

Intimidation and Suppression

5/9/2007

Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty pleas (Individuals)	Follow-up recommended?	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution
Pollworkers/ID	Yes			third-party					Yes	national	4-Nov-04	presidential	Racial slurs from election workers, missing bilingual ballots and unwarranted demands to check voter identification turned away Asian American voters across the nation, according to reports by the Asian American Legal Defense and Education Fund. "There were racist remarks in New York City – poll workers were blaming them for holding up the lines. One of them said, "You Oriental guys are taking too long to vote," she said. Although the legal fund continues to tally its exiting poll surveys and has no firm estimate for the number of incidents, Fung said repeated requests from poll workers to check identification hindered the high turnout of Asian American voters. With their patience worn thin by the inadequacy of their voting site, many simply left without voting. In polling sites across Detroit, University of Michigan student volunteers monitoring the polling sites said they not only encountered deficient polling sites, but also challengers from the Republican Party deliberately aiming to drive voters away through tactics of intimidation.	University Wire		
N/A	Yes	Yes								national	18-Jan-05	presidential	In his first high-profile address since conceding the presidential election, Senator John F. Kerry decried what he called the suppression of thousands of would-be voters last November. "Thousands of people were suppressed in their efforts to vote. Voting machines were distributed in uneven ways," he told an enthusiastic audience of 1,200. "In Democratic districts, it took people four, five, 11 hours to vote, while Republicans [went] through in 10 minutes. Same voting machines, same process, our America," Kerry said. Critics of the election process in Ohio say there were not enough voting machines in urban, Democrat-leaning precincts, leading to long lines that dissuaded many voters from casting ballots. In some cases, polls were held open after the announced closing time to allow everyone in line to vote, but some left without voting after standing in line for hours. Some blacks in particular have also charged that there were organized efforts to send voters to the wrong voting places, and troubling disparities in the way voting machines counted Democratic votes.	Boston Globe		
Challenges			third-party	DA					Yes	Nevada	23-Oct-02	local	A group called "Concerned Citizens for Fair Elections" filed 1,200 voter challenges, nearly 200 of which were duplicates or triplicates of the same challenge; 220 were improper; several of those who signed the challenges under penalty of perjury said they never inspected the residence they claimed was abandoned or not occupied by a registered voter. District Attorney investigates whether there was perjury	Pahrump Valley Times		

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Challenges			BOE							Nevada	1-Oct-04	presidential	The registrar says an official of the Republican Party came to his office with a small group asking how to launch a "full scale program for challenging voters."	The Progressive		
Challenges		Yes			BOE					Nevada	29-Oct-04	presidential	An effort by a former Nevada GOP operative to question 17,000 Democratic voters in Las Vegas was rejected earlier this month by election officials there	Washington Post		
Pollworkers/Intimidation					Court					New Jersey	26-Jun-01	municipal	A court appointed election monitor found that in the May 8 election violations included refusing to provide provisional ballots and intimidation of voters by candidates' representatives	New York Times		
Suppression	Yes									New Jersey	6-Nov-01	US Senate	Hispanic and black residents in the city of Passaic receive postcards in the mail warning of "armed law enforcement officers" at the polls and fines or prisons for anyone violating voting laws	The Record		
Suppression	Yes				Federal Monitor					New Jersey	4-Dec-01	sheriff	The federal monitor found that the weekend before Election Day, Passaic city voters received a mass mailed post card reminding them that "armed law enforcement officers" would be policing the polls. The cards inferred they were official and cited the name of the monitor. He said they seemed aimed at minority voters	The Record		
Challenges					BOE					New Jersey	27-Oct-04	presidential	A resident files challenges of 55 county residents whose voter confirmation cards sent from the Board of Elections were returned undeliverable. He withdrew 47 of his challenges and the board denied the other eight. The county Republican chair said that the state Republican Party directed counties to challenge suspect voters such as those who have an address where voter confirmation cards could not be delivered.	Newark Advocate		
Challenges		Yes			Court					New Jersey	9-Nov-05	statewide	The state Democratic Party won an injunction in the Superior Court in Passaic County, with the judge issuing a statewide order barring any challenger from disputing any voter's ability to vote based on the voter's signature. The Democrats said they heard numerous complaints about GOP challengers interfering in the signature comparison process.	Star Ledger		
State Suppression		Yes								New Mexico	20-Oct-04	presidential	At a special meeting Tuesday, Sandoval County commissioners voted 3-1 against opening an additional early voting site in Rio Rancho. Commissioners cited a short time line and legal questions in voting against the poll. The commission called the meeting after Republican legislative candidates and the mayor of Rio Rancho complained that the lack of an early voting site in the city disenfranchised voters. "The combination of an incompetent county clerk and highly partisan Democrat commission has allowed disenfranchisement of the fourth largest city in New Mexico," said Whitney Cheshire, a spokeswoman for New Mexico Victory.	Albuquerque Journal		

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Suppression	Yes	Yes								New Mexico	25-Oct-04	presidential	In a mass mailing, the Republican National Committee is citing Hispanic voter registration campaigns as proof that "Democrats...will cheat in order to win." Hispanic advocates say this is designed to suppress Hispanic voting.	Washington Post		
Polling Place Harassment				Federal					Yes	New Mexico	3-Nov-04	presidential	In New Mexico, a Republican poll watcher videotaped a man as he left a polling station after casting a provisional ballot on Saturday, said Secretary of State Rebecca Vigil-Giron, a Democrat. Vigil-Giron said Republicans argued they wanted to record the voter's face for a possible legal challenge. Federal officials were investigating, she said.	Chicago Tribune		
Suppression		Yes								New York	31-Oct-05	mayoral	Democratic candidate sends a letter to the Department of Justice complaining of Republican election day plans to man some polls with off-duty corrections officers, calling it a bid to intimidate voters.	New York Daily News		
Intimidation	Yes		third-party						Yes	North Carolina	27-Oct-04	presidential	The head of the Mexican-American Legal Defense Fund says the sheriff gave a list of registered Hispanic voters to immigration authorities to check their status. The sheriff "also threatened to go door-to-door personally with his department to ensure that immigration status was checked and make sure there was no 'perception of fraud by Latinos'"	Agence France Presse		
Pollworkers/ID					BOE					North Carolina	29-Oct-04	presidential	In southeast Charlotte, Elections Director Michael Dickerson told poll workers at the Morrison Regional Library to stop asking people waiting to cast early votes to get identification cards ready. Richard Friedman, an unaffiliated voter who is volunteering with the Kerry campaign, complained after elections staff told people standing in line to get their driver's license or voter registration card ready. Most N.C. voters are not required to show ID when they vote, and no one asked for it when voters got in to cast ballots, Friedman said.	Charlotte Observer		
Police			Elections Officials							Ohio	6-Sep-04	presidential	Ohio polling sites plan to add security, which some election officials believe will intimidate voters and poll workers	Columbus Dispatch		
State Suppression		Yes								Ohio	20-Oct-04	presidential	Democrats believe the Secretary of State's order that people who appear to vote in the wrong precinct should not be allowed a provisional ballot and the unnecessary purging of voter rolls, and the Republicans' checking of new registrants are designed to intimidate voters into staying home.	Columbus Dispatch		
Challenges	Yes									Ohio	23-Oct-04	presidential	Republicans filed a challenger list in 191 precincts -- many of them in largely black neighborhoods around Dayton. Republicans say it is to prevent vote fraud	Cleveland Plain Dealer		

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Challenges					Court					Ohio	23-Oct-04	presidential	Republicans formally challenged the validity of 35,000 voter registrations across the state	Cleveland Plain Dealer	After a court fight, scheduled hearings on the challenges were canceled, but voters still received mail notifying them they were being challenged.	January 7, 2005, Columbus Dispatch
Challenges					BOE					Ohio	24-Oct-04	presidential	Dozens of Republican challenges to newly registered voters in Franklin County will be tossed out because they were not properly filed, a local elections official said yesterday. An initial review of 50 challenge forms filed by GOP activists shows 40 with an incorrect ward or precinct listed for the voter, said Michael Hackett, deputy director of the Franklin County Board of Elections. He said such mistakes will nullify requests to have people removed from the list of eligible voters. Voters whose eligibility is challenged need to prove Thursday that they're registered at their correct address. If they don't show up, elections board members can decide whether to keep them on the rolls. Franklin County Republican Chairman Doug Priebe said his party's challenges of voters' eligibility is not an attempt to deny legitimately registered people the right to cast a ballot. In Franklin County, beyond the challenges with incorrect information, it appears Republicans included some legitimately registered voters, including members of the military.	Columbus Dispatch		
Challenges	Yes	Yes							Yes	Ohio	29-Oct-04	presidential	In a lawsuit, a voter and Democrats contend Republican challenges to voters around Cleveland and Columbus are designed to keep poor and minority voters from voting.	AP		
Challenges	Yes		third-party							Ohio	30-Oct-04	presidential	Jeff Ganso of the ACLU said in Hamilton County, 250 of 251 precincts targeted by Republicans with challengers are majority African-American precincts.	Toledo Blade		
Challenges		Yes								Ohio	31-Oct-04	presidential	Democrats accuse Republicans of using challengers to suppress voter turnout. Republicans will not allow the press to attend training sessions.	Cleveland Plain Dealer		
Challenges	Yes				Court					Ohio	1-Nov-04	presidential	In a lawsuit in Hamilton County, civil rights activists say GOP challenges are discriminatory because they were filed disproportionately in precincts with a majority of black voters. A civil rights group seeks to block challengers in Ohio by arguing they violate a 1981 national order prohibiting the Republican National Committee from trying to intimidate black voters	Columbus Dispatch	District court judges blocked the challenges because they could cause delays, confusion and intimidation. 6th Circuit overturns the lower court rulings.	Columbus Dispatch, November 2, 2004
Polling Place Harassment		Yes							Yes	Ohio	3-Nov-04	presidential	In Lucas County, Ohio, Republicans asked a judge to bar poll monitors from wearing "Voter Protection Staff" and "Voting Rights Staff" armbands from polling spots.	New York Daily News		

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Challenges				Federal	BOE				Yes	Ohio	5-Nov-04	presidential	The Board of Elections threw out 976 of the challenges filed by the Republican Party without prejudice after a volunteer who brought the challenges revealed she did not have any personal information about the eligibility of the challenged voters. A member of the Board told the volunteer she could be indicted for signing a sworn challenge without personal knowledge of eligibility. The Board has indicated they plan to call the Department of Justice to conduct a criminal investigation of the challenges.	Philadelphia Tribune		
State Suppression	Yes									Ohio	11-Dec-04	presidential	Because blue-collar and lower-income workers tend to vote Democratic, the long lines in Akron and other urban areas fueled suspicion of a deliberate tactic to hold down the turnout - especially in largely African-American precincts for presidential challenger John Kerry.	Akron Beacon Journal		
Multiple	Yes									Ohio	23-Jun-05	presidential	Blacks and young voters in Ohio faced widespread voter suppression - mostly because of long lines and improper identification checks - during last year's presidential election, according to a new Democratic Party report. DNC Chairman Howard Dean said that while it's unclear whether the suppression was intentional or whether it influenced the election results, the party's five-month, \$260,000 investigation showed that 28 per-cent of Ohio voters - and twice as many black voters - reported facing challenges on Election Day. "You have a particular ethnic group that has to wait three times as long as other voters, then clearly there is something going on that is aimed at particular precincts," Dean said blacks waited an average of 52 minutes to vote while white voters waited about 18 minutes. It also found that 37 percent of Ohio voters reported being asked for identification. Ohio law requires only new voters to produce identification, and new registrants accounted for 7 percent of all voters. Blacks and voters under 30 were asked for ID's at higher rates than other voters.	The Cincinnati Enquirer		
State Suppression	Yes	Yes								Ohio	23-Jun-05	presidential	Long lines were caused by the scarcity of voting machines in a number of precincts, particularly in minority areas, a report by the DNC on the election in Ohio says.	Washington Post		
Intimidation			Election Officials							Oregon	21-Oct-04	presidential	Officials are concerned about voter intimidation at ballot drop-off sites the evening of the Nov. 2 deadline. A Republican manual instructs GOP volunteers to take video cameras. Party officials say this is to make sure no ballots are collected after the 8 pm cutoff, but Democrats worry that it could frighten away some voters.	Christian Science Monitor		

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Challenges		Yes								Pennsylvania	6-Nov-02	statewide	Democrats in the state are concerned about Operation Swarm and Storm -- the name they say was given to an effort by the George Gekas campaign to challenge voters based on old information. A pamphlet was allegedly prepared by the campaign, which instructed Republican poll workers to challenge voters who had recently moved to new districts. The laws had been changed, however, and such challenges could have been wrongly made. Voters in some districts were also challenged to produce identification, charged state Democratic Party spokeswoman Mia DeVane. Voters she said need only provide a matching signature to vote in the state.	UPI		
Polling Place Harassment/Pollworkers				Police/local	Court					Pennsylvania	5-Nov-03	mayoral	Complaints filed with the police, the district attorney's office, and the Committee of Seventy alleging physical violence, harassment and intimidation were the highest in modern history. The DA's office reported it had received at least 171 complaints, nearly quadruple the 41 complaints of four years ago. Most charged that voters and poll workers had been intimidated or interfered with. Inspector William Colarulo said the Police Department had received at least 110 complaints, most dealing with simple assaults, vandalism and disturbances. In the course of the day, Common Pleas Judge Benjamin Lemer signed two orders directing Republican workers at polling places in Germantown and North Philadelphia to stop demanding identification from people showing up to vote.	Philadelphia Daily News		
Challenges										Pennsylvania	26-Oct-04	presidential	Republican Representative John Perzel, speaker of the state house, told US News and World Report that "The Kerry campaign needs to come out with humongous numbers here in Philadelphia. Its important for me to keep that number down." At the same time, he said campaign workers are examining voting records for evidence of Democrats registering more than once or otherwise violating election rules. An aide to Perzel said challengers will have lists of questionable registrations at the polls.	AP		
Pollsite Location	Yes	Yes								Pennsylvania	31-Oct-04	presidential	In Philadelphia, Republicans unsuccessfully sought last week to change locations of 63 polling places, contending that their placement in closed bars or in homes would intimidate voters. Democrats pointed out that most of those locations were in minority neighborhoods and branded the move an effort to suppress black votes.	Philadelphia Inquirer		

