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## Congress Ratifies Bush Victory After a Rare Challenge

By **SHERYL GAY STOLBERG** and **JAMES DAO**

WASHINGTON, Jan. 6 - Congress officially ratified President Bush's election victory on Thursday, but not before Democrats lodged a formal challenge to the electoral votes from Ohio, forcing an extraordinary two-hour debate that began the 109th Congress on a sharp note of partisan acrimony.

It was only the second such challenge to a presidential race since 1877. Even the bitter contest in 2000 between President Bush and Al Gore did not produce a formal challenge to the results from Florida, the site of a 36-day standoff. Although House members objected, no senator joined in, as is required under federal law.

But on Thursday, a single senator - Barbara Boxer, a California Democrat who was sworn in Tuesday for a third term - joined Representative Stephanie Tubbs Jones, Democrat of Ohio, in objecting to Ohio's 20 electoral votes for Mr. Bush, citing voting irregularities in the state.

The move turned what would have otherwise been a polite ceremony into a political and historical drama. Mrs. Boxer said she had acted "to cast the light of truth on a flawed system which must be fixed now."

Instead of holding a courteous joint session to certify the election, lawmakers were forced to retreat to their separate chambers for two hours of debate and a vote on the challenge. Democrats, nearly all of whom conceded that Mr. Bush was the rightful winner, said the move cast a needed spotlight on voting rights. Republicans called it waste of time.

"This is a travesty," said Senator Rick Santorum of Pennsylvania, a member of the Republican leadership, who forced a formal roll call vote in the Senate to spotlight lawmakers' positions. Of Democrats, he said, "They're still not over the 2000 election, let alone the 2004 election."

Representative Tom DeLay of Texas, the House majority leader, drew applause on the House floor when he denounced the Democrats' move as a "quadrennial crying wolf," while other House Republicans ridiculed stories of voter fraud in Ohio as "Hollywood inspired."

The challenge cast a spotlight on divisions among Democrats, with party leaders and many in the rank and file distancing themselves from the effort, while black and liberal lawmakers embraced it. The Democratic presidential nominee, Senator John Kerry of Massachusetts, did not support the objection, nor was he on hand to witness it. He was in the Middle East, meeting with troops.

In the end, the House voted 267 to 31 against the challenge. **In the Senate, where the vote was 74 to 1, Mrs. Boxer stood alone.**

"I think this is the first time in my life I ever voted alone in the United States Senate, and I have to tell you, I think it was the right thing to do," Mrs. Boxer said afterward, adding that she believed she forced the Republican leadership to listen to concerns about voting rights.

The election in Ohio, one of the most fiercely contested states, has been seized on by the Green Party, liberal Democrats and advocates of changing the voting system because of its long lines, lack of uniform policies on provisional ballots and the allocation of voting machines.

In many ways, the debate came about because of the relentless efforts of a small group of third-party activists, liberal lawyers, Internet muckrakers and civil rights groups, who have been arguing since Election Day that the Ohio vote was rigged for Mr. Bush.

In the weeks since, those groups have organized rallies and public hearings in Ohio protesting the vote, filed lawsuits contesting Mr. Bush's victory and demanded a statewide recount that resulted in Mr. Bush's margin of victory shrinking by 300 votes, to about 118,450. They also protested in Washington on Thursday.

"I think we're seeing a political realignment going on," David Cobb, the Green presidential candidate, said at a rally across the street from the White House. "The rank and file of the Democratic Party are far more progressive than the corporatist leaders of the party."

But even Democratic officials in Ohio said that while they wanted improved election practices, they worried that the party was wasting time and money refighting the last election.

"There was a point where this served a purpose," said Susan Gwinn, chairwoman of the Athens County Democratic Party in Ohio. "But I think we passed that. We need to move on."

But Ms. Jones, a former prosecutor and judge, said she was bringing the challenge "on behalf of those millions of Americans who believe in and value our democratic process and the right to vote."

Lawmakers convened in the House chamber precisely at 1 p.m., as prescribed by federal law, with Vice President Dick Cheney presiding. In a ceremony as old as the Constitution, four Congressional pages accompanied Mr. Cheney, carrying two wooden boxes that each held a stack of sealed manila envelopes with the results of the Electoral College votes in the states. Mr. Cheney read the names aloud in alphabetical order. When he came to Ohio, Ms. Jones and about a dozen other House members silently rose, as did Mrs. Boxer. Politely but firmly, Ms. Jones said she had an objection.

"And I do have a senator," she declared.

The last time such a thing happened was in January 1969, when a North Carolina elector designated for Richard M. Nixon voted instead for George Wallace. Before that, the contested 1876 election between Rutherford B. Hayes and Samuel J. Tilden prompted the convening of a special commission that gave the election to Hayes.

Although debate in the House on Thursday was vigorous, in the Senate only two Republicans - Mike DeWine and George V. Voinovich of Ohio - joined in, leaving Democrats to fill the time with relatively subdued speeches about why the voting system needed to be improved.

For many Democrats, including Mrs. Boxer, the objection brought back memories of the ceremony in January 2001.

Four years ago, after Mr. Gore won the popular vote but Mr. Bush prevailed after six weeks of struggle over Florida, black members of the House stood up to protest the results pleading for a senator to join their objections, but none did.

**Mrs. Boxer said that in retrospect "it was a mistake not to object four years ago."**



**SENATOR BARBARA BOXER!**