly urge that, in a circumstance in which too many voters

have stood in long lines for hours, in which too many voters have cast votes on machines that jam or malfunction or suck the votes without a trace, in which too many voters try to register to vote only to discover that their names don't appear on the roles or that partisan political interests and those that serve them have worked hard to throw up every barrier to recognize them as lawful, in which too many voters will know that there are different elections for different parts of the country and that these differences turn shamefully on differences of wealth or of race, in which too many voters have to contend with State officials, servants of the public, who put partisan or personal political interests ahead of the public in administering our elections—in such circumstances, we have an obligation to fix the problem.

I have to add this is not a problem unique to this election, and it is not a partisan problem. Keep in mind, I come from Cook County, from Chicago, in which there is a long record of these kinds of problems taking place and disadvantaging Republicans as well as Democrats. So I ask that all of us rise up and use this occasion to amend this problem.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend and thank our colleague from California who, as a result of her objection, has allowed us to have a couple of hours here to debate and discuss the events that occurred on election day this year. I thank her for doing that. Whatever occurred during the day, I think it is important that this body take a moment now and review what has occurred since election 2000 and this election as well. I recognize we are still operating under a very imperfect system when it comes to the Federal elections in this country. I thank the distinguished minority leader, Senator REID, for commending this body for its support of the Help America Vote Act that we adopted almost unanimously in this body a couple of years ago, through the work of Senators McCONNELL and BOND and others.

It was certainly not a perfect piece of legislation, but it was the first time in the history of this country, outside of the Voting Rights Act, that this body, the Congress of the United States, spoke comprehensively about the conduct of Federal elections.

I point out to my colleagues that while certainly things need to be done to improve even that effort, there were 119,000 provisional ballots cast in the State of Ohio that never would have been counted had we not adopted provisional ballot requirements.

There are certainly legitimate questions about what does and doesn't constitute a ballot. I am drafting for my colleagues' approval a comprehensive piece of legislation that deals with the shortcomings in the HAVA bill itself.

The fact is we are going to have access to statewide voter registration. The fact is we are making it possible for 20 million disabled Americans to cast a ballot independently and privately.

I know personally what this is like, having watched a sibling of mine having to cast a ballot with the help of someone else, despite two master's degrees and being a teacher for 40 years. We also put into HAVA the requirement that every voter have the right to see his or her ballot before actually casting their ballot. HAVA required that all voters who are challenged, for any reason, have the right to cast a provisional ballot. The Federal Court of Appeals for the Sixth Circuit of the United States affirmed the absolute right to receive a provisional ballot, without any additional requirements.

We have made great progress here. More needs to be done, clearly, if we are going to make a Federal election system exist where every vote will be counted and every eligible person will have an equal opportunity to vote.

I appreciate the opportunity here to talk about this. My hope would be that we would build bipartisan support, just as we did 2 years ago in adopting the Help America Vote Act, in both bodies, and get the kind of bipartisan support necessary so the conduct of elections, Federal elections, will have a system that has the confidence of the voters of this country.

I think it was Thomas Paine who, more than 200 years ago, said the right to vote is the right upon which all other rights depend. If you don't get this right, every other right is in jeopardy, and that is the business we need to be about.

Obviously events in Ohio and elsewhere raise legitimate and serious concerns. In this country we are still operating Federal elections on the basis of a voluntary work, pretty much, of local people. It worked pretty well for many years. It doesn't work any longer. It has to be changed. We have to do a better job. It is important that this body, the Congress of the United States, say to the American public we are going to do everything we can to see to it that you have an equal opportunity to vote and that your vote will be counted, and we are going to have the people, the technology, and the resources in place to make that happen.

We have made great strides. More needs to be done. The Senator from California has given us an opportunity today to highlight the importance of this. I regret that the Senate finds itself in this situation today where we find that the American public still lacks confidence in the legitimacy of the process and the results of our presidential elections.