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Challenges			BOE							Pennsylvania	2-Nov-04	presidential	Philadelphia's voter-registration administrator cried foul last night over a letter sent from the state GOP to judges of elections, the men and women who run the city's 1,681 polling places. He said the letter had wrongly instructed those poll workers to check and compare voters' various signatures "at will." He pointed to state law, which limits such checks to prevent long voting delays. State Republicans released additional details yesterday from their list of 10,000 letters to Philadelphia voters that they said were returned as undeliverable. They said they would use this list to challenge voters at the polls today Counsel to the state Republican Party said there were multiple reports yesterday that elderly voters in Lancaster and York Counties in Central Pennsylvania - an area the Bush campaign has been heavily courting - got phone calls telling them they would not be allowed to vote and urging them not to show up at the polls.	Philadelphia Inquirer		
Pollworkers					Court					Pennsylvania	3-Nov-04	presidential	While overwhelmed poll workers pushed provisional ballots on some voters who should not have been using them, other voters who could have used provisional ballots were being turned away. In Allentown, about 10 lawyers and community activists rushed to the Salvation Army building on North Eighth Street to challenge poll workers who were stopping about eight people whose names were not in the registration list.	Morning Call		
State Suppression										Pennsylvania	4-Nov-04	presidential	There were long lines throughout the state, leading voters to wait for several hours in order to vote. Some voters waited into the night in order to vote. Some reportedly left without voting.	Philadelphia Inquirer		
Police										Pennsylvania	8-Dec-04	presidential	In Philadelphia, some voters were sent to police stations to cast provisional ballots, House Minority Whip Steny H. Hoyer (D-Md.) told a voting rights forum. "Clearly an intimidation," he said.	Los Angeles Times		
Pollworkers			Voters		BOE					Pennsylvania	24-Apr-05	presidential	The Board of Elections fired three elections officials because of charges they intimidated Democratic voters. One voter said a poll worker was aggressive in challenging his eligibility. Another said a worker yelled at her and then grabbed her arm and forced her out of the polling place because she was wearing a Kerry button.	Lancaster Sunday News		

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Challenges	Yes				Court				Yes	South Carolina	5-Nov-02		Voters in Beaufort County who only have rural route addresses or post office box numbers on their voter registration cards might face problems at the polls today, a federal lawsuit filed in Charleston late Monday alleges. The lawsuit said that poll workers could challenge these voters' ballots, and that if this happens, black voters would be disproportionately affected. The chair of the election commission said poll workers will ask these voters to identify exactly where they live, possibly by having them point out their homes on a map. He said the purpose of doing this is not to discourage or embarrass the voter, it's to ensure they get the correct ballot. He said if there is any confusion, voters will be given failsafe ballots that exclude district races but still allow voters to cast ballots in federal, state and countywide races.	The Post and Courier		
Police	Yes	Yes								South Carolina	12-Aug-04	county council	Candidate says he plans to have observers at the polls and may call for sheriff's deputies to enforce voting laws when voters try for a third time to nominate a Republican County Council candidate. His opponent alleges he is trying to intimidate black voters from voting.	Greenville News		
Challenges										South Carolina	2-Nov-04	presidential	Dozens of voters, many students, were turned away from a precinct at Benedict College after Republican poll watchers contested the legality of their vote. Challenges slowed voting at the precinct causing waits as long as four hours. The Republican Party executive director said poll watchers were challenging people who did not have proper state identification, such as a drivers license. Alternate forms of identification permit student to vote provisional ballots.	AP		
Suppression	Yes	Yes								South Dakota	31-Oct-02	US Senate	Senator Daschle says Republicans have targeted Native American communities in making allegations of vote fraud and launching initiatives in order to suppress the Native American vote	Washington Times		

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Other	Yes			State						South Dakota	1-Jan-03	senate	Republican attorneys fanned out across the state on Election Day to gather affidavits to show vote buying. The State Attorney General (a Republican) says that of the 50 affidavits only three alleged criminal activity, and two of those proved to be false. One person is being investigated. Two of the affidavits were found to have been forged or perjurious. Each affidavit states that the person allegedly signing it claimed to have been picked up by a van driver, offered 10 to vote, taken to the polling place and home again and again offered the 10. Most of the allegations focused on the Rosebud Reservation	Indian Country Today (Lakota Times)		
Pollworkers/ID	Yes									South Dakota	30-Jun-04	special election	During the June 1 special election, several Native American voters were told they could not vote if they did not have ID and were not told about the affidavit option. Most of the complaints came from across the state, many from reservations and some from Rapid City, where there is a large American Indian population. A Republican poll watcher denied this was the case. He said Indian voting rights workers were intimidating poll workers.	Indian Country Today (Lakota Times)		
Pollworkers/ID	Yes									South Dakota	26-Aug-04	presidential	Some American Indians were not allowed to vote in the primary because they did not have photo ID and some said they were not told they could instead sign an affidavit.	Newsday		
Polling Place Harassment	Yes				Court					South Dakota	2-Nov-04	senatorial	On Election Day, a district court judge ruled Republican poll watchers in Charles Mix County had to stop following American Indian voters after they cast ballots. The GOP workers were also ordered to stop writing down those people's license plate numbers.	AP		
Challenges					State Election Director					Tennessee	5-Nov-02		A GOP memo to its poll watchers said, "There are problems" with the instructions [state election director]Thompson's office provided to local officials, and focuses on whether the would-be voters are legitimately qualified. "If the officers at the precinct are not screening voters for their qualifications to vote, including their citizenship, they should be challenged so that the election officials will carry out the law and make sure they are qualified to vote if they are first-time voters," the memo says Thompson said the U.S. Department of Justice, part of President Bush's administration, notified him of the GOP memo last week and expressed concerns about it. After conferring with the Justice Department and state Attorney General's office, Thompson sent a four-page memo to local election officials Friday that makes it clear that poll watchers are forbidden by law to question or challenge voters directly and that election officials are not to require would-be voters to provide proof of eligibility, as the GOP memo seeks.	Commercial Appeal		

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													The state Democratic Chair said the challenges targeted African American voters.			

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State Suppression	Yes								Yes	Texas	6-Oct-04		Students at historically black college Prairie View A & M filed several lawsuits against a Texas district attorney for making comments that he would prosecute students that falsely declared the school as their place of residency. In 1979, the US Supreme Court ruled in favor of Prairie View A & M, upholding a student's right to vote.	Los Angeles Sentinel		
Challenges	Yes									Utah	18-Jun-04	congressional primary	An immigration-issues group is mounting a last-minute bid to challenge hundreds of foreign-born voters in Utah's Republican primary Tuesday. The effort is the work of ProjectUSA, based in Washington, D.C. The Utah voter challenge would require those singled out in the state's 3rd Congressional District by ProjectUSA to confirm at the polls that they are U.S. citizens and registered voters. State elections director Amy Naccarato is concerned ProjectUSA might scare off some legitimate voters.	Deseret Morning News	The Washington-based immigration issues group ProjectUSA has backed down on its plan to challenge blocs of Utah voters in areas with high immigrant populations. Craig Nelsen, president of ProjectUSA, had said he intended to challenge the voters in Utah's 3rd Congressional District based on concerns that illegal immigrants would vote for Congressman Chris Cannon in Tuesday's primary. Nelsen said Friday that after analyzing voter registration rolls and U.S. Census Bureau data for Utah's 3rd Congressional District, his group "didn't find any (patterns) that would warrant a challenge." Election officials in Salt Lake and Utah counties echoed Naccarato's relief Friday afternoon that no challenge had been filed. Attorneys in both counties had been scrambling to review the legality of any such challenges. "Our biggest concern was the message it was sending to voters," said Utah County Clerk Jim Jackson. "It almost smacked of discrimination against a group. That's just not right."	Deseret Morning News, June 19, 2004
Challenges					County Clerk					Utah	6-Nov-04	congressional	The Republican candidate challenged the legal registration of 1,495 residents of the Holladay-area neighborhoods in the days before the election. 1,494 were Democrats, and one was from the American Party. The County Clerk determined the claims were groundless and said he could be subject to a charge of voter intimidation.	Salt Lake Tribune		

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State Suppression		Yes			Court					Washington	20-Dec-04	gubernatorial	Procedures for validating ballot signatures vary widely from county to county in Washington state, a fact that has become significant given the razor-thin margin of the governor's race. A survey by The Seattle Times showed that counties use different procedures for evaluating signatures, the newspaper reported Sunday. More than 3,400 absentee and provisional ballots in Washington were rejected in the November election because the signatures didn't match those on file with elections officials. The state Supreme Court last week rejected an argument by the Democratic Party that counties have disenfranchised voters by handling mismatched signatures so differently.	AP		
State Suppression										Washington	20-Dec-04	gubernatorial	King County election workers were told as early as May that if an absentee ballot came in without a matching signature on file they were required to make a concerted effort to verify that the vote was valid. Before a special election in May, King County election workers routinely violated state law by counting such ballots without making any attempt to verify the signatures. In this November's general election, the county's absentee-ballot staff still didn't make the effort to find matching signatures. But instead of counting the ballots automatically, they rejected them.	Seattle Times		
Challenges	Yes			Press						Washington	31-Mar-05		A Soap Lake man is challenging the voting credentials of hundreds of Washington voters, saying he thinks they're illegal immigrants who registered and cast ballots illegally. But Martin Ringhofer may have a hard time proving the challenges he has filed in Spokane and 10 other Washington counties. For one thing, there's the methodology of his research. Ringhofer said he obtained a list of people who registered to vote when they obtained or renewed a driver's license, then culled the list for names "that appear to be from outside the United States," particularly those that appeared to be Hispanic or Asian. For another, there's the fact that many of the people on his list are citizens. In fact, The Spokesman-Review contacted a dozen of the 161 people on Ringhofer's Spokane County list, and all of them are citizens.	Spokesman Review		

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Challenges			Voters		BOE				Yes	Washington	5-Nov-05	county	Elections officials said hundreds of angry voters called to complain about a Republican backed effort challenging their right to vote. Several voters said the GOP County Vice-Chair was wrong that their registrations did not have their legitimate address. Those voters challenged will have to either re-submit registration forms or when challenged, vote by provisional ballot. Democrats called it a voter intimidation and suppression effort.	Seattle Post-Intelligencer	The GOP withdrew 140 of 1500 claims, admitting they were faulty. Democrats charged that Republicans' real aim was to discourage voters from voting. Voters whose registrations were challenged will have to vote by paper and the Canvassing Board will conduct hearings on whether the votes should count. Challenged voters may make their case at the hearings, at which the burden of proof is on the Republican challengers.	Seattle Post-Intelligencer, November 8, 2005
Challenges		Yes		County					Yes	Washington	10-Nov-05	presidential	A county councilman asks the county prosecutor to investigate whether a Republican challenger committed perjury in filing some of the challenges without justification. The challenger was the head of the county GOP's Voter Registration Integrity Project" which challenged the registrations of 1,944 voters saying they were registered at private mailbox businesses and storage complexes. Many of the challenges turned out to be baseless. Others did not know it was illegal. Those voters had to file a challenge ballot. The validity of those ballots will be determined at a canvassing board hearing. County Democrats claim the challenges were an attempt to intimidate and disenfranchise voters.	Seattle Times		
Federal Agents			Defendants in case							West Virginia	31-May-05	primary	Defendants in a vote buying case allege that federal agents intimidated voters by videotaping and photographing voters as they visited the polls	AP		
State Suppression		Yes								Wisconsin	13-Oct-04	presidential	Milwaukee County Executive Scott Walker, citing vote-fraud concerns, is publicly balking at a City of Milwaukee request for almost 260,000 additional ballots in anticipation of high turnout for the Nov. 2 presidential election. Mayor Tom Barrett blasted Walker's stance, and Common Council President Willie Hines Jr. immediately joined in, saying it was an attempt to suppress the central-city vote.	Milwaukee Journal Sentinel		
Third Party Suppression	Yes			State						Wisconsin	27-Oct-04	presidential	Federation for American Immigration Reform sent Michigan residents to Wisconsin voter registration stations set up by an immigrant rights group to see whether an illegal immigrant was registering illegal voters. The group said it refused to register the Michigan voters and if they insisted they discarded their forms. Prosecutors will check to ensure the registrations were not mailed in.	AP		

Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (individuals)	Acquittal/Dismissal(s)	Convicted/guilty pleas (individuals)	Follow-up recommended	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution
Challenges					City Attorney/D A	BOE - dismissed				Wisconsin	29-Oct-04	presidential	Although the Board of Elections refused a request by the state Republican Party to have 5,619 names and addresses removed from Milwaukee voting lists, the party plans to challenge anyone who tries to vote from those addresses at the polls. A Journal Sentinel review shows many of the names and addresses confirmed some of the problems cited by the GOP, as well as uncovered additional missing addresses. Some cited by the GOP may be explained by clerical errors, however.	Milwaukee Journal Sentinel	Amid a renewed push Friday by Republicans to get some 6,600 names removed from Milwaukee voting lists, prosecutors began examining 500 new registrants that a city review indicated are from non-existent addresses. The same review by the city attorney's office, however, raised doubts about the quality of the GOP's original list, finding that hundreds of the addresses that the Republicans claim are invalid and want removed do, in fact, exist. Some others, according to City Attorney Grant Langley, can be explained by data entry errors, not attempted fraud. Late Friday, Langley outlined the review situation in a letter to Lisa Artison, head of the city Election Commission.  The letter said the review by his staff and the district attorney's office found cases where the database used by the GOP was corrupted, dropping digits on some homes so otherwise valid addresses showed up as non-existent. In other cases, a check of the original handwritten registration cards showed digits had been transposed by clerks, something that can be corrected at the polls.  Langley's letter says the review casts "doubt on the overall accuracy" of the GOP list and the way it was compiled. At least some of the addresses will be investigated for possible fraud, however. Republican and City of Milwaukee leaders reached an agreement Sunday ending a faceoff over thousands of registered voters with questionable addresses.  2) Under an agreement reached, a list of 5,512 prospective city voters whose addresses are questionable will be distributed to polling places. Those on the list who show up to vote will be asked to fill out a change of address card or registration form, and to show proof of residency -- a driver's license, utility bill or some other document showing an address -- before casting their ballot. Anyone without proof of residency at an address on the list will have to take an oath, and that person's ballot will be marked as being challenged by the poll worker.	Milwaukee Journal Sentinel, October 30, 2004

