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## Recount narrows Cuellar's lead to 58 votes

### Associated Press

SAN ANTONIO -- A second recount of Democratic primary ballots in Webb County on today slashed challenger Henry Cuellar's lead over District 28 incumbent U.S. Rep. Ciro Rodriguez from 203 votes to a mere 58 votes.

The court-ordered recount in Cuellar's home county, which also included inspection of ballots for signs of tampering, ended with Cuellar at 12,747 votes, while Rodriguez had 2,429.

That compares to 12,894 for Cuellar and 2,431 for Rodriguez after the first recount in Webb County on March 30.

"It looks good," Rodriguez said in San Antonio. "It looks great."

But Cuellar, a Laredo lawyer and businessman, still considers himself the winner, albeit by a smaller margin.

"The outcome doesn't change -- I'm still the Democratic nominee," he said by phone from Laredo. "As long as I got one more vote than my opponent, that's all that counts."

But while the recounting is done, there are legal matters yet to resolve.

Rodriguez sued Cuellar after the first recount, alleging vote-count irregularities in Webb and neighboring Zapata County. The challenger netted 347 votes in those two counties in the recount, which enabled him to erase Rodriguez's slim primary-night lead.

The lawsuit is scheduled for trial in Laredo on Tuesday.

Austin lawyer Buck Wood, representing Rodriguez, said early Friday that he had hoped that the new recount in Webb would at least cut Cuellar's 203-vote lead in half.



"They had given Cuellar in that (first) recount the benefit of every doubt on a lot of votes," said Wood, a veteran of Texas courtroom fights arising from elections.

Wood said he expects Judge Joseph Hart to dismiss the lawsuit because Rodriguez still trails after the Webb recount, and if that happens, the incumbent will try to revive the case on appeal to state's 4th Court of Appeals in San Antonio.

Hart ruled Tuesday that Rodriguez could recount and inspect Webb County ballots, and look at ballots in Zapata County for suspicious signs, such as erasures or the use of more than one ink color to mark candidate names.

The counties' election results were called into question when a late March recount turned up hundreds of ballots that were not part of the original count. Cuellar received the vast majority of those votes.

But Hart denied Rodriguez's bid to challenge the eligibility of hundreds of Webb and Zapata residents to vote in the House District 28 election, saying that the congressman did not raise that legal claim before the filing deadline.

Rodriguez officials say they have found numerous instances of voters registered at addresses where they did not actually live, and people who listed their address as abandoned houses, vacant lots and addresses that do not exist.

Wood said the appeal would be based on Hart's ruling on the voter-eligibility issue.

Hart, a former Travis County judge now in private practice in Austin, returned temporarily to the bench to hear this case.

Last month, the Texas Democratic Party certified Cuellar as the Democratic nominee pending the outcome of the Rodriguez legal challenge.

Rodriguez's lawsuit asks the court to declare the winner or at least to order a new election in the district, which runs along the Interstate 35 corridor from San Marcos to the Mexican border. More than 48,000 votes were cast in the Democratic primary.

The ultimate Rodriguez-Cuellar winner will face Republican Jim Hopson of Seguin in the November general election.