But as painful as this debate today may be, this discourse is necessary to ensuring the American public that we, here in Congress, hear their concerns and frustrations, and will continue to fight to see that their most basic of all democratic rights—the right to vote—is secure.

Sadly, the concerns we are hearing expressed today are all too familiar to those we heard exactly 4 years ago following the debacle of the 2000 presidential election.

Following the 2000 presidential election, Congress responded to the problems which arose in Florida and other states by enacting bipartisan legislation, the Help America Vote Act, which I was pleased to coauthor. The goal of that bill was to ensure that every eligible American would have an equal opportunity to cast a vote and have that vote counted, regardless of race, gender, disability, language or party or precinct; and, that it would be easier to vote, but harder to defraud the system.

The Help America Vote Act—or HAVA—had the support of countless civil rights, disability, language minority and voting rights groups, and organizations representing state and local governments. HAVA has been hailed as the first civil rights law of the 21st century and I am committed to ensuring that it is fully implemented as such.

While the results of the 2004 presidential election may not have been contested in the same manner as those of the 2000 election, the jury is still out on whether HAVA successfully addressed all the problems that arose in the 2000 election. While I believe there is still much work to do to ensure the franchise for all Americans, I am confident that without HAVA, thousands of eligible American voters would not have been able to cast a vote, nor have their vote counted, in the November 2004 presidential election.

It is important to remember that HAVA is not yet fully implemented. In some respects, the most important reforms have yet to be implemented by the States.

These reforms include:

- mandatory uniform and nondiscriminatory requirements that all voting systems provide second-chance voting for voters;

- full accessibility for the disabled and language minorities;

- a permanent paper record for manual audits;

- uniform standards for what constitutes a vote and how such a vote will be counted for each type of voting system used by a State; and

- a computerized statewide voter registration list which must contain the name and registration information for every eligible voter in a State and be electronically available to every State and local election official at the polling place on election day.

Had these additional reforms been in place on election day this November, many of the Election Day problems that arose across the country could have been avoided or resolved at the polling place.

But one of the HAVA reforms that was in place this November did make a difference: the requirement that all States provide a provisional ballot to voters who are challenged at the polls, for any reason. This requirement ensured the franchise for thousands of Americans on November 2 last year.

In Ohio alone, 155,000 voters cast provisional ballots, of which an estimated

77 percent were counted. That represents over 119,000 American voters who otherwise might not have been able to cast a vote or have their vote counted, but for HAVA.

Some States, including Ohio, attempted to restrict the right to a provisional ballot, but were ultimately unsuccessful. The Federal Court of Appeals for the 6th Circuit of the United States affirmed the absolute right to receive a provisional ballot, without any additional requirements, in the decision of Sandusky vs. Blackwell decided on October 26, just one week prior to the election.

More importantly, that decision upheld the right of an individual voter to seek judicial redress of the rights conferred by HAVA and upheld HAVA as a civil rights law enforceable as such in the courts.

As with any comprehensive civil rights legislation, HAVA's reach and effectiveness will have to be hammered out by the courts. As that process plays out, coupled with the States' implementation of the remaining HAVA reforms, we will be in a better position to assess whether this landmark legislation hit the mark or needs further reform.

But it is already clear, based on the November election, that it will take further reform to ensure that all eligible Americans have an equal opportunity to cast a vote and have that vote counted. We already know that States are implementing the provisional ballot requirements in significantly differing manners. It is simply unacceptable that a Federally-guaranteed provisional ballot, cast for President of the United States, may not be counted simply because of the local precinct that the otherwise eligible voter was standing in at the time he or she voted.

We know from the November elections that election officials did not provide sufficient numbers of machines to ensure that all voters could vote in a timely manner. We also know that many voters, such as those in Ohio, were still forced to vote on antiquated equipment such as the punch card which disenfranchises minority voters at greater rates than other voters, or use ballots that are confusing. And we know that some states still insist on purging voters based on inaccurate lists and refuse to reinstate the voting rights of felons, even after they have completed their debt to society.