Intimidation and Suppression

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other: Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individual)	Acquittal/Dismissal	Convicted/guilty pleas (Individual)	Follow-up recommended?	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution
Challenges		Yes								Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration -- at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel		
Suppression								Yes		Wisconsin	2-Nov-04	presidential	The tires of 30 vans Republicans had rented to help get out the vote were slashed.	AP		

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Source of Resolution 2



Source of Resolution 2:

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Source of  
Resolution 2:

Milwaukee  
Journal  
Sentinel,  
November 1,  
2004

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Source of Resolution 2

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EAC Voting Fraud-Voter Intimidation Preliminary Research

Nexis Articles - Noncitizen Voting

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Maricopa County	Arizona	5-Nov-05		159 noncitizens were found on the voting rolls. The county recorder said all of the cases involved people who misunderstood voting requirements. The county attorney nonetheless has charged ten of the immigrants with felonies.	LA Times						
Compton	California	12-Feb-02	mayor and city council	After an election legal challenge, two incumbents who originally lost were reinstated. In her ruling, the judge said numerous noncitizens voted illegally.	Los Angeles Times						
Pontiac	Michigan	11-Dec-01	mayor	Losing candidate claims there was "suspect" noncitizen voting	Detroit Free Press						
	Minnesota	23-Feb-05	presidential	Secretary of State Kiffmeyer said that she has asked several county attorneys across Minnesota to investigate evidence her staff uncovered that suggests some noncitizens illegally registered to vote in the November election. "So far, at least, we have 32 people who have registered to vote and seem to be -- allegedly -- not U.S. citizens," Kiffmeyer said. Some of the 32 also voted in the election. Both registering and voting are illegal for noncitizens. Kiffmeyer said her staff discovered the possible criminal offenses by comparing voter registration cards to driver's license records, which now identify noncitizens visiting the United States on visas.	Saint Paul Pioneer Press						
	North Carolina	24-Oct-04		A Washington-based advocacy group for tougher immigration laws recently said that it believes illegal immigrants may be registered to vote in North Carolina because they were able to sign up when obtaining driver's licenses without Social Security numbers. State elections and Division of Motor Vehicles officials say they've run two checks - one in 2002 and again this year - of people who received driver's licenses without proof of citizenship and found only a handful who had registered to vote. Those cases are being investigated, they said.	AP						
Houston	Texas	28-Jan-05	state house	Republican representative ousted narrowly by Democratic opponent alleges there was noncitizen voting in the election	Dallas Morning News						
	Utah	30-Aug-05		The Attorney General will investigate allegations in a legislative audit that found evidence of fourteen people believed to be noncitizens who have voted in a past election. The auditors office has said that a follow up investigation found that 6 of the 14 were actually citizens, two were confirmed by immigration authorities as having prior deportation orders and the other 6 are still under review. Of the six that were citizens, three had their Social Security numbers mistyped in the database and three were naturalized citizens.	Desert Morning News						

**EAC Voting Fraud-Voter Intimidation Preliminary Research**  
**Nexis Articles - Intentional Felon Voting**

City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Phillips County	Arkansas	2-Nov-02		The state Republican Party alleges five convicted felons voted, four of them in early voting	Arkansas Democrat-Gazette						
Sacramento	California	12-Sep-04	gubernatorial	For the first time since 1994, a man was charged with three counts of registering to vote while on parole and a fourth count of voting in the recall election.	Sacramento Bee						
	Colorado	25-Mar-05		In a survey of counties, 13 counties had referred 69 cases of possible felon voting to county attorneys. Denver County referred 52 cases of felon voting.	Denver Post						
	Florida	29-Oct-04	presidential	Florida's Republican Party says it has a list of 925 felons who have voted illegally or are planning to. The information could be used to challenge voters. The GOP found the allegedly illegal voters by starting with the same flawed set of names the state compiled in order to purge the rolls -- that list was scrapped when its inaccuracies were exposed. Democrats and civil rights groups suggested that Republicans wanted to use the list to intimidate black Democrats from going to the polls. The party took the initial state list of voters and compared it to the Florida Parole Commission names of felons rights who had been restored	Miami Herald						
Okaloosa	Florida	19-Oct-05		Man is accused of registering to vote in Okaloosa County in 1999 and casting a ballot in November 2002, even though he had been convicted of a felony offense of selling illegal drugs in Colorado in 1980, said Michele Nicholson, spokeswoman for the Okaloosa County sheriff's department. It is illegal for felons to vote in Florida unless their rights have been restored	Miami Herald						
Port Deposit	Maryland	8-Jun-03	mayor	Losing candidate alleges people convicted of crimes were allowed to vote. The chief election official of the town dismissed the allegations.	Baltimore Sun						

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Intentional Felon Voting

	Oklahoma	22-May-05	presidential	<p>A death row inmate and a child pornographer are among about 2,500 felons who remained on Oklahoma voting rolls after their convictions, The Oklahoman re-ported on Sunday.</p> <p>Records show some felons have voted, even though it's illegal while they're serving their sentences.</p> <p>"It's a huge problem," said state Rep. Mike Reynolds, who estimates as many as 16,000 felons are on voting rolls.</p> <p>About 1,100 may have voted in last year's general election. An exact count is difficult - in part because voters sometimes sign the wrong lines in poll books. Most significantly, the Oklahoma State Election Board has ignored the notices from U.S. prosecutors in Oklahoma and other states.</p> <p>Thousands are filed away in a back room. The law is unclear whether voting rights can be stripped after a guilty plea or only after sentencing. Some convicts are unsure about their voting status, and judges rarely explain it to them at sentencing.</p>	AP						
Davidson	Tennessee	12-Jan-05	presidential	<p>31 provisional voters were found to be felons whose voting rights had not been restored. The county election commission is debating action.</p>	Nashville City Paper						
Falfurrias	Texas	11-Sep-04	city	<p>Three indicted on illegal voting charges were ineligible to vote because they were convicted felons who lost voting privileges. One said she has been on probation for two years, and said she did not know that she was ineligible to vote because officials in the local voter registration office approved a replacement voter registration card before the city election.</p>	Corpus Christi Caller Times						
Norfolk	Virginia	14-Jan-04	unclear	<p>Man convicted in 1986 for larceny by check votes after being notified he had been taken off the voter rules. He entered a plea of illegal voting; State Attorney General says he has never prosecuted or seen such a case during his five years on the election board</p>	Hampton Roads News						
King	Washington	29-Apr-05	gubernatorial	<p>In its case to overturn the election, Republicans allege 736 King County felons illegally cast ballots, and another 220 illegal felon votes were cast elsewhere. Knowingly casting an illegal vote is a crime, but several felon votes said they were unaware they could not vote.</p>	Seattle Post-Intelligencer					See summary of Washington	



EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Wrongful Removal from Registration Lists

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Pulaski	Arkansas	16-Apr-04		The US Department of Justice says county officials have violated election law and proposed a consent decree with the county regarding ballot gathering and counting. The Department investigated registration practices that may have disenfranchised numerous voters, including sending voters to multiple poll sites and voters wrongly missing from the registration list. Under the agreement, the county will fix the problems in the database and DOJ lawyers will monitor polling places and the clerk's office	AP						
	Colorado	31-Oct-04	presidential	Democrats are complaining about an attempt to remove up to 6,000 convicted felons from the electoral roll, at the behest of the state's Republican secretary of state, Donetta Davidson, despite a US federal law that prohibits eliminating a voter's rights within 90 days of an election to give time for the voter to protest.	The Observer						
	Florida	29-Sep-04	presidential	Secretary of State Hood tried to revive the discredited 2000 statewide purge list of suspected felons and ex-felons for 2004. That list disproportionately removed black voters from the rolls. The state tried to keep the list secret until forced to release it by court order. When it was released, it was found to contain a disproportionate number of black voters, including 2,000 who had had their rights restored and included several people who could show they had not criminal record at all. In addition, the list of 48,000 contained only 61 Hispanic names, way out of line with the strength of both the general Hispanic population and prison population. Hood was forced to drop the list	The Independent (UK)						
Newark	New Jersey	2-Nov-04	presidential	More than 200 voters sought court orders because they were turned away from a polling place, mostly because their names were not on voter lists. In 95% of the cases the judges ruled they could cast ballots.	AP						
Albany	New York	2-Nov-04	presidential	Students at SUNY Albany found their names no longer on the voter registration rolls, even though they had voted at the same location in the past	AP						

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Deceptive Practices

City/County	State	Date	Type of Election	Alleged Instance of Fraud	Original Source	Source 1	Source 2	Source 3	Resolution of Incident / Allegation	Source of Resolution 1	Source of Resolution 2
Phoenix	Arizona	11-Dec-04	presidential	A Phoenix resident, a registered Democrat, says he received a call three days before the election that he was supposed to cast a ballot across town, 30 miles away, which was wrong. Legal experts believe thousands of other Arizonans received similar calls and are investigating whether the state Republican Party was the source. The Republican Party denies it.	Arizona Republic						
Tucson	Arizona	11-Dec-04	presidential	A voter found a message on her voting machine telling him to go to the wrong polling place. Using the "last number" dial back feature she got the local Republican headquarters.	Arizona Republic						
Jefferson	Colorado	24-Oct-04	presidential	Voters in Jefferson County have received calls from someone posing as an election official and instructing them to throw away their absentee ballots.	Denver Post						
	Florida	19-Jul-04		Election administrators post signs saying "Photo and Signature Identification Required" when those without such ID may vote by affidavit ballot	St Petersburg Times						
	Florida	31-Oct-04	presidential	Rumors have been circulated that people can't vote if they have outstanding child-support statements	New York Post						
Volusia	Florida	2-Nov-04	presidential	The Chair of the Election Assistance Commission was given a flyer distributed in a black neighborhood directing voters to the wrong address for polling stations, giving the contact information for the local NAACP	The New York Sun						
	Florida	3-Nov-04	presidential	From throughout the state, election officials said there were reports of voters receiving phone calls incorrectly telling them their polling places had been moved, or that they weren't allowed to vote. In Osceola County, voting-rights attorney Fatimah Gilliam said some voters received automated phone calls saying that their polling place was closed. The precinct, at the Robert Guevara Community Center in Buenaventura Lakes, is located in a predominantly Hispanic and highly Democratic neighborhood. In rural Lafayette County, Election Supervisor Lana B. Morgan said some voters reported people going door-to-door to tell them they needed to go to another county to vote - information that Morgan said was both wrong and dangerous.	Orlando Sentinel						
	Florida	17-Nov-04	presidential	DNC Chair says phone calls were received by Democratic Party-aligned voters in Florida telling them to send their absentee ballots in only after Election Day was over.	Ethnic Newswatch						
	Florida	11-Dec-04	presidential	Some voters reported they were told they could vote by phone	Arizona Republic						
New Orleans	Louisiana	12-Dec-02	US Senate	The Landrieu campaign said a pamphlet was circulated in New Orleans public housing complexes just before the runoff. The document said: "Vote!!! Bad Weather? No problem!!! If the weather is uncomfortable on election day (Saturday December 7th) Remember you can wait and cast your ballot on Tuesday December 10th." Anyone who waited past Saturday, however, missed the chance to vote.	Times-Picayune						

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Deceptive Practices

Baltimore	Maryland	4-Nov-02	gubernatorial	Democrats produced fliers they said was circulating in some neighborhoods that reminded people to vote on Wednesday -- the day after election day -- and advised them to pay any parking tickets and overdue rent before they could vote	Washington Post							
Ann Arbor	Michigan	2-Nov-04	presidential	The Secretary of State had to put out a statement about where to send absentee ballots after voters in Ann Arbor received calls telling them to mail the ballots to the wrong address	AP							
Clark	Nevada	2-Nov-04	presidential	15-20 Democrats received calls claiming to be from the Board of Elections in which voters were told their poll site had moved. One woman contacted the party Monday and said a group of people visited her home over the weekend and told her that if she filled out her sample ballot, they would deliver it to the election division and save her a trip to the polls today. Hispanic residents have complained of phone calls from Republican representatives who said they can register their vote over the phone, Nevada Democratic Party spokesman Jon Summers said.	Las Vegas Review Journal							
Passaic	New Jersey	4-Dec-01	sheriff	Federal monitor reports that voters in Passaic City and Patterson received phone calls reminding them, falsely, that they would need identification such as a drivers license to vote. He said it seemed aimed at minority voters.	The Record							
	New Mexico	25-Oct-04	presidential	In a mass mailing, the Republican National Committee is citing Hispanic voter registration campaigns in New Mexico as proof that "Democrats...will cheat in order to win."	Washington Post							
	Ohio	26-Oct-04	presidential	In Ohio, within little more than a week, the Board of Elections in Cuyahoga County received complaints of voters being contacted by people they said claimed to be from the election board: One Cleveland woman said her mother got a call from such a man telling her, falsely, that the location of her polling station had changed. Another woman said two men posing as election officials knocked on her door and said they had come to pick up her absentee ballot. An elderly woman in a suburban senior center complained about a call telling her the Nov. 2 election had been postponed until Nov. 3. The deputy director of the Board of Elections in Franklin County, which includes the capital Columbus, said his office was getting similar calls. At first they were "sporadic," he said, but now there are "a lot of them."	Los Angeles Times							
	Ohio	28-Oct-04	presidential	State officials say people have been impersonating party and elections officials on the phone directing people to go to the wrong polling place or to vote November 3. Tricks appeared targeted at African Americans, senior citizens and new voters. Democrats say Republican plans to engage in mass challenges is an effort to deny minorities access to the polls.	UPI							

