



PRESS-REGISTER

Tyson examining disputed ballots

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MONTGOMERY -- Mobile County District Attorney John Tyson Jr. confirmed Friday that his office is looking into possible voter fraud in the disputed Democratic runoff for Alabama House District 98 between Darren Flott and James Gordon.

"I've sent my investigators to pick up the ballots and the information associated with them so that we can review it to determine whether or not we need to formally open a criminal investigation," Tyson said.

Tyson declined to comment further about the District 98 election but added, "In general, voter fraud is a fraud committed against every other voter in Alabama. Our intention both now and in the future is to see that election laws are observed."

At issue are scores of absentee ballots that Alabama Democratic Party officials earlier this week found to be forged, some on behalf of mentally incompetent citizens.

In Montgomery, a spokesman for Alabama Attorney General Troy King said the attorney general's office has not received a complaint about the District 98 case.

"We do investigations that we have not received a formal complaint on, but that is not the usual case," said Chris Bence. "Since we don't have a complaint, I can't address whether or not we would be involved in it, because it's the policy of the office not to discuss matters that are or could become investigations."

Tyson, a Democrat, and King, a Republican, meet in the Nov. 7 general election for attorney general.

The Democratic Party ruling, released Wednesday, threw out 78 votes from original runoff winner Flott and four votes from Gordon, who filed an election contest after July 18 returns reflected a Flott victory.

The decision erased Flott's margin and made Gordon the party's nominee. Flott has appealed within the party's quasi-judicial procedures. The party's final decision can be appealed to state Circuit Court.

With no Republican in the race, the eventual winner is expected to succeed Rep. Bill Clark, D-Prichard. Clark endorsed Gordon.

The party's decision made no determination about who might be responsible for any ballot fraud. Gordon suggested after the July 18 runoff that Flott's campaign made a concerted effort to increase the candidate's absentee ballot support. Flott has denied any illegal actions or any special effort to distribute or gather absentee ballots.

July returns showed Flott with 320 percent more absentee votes than he received in the June primary. Gordon posted about a 70 percent increase. Absentee ballots were 15.5 percent of the total runoff turnout. In June, absentee votes were 4.6 percent of the total cast.

According to state election law, anyone "guilty of any kind of illegal or fraudulent voting must, on conviction, be imprisoned in the penitentiary for not less than two nor more than five years, at the discretion of the jury."

Knowingly providing false information in order to vote is a Class A misdemeanor punishable by a jail sentence of not more than one year and a maximum fine of \$2,000.

Bence, King's spokesman, said he would expect the party to file a complaint about fraud with appropriate authorities. "I would expect any party, Democrat or Republican, Libertarian or anybody, that if they become aware of a law being broken, especially relative to the election process, that they would file a complaint," he

said.

Democratic Party Executive Director Jim Spearman told the Press-Register earlier this week that the party does not have specific rules requiring that it forward findings of fraud to investigators. But, he added, the party would not withhold any information authorities sought.

The state Democratic

Executive Committee is scheduled to meet today in Montgomery. It was not clear late Friday whether anything concerning the District 98 dispute will be discussed.

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