It is time to consider whether, for Federal elections, there is a national responsibility to ensure that no matter where and how a ballot is cast for the office of the President of the United States, all Americans will have confidence that their vote was cast and counted in a uniform and nondiscriminatory way.

I will be introducing comprehensive election reform legislation when we reconvene which will build on HAVA and address these and other issues. My proposal will:

require states to provide enough machines, and ensure they are geographically distributed;

ensure that the provisions of HAVA that require that voters have a chance to verify their ballot before it is cast and that an audit trail exists to establish that such ballot was counted are implemented;

require states to offer extended voting times to ensure that single parents, the disabled, and those who simply cannot get to the polls on the one day can still cast their vote;

ensure that only eligible voters can vote, but that no voter who is eligible will be barred from the polls simply because he or she did not check a box on a form; and

require the reinstatement of felons for the purpose of casting a Federal ballot.

And my legislation will provide the Federal funds necessary to ensure that the states can timely implement the reforms.

The Help America Vote Act is an historic landmark legislation that comprehensively defines, for the first time in this Nation's history, the role of the Federal government in the conduct of Federal elections. It was an important first step, but our work is not done.

The real test, however, will be not so much on how we vote in the next few minutes on some resolution here, but whether in the coming days we are willing to pass legislation to fill in the gaps that are left vacant as a result of our inability to get more done with the HAVA bill.

I believe we can do it. We did it in the last Congress. We ought to do it in this one, so we never again have questions raised about the legitimacy of the election process or results, in any State, of a Federal election.

I look forward to working with my colleagues, and the civil rights, disability, language minority, and voting rights communities, as well as State and local election officials, to continue our work to ensure that all Americans have access to the most fundamental right in a representative democracy: the right to cast a vote and have that vote counted.

I yield the floor.

The PRESIDENT pro tempore. Is there a Senator who has not spoken who wishes to speak on this matter?

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today as a Member of the body who recently was sworn in for his second term. In my first 6 years as a Senator of the United States in this institution, I faced challenges unprecedented in this country's history.

While we have made tremendous progress making our Nation more secure, increasing America's competitiveness in the global marketplace, and upholding the Federal Government's promise to seniors by enacting a prescription drug benefit through Medicare, we still have serious problems confronting our Nation.

On November 2, voters across this Nation chose their Government that will face these forthcoming challenges. The voters of Ohio and our Nation chose President George W. Bush. Even

with a recount in Ohio, President Bush won my State by over 118,000 votes. As a Republican from Cleveland who has been reelected as a Republican from Cleveland, elected to Federal, State, county, and municipal offices, I am living proof Ohioans know how to count ballots and, more importantly, we count fairly.

(Disturbance in the Visitors Gallery.)

The PRESIDENT pro tempore. There will be order in the galleries, please. The Sergeant at Arms will remove people from the gallery if there is no order in the gallery.

Mr. VOINOVICH. It is clear that those who persist in beating a dead horse are attempting to create uncertainty where none exists. That is why I am so disappointed that this body is squandering its time playing Monday-morning quarterback when the result of Ohio's Presidential election is clear. President George W. Bush won my home State and its 20 electoral votes.

Frankly, I am proud of how the election went in Ohio. Hundreds of thousands of new voters took part in their democracy this past November, increasing Ohio's voter participation rate to 72 percent, up from 64 percent in 2000. Unfortunately, prior to November 2, unsubstantiated allegations were being made about the electoral process in Ohio. But, at the end, on election day, and at the end of the recount, Ohio's Secretary of State Kenneth Blackwell and the bipartisan election boards across the State did a tremendous job to ensure that the election was fair and the results were without question. I want to publicly applaud the good work of those dedicated public officials.

It is time to put this election to rest. Editorial boards from Ohio newspapers, many of which endorsed Senator KERRY, agree as well. The so-called recount effort is a circus that needs to pack up and leave town, is what one of them said.

The Akron Beacon Journal, a newspaper that endorsed Senator KERRY, stated on December 24:

The allegations being thrown around are of the flimsiest nature. . . . Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated. There isn't any.