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Deceptive Practices

Lake County	Ohio	29-Oct-04	presidential	A memo with a Lake County Board of Elections letterhead tells residents not to vote if registered by certain Democratic or progressive groups. Many voters received an "urgent advisory" claiming voters registered by the NAACP, the Democratic presidential campaign, their local congressional campaign, or America Coming Together are not eligible to vote	Cleveland Plain Dealer						
	Ohio	31-Oct-04	presidential	In Franklin, both Democrats and Republicans have been receiving phone calls from phony Board of Elections workers telling them that their polling places have been changed. A Republican spokesman say that Ohio Republicans have received calls telling them their absentee ballots will be picked up by election workers, which is illegal. In West Dayton, Democrats received calls reminding them to vote on November 5, three days after the election.	New York Post						
Cleveland	Ohio	3-Nov-04	presidential	In a suburb of Cleveland, some voters reported being told that "if they went in to vote and had any traffic violations, they would be arrested or fined," said Chellie Pingree, president of Common Cause.	Chicago Tribune						
	Oregon	10-Nov-04	presidential	There are more than a dozen allegations of that would-be voters's registration cards were destroyed, altered or thrown away by canvassers. The cases are under investigation by the AG.	AP						
Philadelphia	Pennsylvania	25-Oct-04	presidential	An official said at a meeting of the city election board that he had received calls from about 30 longtime voters who said that they had received calls from someone telling them not to bother going to the polls because their registrations had expired. They had not.	Philadelphia Inquirer						
Allegheny	Pennsylvania	28-Oct-04	presidential	At the Ross Park Mall people are distributing leaflets printed on bogus, but official-looking, county stationery telling Republicans to vote Tuesday, Nov. 2, and Democrats to wait a day. The election will be over on Nov. 3. The fliers have succeeded in spreading confusion, and county officials spent parts of Wednesday fielding phone calls from residents. Officials say the fliers also turned up in mailboxes of homes in the North Hills. The letter reads in part: "Due to the immense voter turnout that is expected on Tuesday November 2 the state of Pennsylvania has requested and extended the voting period ... Voters will be able to vote on both November 2 and November 3." The letter is signed by "Anne Ryan," and a phone number on the flier rings in Tampa, Fla. Workers there reached by telephone denied any knowledge of the flier. Police are investigating.	Pittsburgh Tribune Review						
Westmoreland	Pennsylvania	3-Nov-04	presidential	Lawyers working for the Election Protection program got a call that in Westmoreland a radio station told listeners that people who had outstanding warrants against them would not be allowed to vote.	The New York Times						

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Deceptive Practices

	Pennsylvania	3-Nov-04	presidential	Dorm residents at Temple University and the University of Pennsylvania reported that a doctored version of an Associated Press news article left the impression that out-of-state students voting in Pennsylvania could be forced to repay state grants because of a residency controversy. It was unclear which group was orchestrating the false information, but both of the targeted universities are in heavily Democratic areas.	Knight-Ridder							
Columbia	South Carolina	1-Nov-04	presidential	Election Protection reports on a faked letter using NAACP letterhead that claims that those with an outstanding parking ticket or unpaid child support will be arrested if they vote.	Cox News Service							
	South Carolina	2-Nov-04	presidential	AP reported on a letter that falsely purported to be from the South Carolina NAACP to black voters, saying they couldn't vote if they owed more than \$50 in parking tickets	The New York Sun							
	South Carolina	3-Nov-04	presidential	A leaflet claiming to be issued by the NAACP warned residents that if they had outstanding traffic violations or had not submitted credit reports one week prior to the election, they would be barred from voting and could be arrested.	The New York Times							
	Virginia	31-Oct-04	presidential	Rumors have been circulated that police are setting up sting operations at polls to find any voters who are also on the outstanding warrants list.	New York Post							
Fredericksburg	Virginia	9-Nov-05	gubernatorial	Elections registrars receive many complaints of voters getting phone calls telling them falsely that their polling precinct had changed.	Free Lance Star							
Richmond	Virginia	9-Nov-05	gubernatorial	Residents report door-hangers with false precinct information on them	Free Lance Star							
Milwaukee	Wisconsin	31-Oct-04	presidential	In Wisconsin, a flier is circulating in Milwaukee's black neighborhoods that purports to be from the "Milwaukee Black Voters League." "If you've already voted in any election this year, you can't vote in the presidential election," the flier reads. "If you violate any of these laws, you can get ten years in prison and your children will get taken away from you."	Washington Post							
Madison	Wisconsin	27-Oct-05	presidential	Republicans ask the US attorney to investigate a letter a voter received claiming to be from the Republican National Committee and urging a vote for John Kerry	AP							

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**EAC Voting Fraud-Voter Intimidation Preliminary Research**  
**Nexis Articles - Vote Buying**

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Phenix City	Alabama	31-Aug	municipal	The Attorney General and DA are investigating allegations of buying of absentee ballot votes	Columbus Ledger-Enquirer						
Pulaski	Arkansas	29-Aug-02	US House	Candidate says opposing campaign's consultant was paying residents of black nursing homes to cast absentee ballots and trying to skew the vote of black voting precincts in some cases.	Arkansas Democrat-Gazette						
Washington Park	Illinois	17-May-01	village	Candidate alleges that one voter was paid not to vote after being paid to vote absentee and two other people, possibly noncitizens, were paid for absentee ballots.	Belleville News-Democrat						
East St. Louis	Illinois	30-Jun-05	county	5 convicted of conspiring to buy votes with cash, cigarettes and liquor	Chicago Sun Times						
Berrien County	Indiana	16-Apr-05	city commission	A Berrien County judge Friday overturned the recall of Glenn Yarbrough in a civil trial against the city of Benton Harbor and Clerk Jean Nesbitt. In his ruling, Judge Paul Maloney said the true will of the people was violated by gross voter fraud in February's recall election. He cited bought votes, forged ballots, and jobs promised in return for "yes" votes, crimes allegedly committed by someone other than Yarbrough.	South Bend Tribune						
Clay	Kentucky	24-Oct-02	county	federal prosecutors are investigating absentee vote buying	Courier Journal						
	Kentucky	6-Nov-02	primary	In Knott County, there were nearly a dozen complaints in the primary alleging vote-selling for drugs, said assistant commonwealth's attorney Lori Daniel, but no one has admitted it. She said the attorney general's office has a pending investigation in Knott County. Reports of vote-buying also were reported in Magoffin, Pike and Floyd counties during the primary.	Courier Journal				1. August 2003 two acquitted of vote buying in the primary. In June 2003 another man in Lackey was found innocent of vote buying. Two indicted in Knott County pled guilty earlier in August 2003. 15 still under indictment 2. February 3, 2004: Knott County man sentenced to 20 months in prison for vote buying in the 1998 primary. The Knott County Judge-Executive and another man were convicted October 1 of vote buying	August 16, 2003, Courier Journal	AP February 3, 2004
London	Kentucky	16-Sep-04	2002 judicial	Man found guilty of paying \$10 each to a group in a church parking lot after voting	AP						
Winnfield	Louisiana	12-Apr-02	police chief and mayor	Losing candidate accuses opponent of paying ten people to vote	Daily Town Talk						
Marksville	Louisiana	15-May-02	mayoral	Two men accused of buying votes for small amounts of money	AP				1. Both were convicted. 2. One of the accused had his conviction overturned by the 3rd circuit	1. Daily Town Talk, September 21, 2002 2. Daily Town Talk, April 3, 2003	
Iberville	Louisiana	13-Dec-02	primary	Iberville Parish Councilman Howard Oubre Jr. and three other Plaquemine residents were arrested Thursday for allegedly paying people to vote absentee in a recent election. Oubre went into the community and solicited people to vote absentee in the Oct. 5 primary election. Oubre allegedly paid these people between \$3 and \$10	The Advocate	1					

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Vote Buying

River Rouge	Michigan	4-Apr-04	mayoral	State police are looking into allegations that the mayor's supporters offered payments o up to \$25 for absentee votes	Yahoo News					
Ingham	Michigan	6-Oct-04	presidential	The Michigan Republican Party accused Michael Moore of bribing students to vote in the presidential election. The party sent letter to prosecutors in four counties. As part of his tour, Moore tossed out packets of low-priced instant noodles and 12-packs of Hanes briefs to students who promised they would vote.	Lansing State Journal					
Detroit	Michigan	15-Dec-05	mayoral	Detroit's top elections official said Wednesday she is concerned that people may have sold votes on the eve of the city's Nov. 8 election, and said she may ask the Wayne County prosecutor to investigate. Gloria Williams, director of elections for City Clerk Jackie Currie, cited a Nov. 7 incident in which a Detroit man told police he thought he witnessed a scheme to pay people for votes as he stood in line to cast an absentee ballot. Detroit police took a report from the man but closed the case without further contact with the suspects or witnesses. A woman cited in the police report said nothing improper happened - political activists were coordinating with poll workers. Williams said the question is whether the people were required to vote a cer-tain way in exchange for jobs handing out literature and promoting candidates at voting places the next day.	Detroit Free Press					
Tippah	Mississippi	27-Mar-04	sheriff	Seven people have been charged for buying people's votes on absentee ballots	AP					
East St. Louis	Missouri	2-Jun-05	mayoral	A precinct committeeman and four others are on trial, accused of using money from the County Democrats to buy votes	St. Louis Post-Dispatch			5 Democratic operatives were convicted, four pled guilty	Belleville News Democrat (July 3, 2005)	
Lenoir	North Carolina	9-Mar-03	sheriff	For \$ 10, \$ 20 or \$ 25, dozens of people -- perhaps more than 300 -- sold their votes in a race that saw a veteran Democratic sheriff turned out of office. The State Bureau of Investigation has been on the case for months, assigning as many as 10 agents to it. The U.S. Attorney's Office in Charlotte is also involved. So far, there have been no indictments.	News and Observer					

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Vote Buying

Rosebud Indian Reservation	South Dakota	23-Dec-02	US Senate	<p>Republicans investigating Election Day irregularities in South Dakota based allegations of vote buying on rumors discussed on the Rosebud Indian Reservation, says David Norcross, a New Jersey lawyer who presided over the search for fraud.</p> <p>Republicans collected statements on a wide range of events, including accusations of people offering multiple names to vote and improper use of polling places by Democratic workers. The most serious claims, however, were three affidavits signed by Native Americans from the Mission area who said they were offered \$10 to vote by the driver of a van with a Tim Johnson for Senate sign in the window.</p> <p>Attorney General Mark Barnett has said that two of those statements were false and the third was suspect, but not before the allegations became the basis of reports in several national media outlets.</p>	Argus Leader				<p>Republican attorneys fanned out across the state on Election Day to gather affidavits to show vote buying. The State Attorney General (a Republican) says that of the 50 affidavits only three alleged criminal activity, and two of those proved to be false. One person is being investigated. Two of the affidavits were found to have been forged or perjurious. Each affidavit states that the person allegedly signing it claimed to have been picked up by a van driver, offered 10 to vote, taken to the polling place and home again and again offered the 10. Most of the allegations focused on the Rosebud Reservation</p>	1/1/2003, Indian Country Today (Lakota Times)
Pine Ridge Reservation	South Dakota	2-Nov-04	presidential	<p>On the Pine Ridge Indian Reservation, investigators are looking into Republican allegations of vote-buying.</p>	AP					
Gregg	Texas	9-Sep-03	constitutional amendments	<p>DA is investigating an employer for allegedly giving concert tickets to workers who cast early ballots</p>	Tyler Morning Telegraph					
McAllen	Texas	20-Aug-05	mayoral	<p>Grand jury is investigating whether "politiqueras" tried to buy absentee ballots</p>	The Monitor					
Hidalgo	Texas	22-Dec-05	mayoral	<p>Ten people were indicted on allegations of telling people who to vote for and unlawful solicitation of ballots for money.</p>	AP					
Falfurrias	Texas	11-Sep-04	city	<p>Candidate alleges the opposing campaign bribed some voters with money, beer and cigarettes in exchange for their votes, according to his lawsuit contesting the election</p>	Corpus Christie Caller Times					
Appalachia	Virginia	11-May-05	council	<p>State police are looking at claims that supporters of a candidate offered food, cigarettes and liquor to residents in a public housing complex for letting the supporter fill out absentee ballots for them</p>	The Post			<p>A special prosecutor was named to oversee an investigation into alleged vote buying and ballot theft in Appalachia</p>	Roanoke Times, September 24, 2004	
Logan	West Virginia	19-Jul-04	federal primaries	<p>County sheriff pleads guilty to conspiring to buy votes in elections he was running in</p>	AP					
Lincoln	West Virginia	31-May-05	primary	<p>12 people are indicted for selling their votes for \$20 or \$40.</p>	AP					
Logan	West Virginia	29-Nov-05	various	<p>Logan County Clerk plans to plead guilty to conspiring to bribe voters between 1992 and 2002. Prosecutors already have guilty pleas from the county sheriff and the police chief.</p>	AP					
Logan	West Virginia	2-Dec-05	House primary	<p>FBI operates a sting operation by putting up a phony candidate to catch a man engaging in buying votes. Man is being tried for conspiracy to buy votes</p>	Washington Post					



