Disputed Fla. Election to Spill Into U.S. House

WASHINGTON (Reuters) - A disputed election result in a U.S. House of Representatives race in Florida will be one of the first items raised when the Democratic-controlled House convenes next week, injecting partisan politics into the start of the 110th Congress.

Rep. Rush Holt, a New Jersey Democrat who has pushed for better safeguards on electronic voting machines, said on Friday he would make a procedural point to establish the swearing-in of Florida Republican Vern Buchanan does not prejudice ongoing challenges by his Democratic opponent, Christine Jennings.

"This is a district, Sarasota area in Florida, where there's no way of knowing whether the result presented by Florida's secretary of state is valid. In fact, I think there is significant evidence that it is not," Holt told reporters.

Buchanan was certified the winner of the November 7 election by a 369-vote margin. Oddly, about 18,000 ballots in Sarasota County had no votes recorded for the disputed House race, while other races on those ballots were voted on.

The disputed Florida seat had been held by Republican Rep. Katherine Harris, the former Florida secretary of state who certified George W. Bush as the winner of the disputed 2000 presidential race in Florida over Al Gore.

Jennings suffered a legal setback on Friday when a Florida judge denied a request by her and groups including the ACLU and People for the American Way Foundation to examine the voting machine hardware and software.

Florida Circuit Court Judge William Gary said no evidence had been provided of malfunctions and that granting access to the machines would "result in destroying or at least gutting the protections afforded those who own the trade secrets" associated with the equipment.

David Becker, senior attorney for People for the American Way Foundation, said a review of the judge's ruling would be requested. "We need to look inside these machines, just like if it was a ballot box eating ballots," Becker said.

Kevin Smith, a spokesman for House Republican leader John Boehner, said the matter was settled.

"Florida authorities conducted a thorough audit of the voting machines used in the district and found no system breakdowns or abnormalities," he added. "The election is over. Vern Buchanan won."

'FORMAL INQUIRY'

Holt said he would make the "formal inquiry" immediately after Democratic Rep. Nancy Pelosi of
California is sworn in as speaker of the House on Thursday.

Democrats wrested the House and Senate from Republican control in November's elections.

Jennings has also asked the House Administration Committee to investigate the balloting. Ultimately, in disputed elections, the House has the last word on who is a member of the legislative body.

Close elections are not uncommon and fights over results sometimes poison the atmosphere between Republicans and Democrats in Congress.

A glaring example was the 1984 race between Indiana Democrat Frank McCloskey and Republican Richard McIntyre. McCloskey was thought to have won narrowly, but a recount gave McIntyre an edge and Indiana's Republican secretary of state certified him the winner. Democrats in control of the House then ordered a recount by the U.S. General Accounting Office and McCloskey won by four votes.

Republicans were bitter about the result for years.