The Cleveland Plain Dealer, on December 15:

Ohio's bipartisan elections system makes the kind of GOP conspiracy that some allege all but impossible to execute. Every county board of elections consists of two Democrats and two Republicans. So, when (Jesse) Jackson and other national Democrats question Ohio's outcome, they demean their own allies.

William Anthony Jr., the African American who chairs both the Franklin County Democratic Party and its election board, has been personally stung by Jackson's slander. "Why would I sit there," Mr. Anthony said, "and disenfranchise my own community?"

The Columbus Dispatch on December 12, 2004, states:

[John] Kerry understands that Bush legitimately won the election, which was why he conceded on November 3rd. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence.

An editorial that appeared on Tuesday, January 4, just this week, in my hometown newspaper, the Cleveland Plain Dealer, said:

The 176 Democrats who sit on Ohio's county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future.

Across the country, people are moving forward after nearly 2 years of a continuous political campaign for the Presidency.

This country deserves to be able to put this undisputed election to rest. We need to stop wasting time and move on to the serious issues facing our Nation.

I yield the floor.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak?

The Senator from Mississippi.

Mr. LOTT. Mr. President, realizing that I have the 5-minute allocation, I make a parliamentary inquiry about where we are. If there are no further speakers, is the Chair going to be prepared to put the question so that there would be a recorded vote?

The PRESIDENT pro tempore. The yeas and nays have been ordered and the question will be placed before the body.

Mr. LOTT. Mr. President, I think the case has been made. I think this was an unfortunate procedure. This process which we have been through was an inauspicious and unfortunate beginning of our session. I hope it does not have a lasting negative impact. But the Senator from California, Mrs. BOXER, made her case, others have responded, and I don't think it merits any further response. I, therefore, think we should be prepared to vote.

I yield the floor.

Mr. MCCONNELL. Mr. President, 204 years ago, Thomas Jefferson took the oath of office as President of the United States in this very Capitol. He was the first President ever to do so. As he walked from a boardinghouse on Pennsylvania Avenue toward this building on the morning of his inauguration, he must have marveled at what was about to take place.

For the first time in American history, power was changing hands from one party—the Federalists—to the other, the Democratic-Republicans. John Adams willingly left office. No shots were fired, and no monarchs were hanged. Unlike their brethren in Europe, Americans, under our glorious Constitution, had mastered the peaceful transfer of authority from one faction to another. Jefferson called his election the "revolution of 1800," brought about "by the rational and peaceful instruments of reform, the suffrage of the people."

But America's tradition of this peaceful transfer of power is now being challenged.

The obstruction of the counting of the electoral vote undermines the tradition that Jefferson and Adams established. By blocking this vote when there is no possibility whatsoever of overturning the result, the legitimacy of our republican form of government is questioned. I am sure that is not the intention of my colleagues who have forced us to debate this. Yet it is undoubtedly the result.

I understand that a minority of a minority protests the presidential vote in the State of Ohio. But President Bush has indisputably won that State by over 118,000 votes, and the votes have been counted twice.

Some of my colleagues have claimed that, even though they agree that President Bush has won Ohio, they must take this opportunity to speak about the need for electoral reform. I submit that hijacking a presidential election to use as a personal soapbox is shameful.

Electoral reform may very well be desirable—for as long as people administer elections, elections will be imperfect. There will always be some irregularities, most due to innocent mistake, some to outright fraud. We should absolutely do everything possible to combat this.

But if electoral reform is needed, Senators should introduce legislation. They should not obstruct a legitimate count of the electoral votes where there is an unequivocal victor. They should not trample on the proud republican government our Founding Fathers bequeathed us. They should not mock the beautiful concept that sovereignty lies with the people, while our troops are fighting and dying to plant that concept in the soil of Iraq.

Even the junior senator from Massachusetts has not endorsed the radical scheme that a minority of a minority has unleashed on us today. In an e-mail to supporters yesterday, Senator KERRY said that he would not participate in this petulant protest but, rather, will propose legislation to address perceived deficiencies in our electoral system. This is the only proper route to take, and history will applaud Senator KERRY for disavowing what is happening here today.