Voter Registration Fraud

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Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (individuals)	Acquitted/Dismissal	Convicted/guilty (individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
			Federal					Yes		Arkansas	23-Oct-02		At least six dead people tried to register to vote, including one helped by a person also listed on campaign-spending reports as having received \$100 from the state Democratic party, said Marty Ryall, Republican Party chairman. Michael Cook, executive director of the Arkansas Democratic Party, said a former staffer had hired two teenagers to register voters and that they took names directly from the phone book. He said the incident happened seven months ago and that party officials are cooperating with the U.S. Attorney's Office.	Washington Times				
				1				Yes		California	16-May-02		A Lafayette man has been charged with voter fraud after registering his toy poodle, Barnabas, to vote, a move he says was meant to show lax registration oversight. Donald Miller, 78, has been charged with misdemeanor voter fraud. The Contra Costa County district attorney's office found out about the stunt after reports about Barnabas being called for jury duty in March.	AP				
									18th CD	California	3-Jun-02	congressional	Several voters have said they were tricked into registering to vote as Republicans when they were told they were signing a petition to lower taxes or applying for a rebate from the power company or some other falsehood.	Roll Call				
						1			Stockton	California	13-Jul-02	congressional	A Stockton man hired to register Republican voters pleaded guilty to forging someone's name on a voter registration card. The conviction is the first arising from a Republican funded voter registration drive that Democrats allege involved fraud.	Modesto Bee				
				8				Yes	Lynwood	California	16-Oct-03	city council	Eight family members of a councilman are charged with registering at nonexistent addresses	Los Angeles Times				
						1			Stockton	California	24-Mar-	unclear	paid worker pleads guilty to a misdemeanor charge of forging six registration cards in 2001	Recordnet				
			State							California	20-Oct-04	presidential	Solano County elections officers, suspecting fraud, have sent about 150 voter registration forms to the California Secretary of State's Office for examination. Officials say the questionable forms are the products of intense efforts by both Democrats and Republicans to register voters for the upcoming presidential election. That zeal, further fueled by cash given to so-called "bounty hunters" who sign up voters, may lead to intentional errors on voter forms, officials said - a misspelled name, a fabricated street address, a rearranged Social Security number.	Tri-Valley Herald (Pleasanton, CA)				
				1				Yes	Hayward City	California	1-Nov-05	school board	Roger Treskunoff, 51, a former school board candidate and former Hayward City Councilman was charged with creating fictitious names and registering those names as voters with the Alameda County Registrar of Voters.	Contra Costa Times				

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						1			San Joaquin	California	March 24, 2005; 6/16/2005	state senate	County says it is examining 1500 voter registration cards for fraud because of similar looking signatures.	Recordnet		June 2005: Paid worker charged with five felony counts of forging voter registration cards (none resulted in fraudulent votes) He admittedly forged 35 voter registration cards in 2004 when he was being paid \$5 for each voter he registered.	Modesto Bee	
		BOE					Yes		Denver	Colorado	16-Oct-04	presidential	A worker at the Election Commission found a registration form with her own name on it. When another form was cross-referenced with Vital Records, it was found to be from a dead person. Denver workers have forwarded 200 suspicious registrants to the DA. The voter outreach coordinator says the computer immediately flags names of voters who have registered more than once. Several other counties have found suspect voter registration forms.	Rocky Mountain News				
Yes										Colorado	17-Oct-04	presidential	The Secretary of State accused the Attorney General of not doing enough to prosecute potential ballot crimes. The Secretary confirmed that 6,000 felons are registered to vote. A Denver woman told a TV station she had registered to vote 25 times and signed up several friends up to 40 times to help her boyfriend, a paid staffer for a community group registering voters	Atlanta Journal Constitution				
		State					Yes			Colorado	18-Oct-04	presidential	With just two weeks before the Nov. 2 election, the state has been rocked by evidence that some voter-registration drives have submitted applications with forged signatures. In other cases, would-be voters have applied to vote as many as 40 times. At the same time, some registration drives have collected applications and then failed to submit them by the Oct. 4 deadline, prompting Secretary of State Donetta Davidson to announce the use of provisional ballots last week. At yesterday's meeting with county clerks and district attorneys, Mrs. Davidson announced procedures for accepting provisional ballots, which are issued to people who say they have registered but whose names fail to appear on the voter roll. Such ballots would be marked "VRD," for "Voter Registration Drive." The would-be voter would have to produce identification and tell when and where they registered. The ballot later would be checked against the state's voter data-bases. The clerks are referring cases that appear to be blatant fraud, such as forged signatures, to the county attorneys. Bill Ritter, the Denver	Washington Times				
		Local		6			Yes		Denver	Colorado	28-Oct-04	presidential	Denver prosecutors charged two people Wednesday with falsely filling out multiple voter forms to boost their pay in a paid registration drive. Criminal cases are pending against four people for questionable registrations in the metro area, and there may be more before investigations are completed.	Rocky Mountain News				
		State					Yes		Orange	Florida	31-Oct-02	state senate	The State Attorney is investigating charges of illegal changes to party affiliations on voter registration cards for a primary. The scheme seems to have been targeted at Hispanics.	Orlando Sentinel				

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								Yes	Florida	23-Oct-04	presidential	Officials say that more than 4,200 students from many colleges and universities in the state had their party affiliation switched without them knowing and tricked into registering Republican when they were asked to sign an assortment of petitions and forms. Some students attributed the work to a company working for the Republican Party	AP					
		Local						Yes	Duval	Florida	29-Oct-04	presidential	Elections officials asked prosecutors to investigate possible voter fraud involving 25 registration forms with apparently bogus addresses.	Telegraph Herald (IA)				
								Yes	Florida	31-Oct-04	presidential	Students at Florida State and Florida A&M universities, some of whom signed petitions to legalize medical marijuana or impose stiffer penalties for child molesters, unknowingly had their party registration switched to Republican and their addresses changed. Officials say students at the University of Florida in Alachua County have made similar complaints and that about 4,000 potential voters in all have been affected. Local papers have traced some of the problems to a group hired by the Florida Republican Party, which has denounced the shenanigans. Switching voters' party affiliations does not affect their ability to vote, but changing addresses does, because when voters shows up at their proper polling places, they will not be registered there.	Washington Post					
							Charges dismissed as baseless		Florida	15-Dec-05	constitutional amendment	Fourteen months after a campaign to increase Florida's minimum wage drew allegations of voter fraud, a federal judge in South Florida has ruled at least some of those accusations against grass roots political group ACORN were so baseless they amount to defamation. Stuart alleged that ACORN improperly handled registration forms when it conducted voter registration drives, including not submitting Republican registrations to election officials. The judge upheld ACORN's counterclaim that Stuart's lack of evidence made his allegations libel and slander. An investigation by the Florida Department of Law Enforcement also found no evidence of criminal activity at ACORN, department officials confirmed Wednesday.	St. Petersburg Times					
		Federal						Yes	Fulton County	Georgia	4-Nov-05	presidential	The U.S. attorney for Georgia's Northern District is investigating the circumstances surrounding more than 2,400 "entirely fraudulent" voter registration applications submitted to Fulton County prior to the November 2004 elections, county elections officials say. Most of those suspect applications were submitted to the Georgia Secretary of State in September 2004 by the Georgia Coalition for the Peoples' Agenda, according to Atlanta attorney Harry W. MacDougald, a member of the Fulton County Board of Registration and Elections. Details of the federal investigation surfaced as part of litigation that challenges as unconstitutional Georgia's new voter photo identification law. Common Cause v. Billups. No. 4:05CV201 (N.D. Ga.). MacDougald made the investigation public in an affidavit submitted on behalf of defendants in the case	Fulton County Daily Report				

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		BOE						Yes	Chicago	Illinois	12-Mar-04	primary	Chicago election officials say as many as 2,000 fraudulent voter registrations have turned up in advance of Tuesday's primary election. Two suspects are under investigation, the Chicago Tribune said, both of whom gathered registrations on behalf of the Puerto Rico Federal Affairs Administration.	UPI				
Yes							Press investigation finds fraud allegations false		East St. Louis	Illinois	30-Oct-04	supreme court	Illinois Republicans on Friday urged officials to look into "potential instances of massive voter fraud" in East St. Louis, showing pictures of an East St. Louis Democratic precinct committeemen's home that dozens of people registered to vote have listed as their address. But it turns out that that address and another called into question aren't single-family homes but are boarding houses or apartments that may house dozens of people.	St. Louis Post Dispatch				
				1				Yes	Ander son	Indiana	11-Mar-	unclear	Voter registered under the address of his rental property in another town faces perjury charges	WishTV				
				5				Yes	St. Martin ville	Louisiana	17-Jul-03	city council	5 people are arraigned on charges of including false information on their voter registration cards	Daily Advertiser				
				1				Yes	St. Martin ville	Louisiana	17-Dec-03	city council	City Councilwoman indicted for submitting false information to register to vote during her re-election campaign and persuaded three people not in the district to fill out registration forms; the voters were charged as well.	2 The Advocate				
										Maryland	17-Jun-01		An 82-year-old woman signed her dog's name on a voter registration card to test the system. No charges were filed.	Washington Post				
	Local			1				Yes	Lansing	Michigan	28-Oct-04	presidential	Ingham County sheriff's detectives have turned over to prosecutors the findings of their investigation into hundreds of phony voter registration forms from a state advocacy group. It appeared that some PIRGIM workers went through a Lansing phone book and forged people's signatures on forms	Lansing State Journal	Detroit Free Press September 23, 2004	An eight-month investigation of alleged voter registration fraud has resulted in misdemeanor charges against a Lansing man. Edward Pressley IV, who worked on a voter registration drive sponsored by the environmental group PIRGIM, is accused of submitting a phony registration form to the Ingham County clerk.	Detroit Free Press August 1, 2005	
				17	14	64		Yes	Coates	Minnesota	31-Oct-02	all	94 voter registration forms had false addresses matching a strip club	Washington Times		The strip club's owner is facing felony criminal charges alleging conspiracy to procure unlawful voting and conspiracy to commit forgery. Of the original 94 defendants who filled out registration forms, 64 people accepted offers to plead guilty to misdemeanors, instead of facing trials on felony forgery charges. Another 17 criminal cases, including the charges against Jacobson, are pending, while 14 cases were dismissed	Pioneer Press, St. Paul, Minn. June 10, 2005	

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				1				Yes	Minneapolis	Minnesota	17-Oct-04	presidential	A former ACORN official arrested for running a stop sign had 300 voter registration forms, some of them months old, in his trunk. State law requires they be submitted to the secretary of state within 10 days.	Atlanta Journal Constitution				
		Local		9				Yes	St. Louis	Missouri	7-Mar-01	city	St. Louis Prosecutor Jennifer Joyce convened a grand jury that is investigating 3,800 suspect voter registration cards, including several for dead aldermen. The cards were turned in Feb. 7, the deadline to register voters. Joyce said there have been no indictments.	St. Louis Post-Dispatch		Nine people are slated to be indicted today on charges of collecting or de-destroying 3,800 bogus voter registration cards that were submitted to the St. Louis Election Board on Feb. 7, 2001, the last day for registering to vote in the hotly contested mayoral primary in March. Nine people have been indicted for trying to register fraudulent voters and destroy the evidence. State registration forms now are numbered and a record is kept of which cards have gone to which groups for voter registration drives. The fake registrations are linked to four temporary workers who had been employed by ACORN.	11/7/2003, St. Louis Post Dispatch	11/11/2003, St. Louis Post Dispatch
		Federal		3				Yes	St. Louis	Missouri	17-Apr-01	presidential general election and mayoral primary	FBI subpoenas election board records on all people who registered to vote, cast ballots, was turned away at the polls, or whose voter registration was rejected from October 1 [2000] through March 6 [2001]; Senator Bond calls for further investigations because his office learned from state election officials that 24,000 registered voters in the city and 33,000 voters in the county were registered to vote somewhere else	St. Louis Post-Dispatch		Three workers are charged with turning in fraudulent voter registration applications a few weeks before the mayoral primary	St. Louis Post-Dispatch (March 5, 2002)	
						6			St. Louis	Missouri	17-Dec-04	mayoral	Six plead guilty to dozens of crimes involving falsifying voter registration forms ("6 plead guilty in vote fraud case")	St. Louis Post Dispatch		Prosecutor says all the cards were caught and no one voted illegally	St. Louis Post-Dispatch	
Yes		Federal						Yes		Nevada	17-Oct-04	presidential	Democrats said Voters Outreach of America, a Republican funded registration group run by Sprouls & Associates, destroyed Democratic voter registration forms. A former employee of the group told a Nevada TV station that registrations collected from Democrats had been destroyed instead of filed with the elections office. The head of the company denied the accusations	Atlanta Journal Constitution				

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								Yes	Clark County	Nevada	31-Oct-04	presidential	Voting Registrar Lomax said he found that canvassers returned stacks of 1,000 completed registration forms that often contained 30 to 50 applications filled out in the same handwriting. Lomax had no total figure for such fraudulent registrations. He also found that canvassers registered the same individuals several times over the span of a week. Some legitimately registered voters called to ask why they were getting registration forms--with their party affiliation changed, Lomax said. Apparently some canvassers went through the phone book and reregistered people without their consent, listing their parties incorrectly, Lomax said. Though registration drive organizers told Lomax's office that canvassers were paid by the hour, many canvassers told his staff and even provided pay stubs that showed they were paid \$2 for every completed registration form they collected in malls, stores and neighborhoods. Lomax said.  *They were on both sides. It wasn't just Democrats, it wasn't just Republicans,* Lomax said. *The money was clearly the root of all evil here. They were paying people to register the voters. And the people doing this were way down the economic scale, and they wanted their money and they were just filling in forms.	Chicago Tribune				
		Federal					Yes		New Mexico		10-Sep-04		US Attorney forms a task force after finding two teenagers registered to vote	Albuquerque Journal				
Yes							Yes		Bernalillo County	New Mexico	15-Sep-04	presidential	Three Republican candidates want to examine all voter registration forms sub-mitted by a woman who, while working for a group that signs up new voters, registered a 13-year-old New Mexico boy.	AP				
		BOE					BOE finding	Yes		New York	19-Sep-02	gubernatorial	Dead voters were among the thousands of flawed voter registrations submitted by campaign workers of Governor Pataki during an enrollment drive, New York City officials determined	Poughkeepsie Journal				
		Local					Yes		Bronx	New York	23-Jun-03	gubernatorial	Bronx DA and a grand jury investigate whether Rikers Island supervisors filled out registration cards in the names of inmates (such inmates are eligible to vote)	Newsday				
									Queens	New York	15-Sep-04	state assembly	About 100 people in the Flushing area gave commercial addresses on voter registration forms, raising suspicion at polling sites yesterday that may cast a shadow over the assembly race.	Newsday				
									Greensboro	North Carolina	6-Dec-01		Imtiaz Ahmed Siddiqui pleaded guilty Thursday to voter fraud in a brief federal court hearing that included no mention of the allegation that he may be acquainted with terrorists. Siddiqui, 31, answering questions in halting English, admitted he signed a voter registration form that identified him as a U.S. citizen when he got a driver's license in Durham in August. He is a citizen of Pakistan.	AP				

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		State						Yes	Charlotte	North Carolina	24-Oct-04	presidential	Officials are investigating ACORN because an ACORN organizer found that one of its workers had faked about 70 registrations. The worker was fired and the information turned over to the state board. A similar problem with a consumer interest group in Wake County has also been turned over to state officials	Charlotte Observer				
						BOE and DMV find small # of questionable registrations				North Carolina	24-Oct-04		The Charlotte Observer found more than 60,000 people who appear to be registered in both Carolinas. Alamance County Sheriff says illegal immigrants are registering to vote using false documents at drivers license offices. North Carolina is investigating two groups that may have falsely registered new voters. Some are worried that noncitizens could vote because in North Carolina you can get a drivers license without a social security number. The Elections division and the DMV ran two checks of people who received drivers licenses without proof of citizenship and found only a handful who had registered to vote.	AP				
							Yes		Mecklenburg County	North Carolina	28-Sep-05		Mecklenburg County commissioner Bill James and Libertarian Lewis Guignard formally challenged the registration of more than 400 homeless voters Tuesday, saying they had improperly registered using commercial addresses. James and Guignard said the 464 voters challenged in their complaint incorrectly used the addresses of the Urban Ministries at 945 N. College St., the Charlotte Rescue Mission at 907 W. First St. or the Salvation Army at 534 Spratt St. to register, even though those are commercial addresses where the voters could not permanently live.	Charlotte Observer				
							Yes		Cincinnati	Ohio	20-Aug-03	city council	More than 70 people have claimed a Walnut Hills tailoring shop as their home address while registering to vote, leading the Hamilton County Board of Elections to subpoena the tailor, who is a candidate for Cincinnati City Council.	Cincinnati Enquirer				
				1			Yes		Franklin	Ohio	8-Sep-04	presidential	A part-time worker for ACORN was indicted for falsely filling out and signing a voter registration card	Columbus Dispatch				
	BOE/State			1			Yes			Ohio	15-Oct-04	presidential	In Hamilton County, the Board of Elections has subpoenaed 19 registered voters who elections officials don't believe exist. The Summit County Board of Elections in Akron has asked Ohio Attorney General Jim Petro to investigate 803 allegedly fraudulent voter-registration cards, many of which appeared to be in the same handwriting. In Lake County, east of Cleveland, several voter-registration cards seem to have forged signatures, elections officials say.	Cincinnati Enquirer		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	11/8/2005	Akron Beacon Journal

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		Joint State/local/federal						Yes		Ohio	20-Oct-04	presidential	State GOP Chair says that the party tried to contact 231,834 new registrants in the five largest counties and had 5.7% returned as undeliverable.	Columbus Dispatch		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	8-Nov-05	Akron Beacon Journal
								Yes	Defiance	Ohio	31-Oct-04	presidential	The sheriff arrested a man for submitting 130 phony registration forms with such names as Mary Poppins and Dick Tracy. Authorities say he confessed to being paid in crack cocaine by an NAACP volunteer.	Dallas Morning News			11/8/2005	Akron Beacon Journal
		Unknown						Yes	Parma	Ohio	9-Jan-05	presidential	Three police officers are being investigated on accusations that they listed police headquarters as their home addresses when registering for the Nov. 2 election, officials said.	AP				
		State						Yes		Oregon	17-Oct-04	presidential	The Secretary of State announced an investigation into allegations that a paid canvasser with Sproul & Associates had been told to register only Republicans. The head of the organization denied the accusations.	Atlanta Journal Constitution				
										Oregon	30-Oct-04	presidential	In interviews, students at Mt. Hood and Chemeketa community colleges, Western Oregon University and the University of Oregon all told similar stories: They were approached on campus and asked to sign a petition, often urging lower auto-mobile insurance rates for students, and then asked to sign or initial a second document, which turned out to be a voter registration card. Many of the students were urged to mark Republican as their party affiliation; others were told to leave the party affiliation section blank but to put their initials next to Republican on that part of the form. Many of the students already were registered voters. Some students didn't realize they were registering to vote, or that their party affiliation was about to change. Nathan Sproul, whose company conducted the registration drive, did not respond to calls seeking comment. His firm has been accused of using similar tactics involving bogus petitions at colleges in Pennsylvania, according to the Pittsburgh Post-Gazette. In an earlier interview with The Oregonian, Sproul confirmed that his canvassers are paid a "bounty" of extra money for registering Republicans but said he did not think that was a problem.	Newhouse News Service				

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Yes									Pennsylvania		25-Oct-04	presidential	Republicans mailed letters to 130,000 people who had registered to vote in the last 6 months. 10,000 came back as undeliverable. The legal counsel to the state party said Republicans had looked at a sample of the letters and found 15 of 100 of the registrants were dead. The director of a nonpartisan organization says in a transient city many people may have moved over a six month period, and many letters might not have reached people living in shelters or substandard housing.	Philadelphia Inquirer				
		County					Yes		Allegheny	Pennsylvania	28-Oct-04	presidential	County investigators have launched an investigation into a scam in which University of Pittsburgh and Community College of Allegheny County students believed they were signing petitions to legalize marijuana for medical use, only to find themselves registered as Republicans.	Pittsburgh Tribune Review				
				4			Yes		East Providence	Rhode Island	20-Aug-05	town primary	Four people charged with using business addresses to register to vote	Pawtucket Times				
		Unknown		7			Yes		East Providence	Rhode Island	2-Dec-05	municipal	Nine people are accused of registering at business addresses. Charges against two are dropped because they did not sign the registration cards. Three other defendants have been invited to apply to the adult diversion program. Arraignments were postponed for four others. October 30, 2004: As many as 287 people were originally suspected.	Providence Journal				
				1			Yes		Rapid City	South Dakota	19-Oct-02	unclear	forged registration applications by a worker being paid by the application	Argus Leader		one indictment on five counts of forgery	Argus Leader	
		Unknown					Yes			South Dakota	21-Oct-02	statewide	Several counties, almost all of them adjoining an American Indian reservation, submit questionable registration forms to law enforcement	Argus Leader		Red Earth Villeda, a contractor for the Democratic Party, is investigated. SEE SOUTH DAKOTA SUMMARY	Argus Leader	
				1					Rapid City	South Dakota	12-Jul-03	unclear	Individual reaches plea agreement for falsifying registration cards	Midwest News				
				1						South Dakota	28-Jul-04		A Phoenix man accused of forging voter registration forms in Codington County has been sentenced to prison. Howard L. Brewer, 44, pleaded guilty last month to three counts of forgery. He was charged after the county auditor's office received an envelope in April that contained 20 voter registrations. Eight to 10 of the forms were suspicious.	AP				
		County					Yes		Harris	Texas	5-Feb-05	state legislature	County Tax Assessor-Collector alleges 157 registered had false addresses. County officials are investigating	Houston Chronicle				
				1					Prince William	Virginia	5-May-05	state legislature	Candidate charged with lying on a registration card and voting in a district where he did not reside.	Washington Times				

Voter Registration Fraud

5/9/2007

Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissed (Individuals)	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source 1	Resolution of incident /allegation	Source of Resolution 1	Source of Resolution 2
Yes									Milwaukee	Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration -- at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel				
		Unknown					Yes		Madison	Wisconsin	10-May-05	presidential	The vast majority of voters alleged to have been phantoms because their verification forms were returned as undeliverable really exist and their cards were returned because of innocent mistakes in filling out voter registration forms. Of 1,194 verification cards returned, 16 are still be examined	Wisconsin State Journal				
				2			Yes		Milwaukee	Wisconsin	11-May-05	presidential	Arrest warrants issued and felony charges filed against two workers for Project Vote who admitted to filling out multiple registration cards using fictitious information to earn money	Milwaukee Journal Sentinel				
				2					Milwaukee	Wisconsin	6-Dec-05	presidential	County DA charges two people affiliated with ACORN for filing false voter registrations	AP				

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**Interview with Commissioner Harry Van Sickle and Deputy Chief Counsel to the Secretary of State Larry Boyle, State of Pennsylvania**

March 1, 2006

As Commissioner Van Sickle has only been in office for about a year, Mr. Boyle answered most of our questions.

Fraud and Intimidation

Neither Van Sickle nor Boyle was aware of any fraud of any kind in the state of Pennsylvania over the last five years. They are not aware of the commission of any deceptive practices, such as flyers that intentionally misinform as to voting procedures. They also have never heard of any incidents of voter intimidation. With respect to the mayoral election of 2003, the local commission would know about that.

Since the Berks County case of 2003, where the Department of Justice found poll workers who treated Latino voters with hostility among other voting rights violations, the Secretary's office has brought together Eastern Pennsylvania election administrators and voting advocates to discuss the problems. As a result, other counties have voluntarily chosen to follow the guidance of the Berks County federal court order.

Regarding the allegations of fraud that surrounded the voter identification debate, Mr. Boyle said was not aware of any instances of fraud involving identity. He believes this is because Pennsylvania has laws in place to prevent this. For example, in 2002 the state legislature passed an ID law that is stricter than HAVA's – it requires all first time voters to present identification. In addition, the SURE System – the state's statewide voter registration database – is a great anti-fraud mechanism. The system will be in place statewide in the May 2006 election.

In addition, the state took many steps before the 2004 election to make sure it would be smooth. They had attorneys in the counties to consult on problems as well as staff at the central office to take calls regarding problems. In addition, in 2004 the state used provisional ballots for the first time. This resolved many of the problems that used to occur on Election Day.

Mr. Boyle is not aware of any voter registration fraud. This is because when someone registers to vote, the administrator does a duplicate check. In addition, under new laws a person registering to vote must provide their drivers license or Social Security number which are verified through the Department of Motor Vehicles and the Social Security Administration. Therefore, it would be unlikely that someone would be able to register to vote falsely.

Process

Most problems are dealt with at the local level and do not come within the review of the Secretary of State's office. For instance, if there is a complaint of intimidation, this is generally dealt with by the county courts which are specially designated solely to election cases on

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Election Day. The Secretary does not keep track of these cases. Since the passage of NVRA and HAVA counties will increasingly call the office when problems arise.

Recommendations

Mr. Boyle suggested we review the recommendations of the Pennsylvania Election Reform Task Force which is on the Secretary's website. Many of those recommendations have been introduced in the legislature.

**Interview with Craig Donsanto, Director, Public Integrity Section, U.S. Department of Justice**

January 13, 2006

Questions

*How are Prosecution Decisions Made?*

Craig Donsanto must approve all investigations that go beyond a preliminary stage, all charges, search warrant applications and subpoenas and all prosecutions. The decision to investigate is very sensitive because of the public officials involved. If a charge seems political, Donsanto will reject it. Donsanto gives possible theories for investigation. Donsanto and Noel Hillman will decide whether to farm out the case to an AUSA. Donsanto uses a concept called predication. In-other-words, there must be enough evidence to suggest a crime has been committed. The method of evaluation of this evidence depends on the type of evidence and its source. There are two types of evidence---factual (antisocial behavior) and legal (antisocial behavior leading to statutory violations). Whether an indictment will be brought depends on the likelihood of success before a jury. Much depends on the type of evidence and the source. Donsanto said he "knows it when he sees it." Donsanto will only indict if he is confident of a conviction assuming the worst case scenario -- a jury trial.

A person under investigation will first receive a target letter. Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Donsanto and Hillman. On occasion, the assistant attorney general will review the case. The department grants such hearings easily because such defendants are likely to provide information about others involved.

The Civil Rights Division, Voting Rights Section makes its own decisions on prosecution. The head of that division is John Tanner. There is a lot of cooperation between

*Does the Decision to Prosecute Incorporate Particular Political Considerations within a State Such as a One Party System or a System in which the Party in Power Controls the Means of Prosecution and Suppresses Opposition Complaints?*

Yes. Before, the department would leave it to the states. Now, if there is racial animus involved in the case, there is political bias involved, or the prosecutor is not impartial, the department will take it over.

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*Does it Matter if the Complaint Comes from a Member of a Racial Minority?*

No. But if the question involves racial animus, that has also always been an aggravating factor, making it more likely the Department will take it over

*What Kinds of Complaints Would Routinely Override Principles of Federalism?*

Federalism is no longer big issue. DOJ is permitted to prosecute whenever there is a candidate for federal office.

*Are There Too Few Prosecutions?*

DOJ can't prosecute everything.

*What Should Be Done to Improve the System?*

The problem is asserting federal jurisdiction in non-federal elections. It is preferable for the federal government to pursue these cases for the following reasons: federal districts draw from a bigger and more diverse jury pool; the DOJ is politically detached; local district attorneys are hamstrung by the need to be re-elected; DOJ has more resources – local prosecutors need to focus on personal and property crimes---fraud cases are too big and too complex for them; DOJ can use the grand jury process as a discovery technique and to test the strength of the case.

In *U.S. v. McNally*, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to “fix” *McNally*, did not include voter fraud.

As a result, the department needs a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce. The department has drafted such legislation, which was introduced but not passed in the early 1990s. A federal law is needed that permits prosecution in any election where any federal instrumentality is used.

*Other Information*

The Department has held four symposia for DEOs and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public. (Peg will be sending us the complete training materials used at those sessions. These are confidential and are the subject of FOIA litigation).

There are two types of attorneys in the division: prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the

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US Attorney is unable to handle the case (most frequent reason) and braintrust attorneys who analyze the facts, formulate theories, and draft legal documents.

Cases:

Donsanto provided us with three case lists: Open cases (still being investigated) as of January 13, 2006 – confidential; election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006 and cases closed for lack of evidence as of January 13, 2006

If we want more documents related to any case, we must get those documents from the states. The department will not release them to us.

Although the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate complaints of fraud, *the number of cases that the department is investigating and the number of indictments the department is pursuing are both up dramatically.*

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought when there was a pattern or scheme to corrupt the process. Charges were not brought against individuals – those cases went un-prosecuted. This change in direction, focus, and level of aggression was by the decision of the Attorney General. The reason for the change was for deterrence purposes.