This is an ignominious beginning to the 109th Congress. Last month I spoke about the desire on this side of the aisle to work with our colleagues in the other party to get things done for the American people in a spirit of bipartisanship. I'm still holding onto that hope. I appeal to cooler heads on the other side of the aisle: Don't let a fraction of your number march you down a dead end.

The words that we say here today amount to little against the fact that in 2004, the President won an overwhelming victory in Ohio and 30 other States, and received 286 electoral votes. Years from now, that fact will still be obvious. I hope that the damage done from this assault on our traditions is not.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak on this issue?

If not, the question is, Shall the objection submitted by the gentlewoman from Ohio, Ms. TUBBS JONES, and the Senator from California, Mrs. BOXER, be sustained?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Texas (Ms. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MARTINEZ), the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), and the Senator from Arizona (Mr. MCCAIN) would have voted "nay".

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 1, nays 74, as follows:

(Rollcall Vote No. 1, Joint)

YEAS—1

Boxer

NAYS—74

Alexander	Dodd	Lincoln
Allard	Dole	Lott
Baucus	Domenici	McConnell
Bennett	Dorgan	Mikulski
Biden	Durbin	Nelson (FL)
Bond	Enzi	Nelson (NE)
Brownback	Feingold	Obama
Burr	Graham	Pryor
Byrd	Grassley	Reed
Cantwell	Gregg	Reid
Carper	Hagel	Roberts
Chambliss	Harkin	Rockefeller
Clinton	Hatch	Salazar
Coburn	Inouye	Santorum
Cochran	Isakson	Sarbanes
Coleman	Jeffords	Schumer
Collins	Johnson	Sessions
Conrad	Kennedy	Smith
Cornyn	Kohl	Snowe
Crapo	Lautenberg	Specter
Dayton	Leahy	Stabenow
DeMint	Levin	Stevens
DeWine	Lieberman	

Sununu	Thune	Warner
Talent	Voinovich	Wyden

NOT VOTING—25

Akaka	Ensign	Martinez
Allen	Feinstein	McCain
Bayh	Frist	Murkowski
Bingaman	Hutchison	Murray
Bunning	Inhofe	Shelby
Burns	Kerry	Thomas
Chafee	Kyl	Vitter
Corzine	Landrieu	
Craig	Lugar	

The PRESIDING OFFICER. The objection is NOT sustained.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Secretary will notify the House of the action of the Senate, informing that body that the Senate is now ready to proceed to joint session with further counting of the electoral vote for President and Vice President.

INDIAN OCEAN TSUNAMI RELIEF ACT

The PRESIDING OFFICER. Under the previous order, H.R. 241 having been received from the House, the bill is considered read the third time and passed, and the motion to reconsider is laid on the table.

The bill (H.R. 241) was read the third time and passed.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the resolution submitted this week by Senator FRIST and Senator REID expressing sympathy and support for the victims of the devastating earthquake and tsunami.

Words cannot begin to describe my emotions when I first learned of the scope of the disaster and the loss of life. More than 140,000 people from 12 nations have perished to date and the number could double or triple as a result of infectious diseases spread in the disaster's aftermath.

The victims, their families, and all the affected countries are truly in my thoughts and prayers. When I visit the Indonesian Embassy this week to sign the condolence book, I will do so with a heavy heart but also a commitment to ensure that we do everything in our power to help in the rescue, recovery, and reconstruction efforts.

I welcome the President's commitment to provide \$350 million in relief and as a member of the Senate Appropriations Committee, and I stand ready to do my part to designate a robust and comprehensive aid package. Initially, we must provide emergency supplies such as water, sanitation, food, and shelter to prevent the spread of disease and give people hope.

There is little time to lose.

Yet our work and our commitment must not end there. Together with our friends and allies in the international community, the United Nations, and vital organizations such as the Red Cross we will develop a long term relief