The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions and what works with juries in such matters to gain convictions:

Felon voters in Milwaukee.

Alien voters in the Southern District of Florida. FYI – under 18 USC 611, to prosecute for “alien voting” there is no intent requirement. Conviction can lead to deportation. Nonetheless, the department feels compelled to look at mitigating factors such as was the alien told it was OK to vote, does the alien have a spouse that is a citizen.

Double voters in a variety of jurisdictions.

The department does not maintain records of the complaints that come in from DEOs, U.S attorneys and others during the election that are not pursued by the department. Donsanto asserted that U.S. attorneys never initiate frivolous investigations.

*According to the new handbook, the department can take on a case whenever there is a federal candidate on the ballot*

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**Interview with Douglas Webber, Assistant Attorney General, Indiana**

February 15, 2006

**Background**

Mr. Webber was an attorney for the Marion County Election Board and was also part of the Indianapolis Ballot Security Team (sometimes called the Goon Squad). This Team was a group of attorneys well trained in election law whose mission was to enforce ballot security.

**Litigation**

Status of litigation in Indiana: On January 12 the briefing was completed. The parties are waiting for a decision from the U.S. district judge. The judge understood that one of the parties would seek a stay from the 7<sup>th</sup> Circuit Court of Appeals. The parties anticipate a decision in late March or early April. Mr. Webber did the discovery and depositions for the litigation. Mr. Webber feared the plaintiffs were going to state in their reply brief that HAVA's statewide database requirement would resolve the problems alleged by the state. However, the plaintiffs failed to do so, relying on a Motor Voter Act argument instead. Mr. Webber believes that the voter ID at issue will make the system much more user-friendly for the poll workers. The Legislature passed the ID legislation, and the state is defending it, on the basis of the problem of the *perception* of fraud.

**Incidents of fraud and intimidation**

Mr. Webber thinks that no one can put his or her thumb on whether there has been voter fraud in Indiana. For instance, if someone votes in place of another, no one knows about it. There have been no prosecuted cases of polling place fraud in Indiana. There is no recorded history of documented cases, but it does happen. In the litigation, he used articles from around the country about instances of voter fraud, but even in those examples there were ultimately no prosecutions, for example the case of Milwaukee. He also stated in the litigation that there are all kinds of examples of dead people voting---totaling in the hundreds of thousands of votes across the country.

One interesting example of actual fraud in Indiana occurred when a poll worker, in a poll using punch cards, glued the chads back and then punched out other chads for his candidate. But this would not be something that would be addressed by an ID requirement.

He also believes that the perception that the polls are loose can be addressed by the legislature. The legislature does not need to wait to see if the statewide database solve the problems and therefore affect the determination of whether an ID requirement is necessary. When he took the deposition of the Republican Co-Director, he said he thought Indiana was getting ahead of the curve. That is, there have been problems around the country, and confidence in elections is low. Therefore Indiana is now in front of getting that confidence back.

Mr. Webber stated that the largest vote problem in Indiana is absentee ballots. Absentee ballot fraud and vote buying are the most documented cases. It used to be the law that applications for absentee ballots could be sent anywhere. In one case absentee votes were exchanged for "a job on election day"---meaning one vote for a certain price. The election was contested and the trial

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judge found that although there was vote fraud, the incidents of such were less than the margin of victory and so he refused to overturn the election. Mr. Webber appealed the case for the state and argued the judge used the wrong statute. The Indiana Supreme Court agreed and reversed. Several people were prosecuted as a result – those cases are still pending.

Process

In Indiana, voter complaints first come to the attorney for the county election board who can recommend that a hearing be held. If criminal activity was found, the case could be referred to the county prosecutor or in certain instances to the Indiana Attorney General's Office. In practice, the Attorney General almost never handles such cases.

Mr. Webber has had experience training county of election boards in preserving the integrity and security of the polling place from political or party officials. Mr. Webber stated that the Indiana voter rolls need to be culled. He also stated that in Southern Indiana a large problem was vote buying while in Northern Indiana a large problem was based on government workers feeling compelled to vote for the party that gave them their jobs.

Recommendations

- Mr. Webber believes that all election fraud and intimidation complaints should be referred to the Attorney General's Office to circumvent the problem of local political prosecutions. The Attorney General should take more responsibility for complaints of fraud because at the local level, politics interferes. At the local level, everyone knows each other, making it harder prosecute.
- Indiana currently votes 6 am to 6 pm on a weekday. Government workers and retirees are the only people who are available to work the polls. Mr. Webber suggested that the biggest change should be to move elections to weekends. This would involve more people acting as poll workers who would be much more careful about what was going on.
- Early voting at the clerk's office is good because the people there know what they are doing. People would be unlikely to commit fraud at the clerk's office. This should be expanded to other polling places in addition to that of the county clerk.
- Finally, Mr. Webber believes polling places should be open longer, run more professionally but that there needs to be fewer of them so that they are staffed by only the best, most professional people.

**Interview Sharon Priest, former Secretary of State, Arkansas  
January 24, 2006**

Process:

When there is an allegation of election fraud or intimidation, the county clerk refers it to the local district attorney. Most often, the DA does not pursue the claim. There is little that state administrators can do about this because in Arkansas, county clerks are partisanly elected and completely autonomous. Indeed, county clerks have total authority to determine who is an eligible voter.

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Data:

There is very little data collected in Arkansas on fraud and intimidation cases. Any information there might be stays at the county level. This again is largely because the clerks have so much control and authority, and will not release information. Any statewide data that does exist might be gotten from Susie Storms from the State Board of Elections.

Most Common Problems

The perception of fraud is much greater than the actual incidence of fraud.

- The DMV does not implement NVRA in that it does not take the necessary steps when providing the voter registration forms and does not process them properly. This leads to both ineligible voters potentially getting on the voting rolls (e.g. noncitizens, who have come to get a drivers license, fill out a voter registration form having no intention of actually voting) and voter thinking they are registered to vote to find they are not on the list on Election Day. Also, some people think they are automatically registered if they have applied for a drivers license.
- Absentee ballot fraud is the most frequent form of election fraud.
- In Arkansas, it is suspected that politicians pay ministers to tell their congregations to vote for them
- In 2003, the State Board documented 400 complaints against the Pulaski County Clerk for engaging in what was at least borderline fraud, e.g. certain people not receiving their absentee ballots. The case went to a grand jury but no indictment was brought.
- Transportation of ballot boxes is often insecure making it very easy for insiders to tamper with the ballots or stuff the ballot boxes. Priest has not actually witnessed this happen, but believes it may have.
- Intimidation at the poll sites in court houses. Many voters are afraid of the county judges or county employees and therefore will not vote. They justifiably believe their ballots will be opened by these employees to see who they voted for, and if they voted against the county people, retribution might ensue.
- Undue challenges to minority language voters at the poll sites
- Paid registration collectors fill out phony names, but these individuals are caught before anyone is able to cast an ineligible ballot.

Suggested Reforms for Improvement:

- Nonpartisan election administration
- Increased prosecution of election crimes through greater resources to district attorneys. In addition, during election time, there should be an attorney in the DA's office who is designated to handle election prosecution.
- There should be greater centralization of the process, especially with respect to the statewide database. Arkansas has a "bottom up" system. This means the counties still control the list and there is insufficient information sharing. For example, if someone

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lives in one county but dies in another, the county in which the voter lived – and was registered to vote – will not be notified of the death.

**Interview with Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians**

March 22, 2006

Background

Thompson is a member of the Cheyenne River Sioux tribe in South Dakota. For many years she worked locally on elections doing poll monitoring and legal work, from a nonpartisan perspective. In 2004, she headed the Native Vote Election Protection, a project run by the National Congress of American Indians, and was in charge of monitoring all Native American voting sites around the country, focusing on 10 or 15 states with the biggest Native populations. She is now permanently on staff of the National Congress of American Indians as the Director of Government relations. NCAI works jointly with NARF as well as the Election Protection Coalition.

Recent trends

Native election protection operations have intensified recently for several reasons. While election protection efforts in Native areas have been ongoing, leaders realized that they were failing to develop internal infrastructure or cultivate locally any of the knowledge and expertise which would arrive and leave with external protection groups.

Moreover, in recent years partisan groups have become more aware of the power of the native vote, and have become more active in native communities. This has partly resulted in an extreme increase in voter intimidation tactics. As native communities are easy to identify, easy to target, and generally dominated by a single party, they are especially vulnerable to such tactics.

Initially, reports of intimidation were only passed along by word of mouth. But it became such a problem in the past 5 to 6 years that tribal leaders decided to raise the issue to the national level. Thompson points to the Cantwell election in 2000 and the Johnson election in South Dakota in 2002 as tipping points where many began to realize the Indian vote could matter in Senate and national elections.

Thompson stressed that Native Vote places a great deal of importance on being nonpartisan. While a majority of native communities vote Democratic, there are notable exceptions, including communities in Oklahoma and Alaska, and they have both parties engaging in aggressive tactics. However, she believes the most recent increase in suppression and intimidation tactics have come from Republican Party organizations.

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Nature of Suppression/Intimidation of Native Voters

Thompson categorizes suppression into judge related and poll-watcher related incidents, both of which may be purposeful or inadvertent, as well as longstanding legal-structural constraints.

Structural problems

One example of inadvertent suppression built into the system stems from the fact that many Indian communities also include significant numbers of non-Indians due to allotment. Non-Indians tend to be most active in the state and local government while Indians tend to be more involved in the tribal government. Thus, the individuals running elections end up being non-Indian. Having Indians vote at polling places staffed by non-Indians often results in incidents of disrespect towards Native voters (Thompson emphasized the considerable racism which persists against Indians in these areas). Also, judges aren't familiar with Indian last names and are more dismissive of solving discrepancies with native voters.

Structural problems also arise from laws which mandate that the tribal government cannot run state or local elections. In places like South Dakota, political leaders used to make it intentionally difficult for Native Americans to participate in elections. For example, state, local and federal elections could not be held in the same location as tribal elections, leading to confusion when tribal and other elections are held in different locations. Also, it is common to have native communities with few suitable sites, meaning that a state election held in a secondary location can suddenly impose transportation obstacles.

Photo ID Issues

Thompson believes both state level and HAVA photo ID requirements have a considerable negative impact. For a number of reasons, many Indian voters don't have photo ID. Poor health care and poverty on reservations means that many children are born at home, leading to a lack of birth certificates necessary to obtain ID. Also, election workers and others may assume they are Hispanic, causing additional skepticism due to citizenship questions. There is a cultural issue as well—historically, whenever Indians register with the federal government it has been associated with a taking of land or removal of children. Thus many Indians avoid registering for anything with the government, even for tribal ID.

Thompson also offered examples of how the impact of ID requirements had been worsened by certain rules and the discriminatory way they have been carried out. In the South Dakota special election of 2003, poll workers told Native American voters that if they did not have ID with them and they lived within sixty miles of the precinct, the voter had to come back with ID. The poll workers did not tell the voters that they could vote by affidavit ballot and not need to return, as required by law. This was exacerbated by the fact that the poll workers didn't know the voters—as would be the case with non-Indian poll workers and Indian voters. Many left the poll site without voting and did not return.

In Minnesota, the state tried to prohibit the use of tribal ID's for voting outside of a reservation, even though Minnesota has a large urban Native population. Thompson believes this move was

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very purposeful, and despite any reasonable arguments from the Secretary of State, they had to file a lawsuit to stop the rule. They were very surprised to find national party representatives in the courtroom when they went to deal with lawsuit, representatives who could only have been alerted through a discussion with the Secretary of State.

Partisan Poll-Monitoring

Thompson believes the most purposeful suppression has been perpetrated by the party structures on an individual basis, of which South Dakota is a great example.

Some negative instances of poll monitoring are not purposeful. Both parties send in non-Indian, non-Western lawyers, largely from the East Coast, which can lead to uncomfortable cultural clashes. These efforts display a keen lack of understanding of these communities and the best way to negotiate within in them. But while it may be intimidating, it is not purposeful.

Yet there are also many instances of purposeful abuse of poll monitoring. While there were indeed problems during the 2002 Johnson election, it was small compared to the Janklow special election. Thompson says Republican workers shunned cultural understanding outreach, and had an extensive pamphlet of what to say at polls and were very aggressive about it. In one tactic, every time a voter would come up with no ID, poll monitors would repeat "You can't vote" over and over again, causing many voters to leave. This same tactic appeared across reservations, and eventually they looked to the Secretary of State to intervene.

In another example, the head of poll watchers drove from poll to poll and told voters without IDs to go home, to the point where the chief of police was going to evict him from the reservation. In Minnesota, on the Red Lake reservation, police actually did evict an aggressive poll watcher—the fact that the same strategies are employed several hundred miles apart points to standardized instructions.

None of these incidents ever went to court. Thompson argues this is due to few avenues for legal recourse. In addition, it is inherently difficult to settle these things, as they are he said-she said incidents and take place amidst the confusion of Election Day. Furthermore, poll watchers know what the outline of the law is, and they are careful to work within those parameters, leaving little room for legal action.

Other seeming instances of intimidation may be purely inadvertent, such as when, in 2002, the U.S. Attorney chose Election Day to give out subpoenas, and native voters stayed in their homes. In all fairness, she believes this was a misunderstanding.

The effect of intimidation on small communities is especially strong and is impossible to ultimately measure, as the ripple effect of rumors in insular communities can't be traced. In some communities, they try to combat this by using the Native radio to encourage people to vote and dispel myths.

She has suggestions for people who can describe incidents at a greater level of detail if interested.

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Vote Buying and Fraud

They haven't found a great deal of evidence on vote-buying and fraud. When cash is offered to register voters, individuals may abuse this, although Thompson believes this is not necessarily unique to the Native community, but a reflection of high rates of poverty. This doesn't amount to a concerted effort at conspiracy, but instead represents isolated incidents of people not observing the rules. While Thompson believes looking into such incidents is a completely fair inquiry, she also believes it has been exploited for political purposes and to intimidate. For example, large law enforcement contingents were sent to investigate these incidents. As Native voters tend not to draw distinctions between law enforcement and other officials, this made them unlikely to help with elections.

Remedies

As far as voter suppression is concerned, Native Vote has been asking the Department of Justice to look into what might be done, and to place more emphasis on law enforcement and combating intimidation. They have been urging the Department to focus on this at least much as it is focusing on enforcement of Section 203. Native groups have complained to DOJ repeatedly and DOJ has the entire log of handwritten incident reports they have collected. Therefore, Thompson recommends more DOJ enforcement of voting rights laws with respect to intimidation. People who would seek to abuse the process need to believe a penalty will be paid for doing so. Right now, there is no recourse and DOJ does not care, so both parties do it because they can.

Certain states should rescind bars on nonpartisan poll watchers on Election Day; Thompson believes this is contrary to the nonpartisan, pro-Indian presence which would best facilitate voting in Native communities.

As discussed above, Thompson believes ID requirements are a huge impediment to native voters. At a minimum, Thompson believes all states should be explicit about accepting tribal ID on Election Day.

Liberalized absentee ballot rules would also be helpful to Native communities. As many Indian voters are disabled and elderly, live far away from their precinct, and don't have transportation, tribes encourage members to vote by absentee ballot. Yet obstacles remain. Some voters are denied a chance to vote if they have requested a ballot and then show up at the polls. Thompson believes South Dakota's practice of tossing absentee ballots if a voter shows up at the ED would serve as an effective built-in protection. In addition, she believes there should be greater scrutiny of GOTV groups requesting absentee ballots without permission. Precinct location is a longstanding issue, but Thompson recognizes that states have limited resources. In the absence of those resources, better absentee ballot procedures are needed.

Basic voter registration issues and access are also important in native communities and need to be addressed.

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Thompson is mixed on what restrictions should be placed on poll watcher behavior, as she believes open elections and third party helpers are both important. However, she would be willing to explore some sort of stronger recourse and set of rules concerning poll watchers' behavior. Currently, the parties are aware that no recourse exists, and try to get away with what they will. This is not unique to a single party—both try to stay within law while shaking people up. The existing VRA provision is 'fluffy'—unless you have a consent decree, you have very little power. Thompson thinks a general voter intimidation law that is left a bit broad but that nonetheless makes people aware of some sort of kickback could be helpful.

**Interview with Jason Torchinsky, former attorney with the Civil Rights Section of the Department of Justice, assistant general counsel for the American Center for Voting Rights (ACVR) and Robin DeJarnette, political consultant for C4 and C5 organizations and executive director for the ACVR.**

February 16, 2006

ACVR Generally

Other officers of the ACVR-Thor Hearne II-general counsel and Brian Lunde, former executive director of the Democratic National Committee.

Board of Directors of ACVR-Brian Lunde, Thor Hearne II, and Cameron Quinn

ACVR works with a network of attorneys around the country and has been recently involved with lobbying in PA and MO.

Regarding the August 2005 Report

ACVR has not followed up on any of the cases it cited in the 2005 report to see if the allegations had been resolved in some manner. Mr. Torchinsky stated that there are problems with allegations of fraud in the report and prosecution---just because there was no prosecution, does not mean there was no vote fraud. He believes that it is very hard to come up with a measure of voter fraud short of prosecution. Mr. Torchinsky does not have a good answer to resolve this problem.

P. 35 of the Report indicates that there were coordinated efforts by groups to coordinate fraudulent voter registrations. P. 12 of the Ohio Report references a RICO suit filed against organizations regarding fraudulent voter registrations. Mr. Torchinsky does not know what happened in that case. He stated that there was a drive to increase voter registration numbers regardless of whether there was an actual person to register. He stated that when you have an organization like ACORN involved all over the place, there is reason to believe it is national in scope. When it is the same groups in multiple states, this leads to the belief that it is a concerted effort.

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Voting Problems

Mr. Torchinsky stated there were incidents of double voting---ex. a double voter in Kansas City, MO. If the statewide voter registration database requirement of HAVA is properly implemented, he believes it will stop multiple voting in the same state. He supports the HAVA requirement, if implemented correctly. Since Washington State implemented its statewide database, the Secretary of State has initiated investigations into felons who voted. In Philadelphia the major problem is permitting polling places in private homes and bars – even the homes of party chairs.

Mr. Torchinsky believes that voter ID would help, especially in cities in places like Ohio and Philadelphia, PA. The ACVR legislative fund supports the Real ID requirements suggested by the Carter-Baker Commission. Since federal real ID requirements will be in place in 2010, any objection to a voter ID requirement should be moot.

Mr. Torchinsky stated that there are two major poll and absentee voting problems---(1) fraudulent votes-ex. dead people voting in St. Louis and (2) people voting who are not legally eligible-ex. felons in most places. He also believes that problems could arise in places that still transport paper ballots from the voting location to a counting room. However, he does not believe this is as widespread a problem now as it once was.

Suggestions

Implement the Carter-Baker Commission recommendations because they represent a reasonable compromise between the political parties.

**Interview with Joe Rich, former Chief of the Voting Section,  
US Department of Justice  
February 7, 2006**

Background

Mr. Rich went to Yale undergraduate and received his law degree from the University of Michigan. He served as Chief of the Voting Section from 1999-2005. Prior to that he served in other leadership roles in the Civil Rights Division and litigated several civil rights cases.

Data Collection and Monitoring

The section developed a new database before the 2004 election to log complaint calls and what was done to follow up on them. They opened many investigations as a result of these complaints, including one on the long lines in Ohio (see DOJ letter on website, as well as critical commentary on the DOJ letter's analysis). DOJ found no Section 2 violation in Ohio. John Tanner should be able to give us this data. However, the database does not include complaints that were received by monitors and observers in the field.

All attorney observers in the field are required to submit reports after Election Day to the Department. These reports would give us a very good sense of the scope and type of problems that arose on that day and whether they were resolved on the spot or required further action.

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The monitoring in 2004 was the biggest operation ever. Prior to 2000, only certain jurisdictions could be observed – a VRA covered jurisdiction that was certified or a jurisdiction that had been certified by a court, e.g. through a consent decree. Since that time, and especially in 2004, the Department has engaged in more informal “monitoring.” In those cases, monitors assigned to certain jurisdictions, as opposed to observers, can only watch in the polling place with permission from the jurisdiction. The Department picked locations based on whether they had been monitored in the past, there had been problems before, or there had been allegations in the past. Many problems that arose were resolved by monitors on the spot.

Processes for Cases not Resolved at the Polling Site

If the monitor or observer believes that a criminal act has taken place, he refers it to the Public Integrity Section (PIN). If it is an instance of racial intimidation, it is referred to the Civil Rights Criminal Division. However, very few such cases are prosecuted because they are very hard to prove. The statutes covering such crimes require actual violence or the threat of violence in order to make a case. As a result, most matters are referred to PIN because they operate under statutes that make these cases easier to prove. In general, there are not a high number of prosecutions for intimidation and suppression.

If the act is not criminal, it may be brought as a civil matter, but only if it violated the Voting Rights Act – in other words, only if there is a racial aspect to the case. Otherwise the only recourse is to refer it to PIN.

However, PIN tends not to focus on intimidation and suppression cases, but rather cases such as alleged noncitizen voting, etc. Public Integrity used to only go after systematic efforts to corrupt the system. Now they focus on scattered individuals, which is a questionable resource choice. Criminal prosecutors over the past 5 years have been given more resources and more leeway because of a shift in focus and policy toward noncitizens and double voting, etc.

There have been very few cases brought involving African American voters. There have been 7 Section 2 cases brought since 2001 – only one was brought on behalf of African American voters. That case was initiated under the Clinton administration. The others have included Latinos and discrimination against whites.

Types of Fraud and Intimidation Occurring

There is no evidence that polling place fraud is a problem. There is also no evidence that the NVRA has increased the opportunity for fraud. Moreover, regardless of NVRA’s provisions, an election official can always look into a voter’s registration if he or she believes that person should no longer be on the list. The Department is now suing Missouri because of its poor registration list.

The biggest problem is with absentee ballots. The photo ID movement is a vote suppression strategy. This type of suppression is a bigger problem than intimidation. There has been an increase in vote suppression over the last five years, but it has been indirect, often in the way that

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laws are interpreted and implemented. Unequal implementation of ID requirements at the polls based on race would be a VRA violation.

The most common type of intimidation occurring is open hostility by poll workers toward minorities. It is a judgment call whether this is a crime or not – Craig Donsanto of PIN decides if it rises to a criminal matter.

Election Day challenges at the polls could be a VRA violation but such a case has never been formally pursued. Such cases are often resolved on the spot. Development of a pre-election challenge list targeted at minorities would be a VRA violation but this also has never been pursued. These are choices of current enforcement policy.

Long lines due to unequal distribution of voting machines based on race, list purges based on race and refusal to offer a provisional ballot on the basis of race would also be VRA violations.

### Recommendations

Congress should pass a new law that allows the Department to bring civil actions for suppression that is NOT race based, for example, deceptive practices or wholesale challenges to voters in jurisdictions that tend to vote heavily for one party.

Given the additional resources and latitude given to the enforcement of acts such as double voting and noncitizen voting, there should be an equal commitment to enforcement of acts of intimidation and suppression cases.

There should also be increased resources dedicated to expanded monitoring efforts. This might be the best use of resources since monitors and observers act as a deterrent to fraud and intimidation.

### **Interview with Joe Sandler, Counsel to the DNC**

February 24, 2006

#### Background

Sandler is an election attorney. He worked for the DNC in 1986, was in-house counsel from 1993-1998, and currently is outside counsel to the DNC and most state Democratic Parties. Sandler was part of the recount team in Florida in both 2002 and 2004. He recruited and trained attorneys in voting issues---starting in 2002 Sandler recruited in excess of 15, 000 attorneys in twenty-two states. He is now putting together a national lawyers council in each state.

#### 2004-Administrative Incompetence v. Fraud

Sandler believes the 2004 election was a combination of administrative incompetence and fraud. Sandler stated there was a deliberate effort by the Republicans to disenfranchise voters across the

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country. This was accomplished by mailing out cards to registered voters and then moving to purge from the voters list those whose cards were returned. Sandler indicated that in New Mexico there was a deliberate attempt by Republicans to purge people registered by third parties. He stated that there were intentional efforts to disenfranchise voters by election officials like Ken Blackwell in Ohio.

The problems with machine distribution in 2004 were not deliberate. However, Sandler believes that a large problem exists in the states because there are no laws that spell out a formula to allocate so many voting machines per voter.

Sandler was asked how often names were intentionally purged from the voter lists. He responded that there will be a lot of names purged as a result of the creation of the voter lists under HAVA. However, Sandler stated most wrongful purging results from incompetence. Sandler also said there was not much intimidation at the polls because most such efforts are deterred and that the last systematic effort was in Philadelphia in 2003 where Republicans had official looking cars and people with badges and uniforms, etc.

Sandler stated that deliberate dissemination of misinformation was more incidental, with individuals misinforming and not a political party. Disinformation did occur in small Spanish speaking communities.

Republicans point to instances of voter registration fraud but Sandler believes it did not occur, except for once in a blue moon. Sandler did not believe non-citizen voting was a problem. He also does not believe that there is voter impersonation at the polls and that Republicans allege this as a way of disenfranchising voters through restrictive voter identification rules.

#### Fraud and Intimidation Trends

Sandler stated that over the years there has been a shift from organized efforts to intimidate minority voters through voter identification requirements, improper purging, failure to properly register voters, not allocating enough voting machines, failure to properly use the provisional ballot, etc., by voter officials as well as systematic efforts by Republicans to deregister voters.

At the federal level, Sandler said, the voting division has become so politicized that it is basically useless now on intimidation claims. At the local level, Sandler does not believe politics prevents or hinders prosecution for vote fraud.

#### Sandler's Recommendations

Moving the voter lists to the state level is a good idea where carefully done

Provisional ballots rules should follow the law and not be over-used

No voter ID

Partisanship should be taken out of election administration, perhaps by giving that responsibility by someone other than the Secretary of State. There should at least be conflict of interest rules

Enact laws that allow private citizens to bring suit under state law

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All suggestions from the DNC Ohio Report:

1. The Democratic Party must continue its efforts to monitor election law reform in all fifty states, the District of Columbia and territories.
2. States should be encouraged to codify into law all required election practices, including requirements for the adequate training of official poll workers.
3. States should adopt uniform and clear published standards for the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access. These standards should be based on set ratios of numbers of machines and pollworkers per number of voters expected to turn out, and should be made available for public comment before being adopting.
4. States should adopt legislation to make clear and uniform the rules on voter registration.
5. The Democratic Party should monitor the processing of voter registrations by local election authorities on an ongoing basis to ensure the timely processing of registrations and changes, including both newly registered voters and voters who move within a jurisdiction or the state, and the Party should ask state Attorneys General to take action where necessary to force the timely updating of voter lists.
6. States should be urged to implement statewide voter lists in accordance with the Help America Vote Act (“HAVA”), the election reform law enacted by Congress in 2002 following the Florida debacle.
7. State and local jurisdictions should adopt clear and uniform rules on the use of, and the counting of, provisional ballots, and distribute them for public comment well in advance of each election day.
8. The Democratic Party should monitor the purging and updating of registered voter lists by local officials, and the Party should challenge, and ask state Attorneys General to challenge, unlawful purges and other improper list maintenance practices.
9. States should not adopt requirements that voters show identification at the polls, beyond those already required by federal law (requiring that identification be shown only by first time voters who did not show identification when registering.)
10. State Attorneys General and local authorities should vigorously enforce, to the full extent permitted by state law, a voter’s right to vote without showing identification.
11. Jurisdictions should be encouraged to use precinct-tabulated optical scan systems with a computer assisted device at each precinct, in preference to touchscreen (“direct recording equipment” or “DRE”) machines.
12. Touchscreen (DRE) machines should not be used until a reliable voter verifiable audit feature can be uniformly incorporated into these systems. In the event of a recount, the paper or other auditable record should be considered the official record.
13. Remaining punchcard systems should be discontinued.
14. States should ask state Attorneys General to challenge unfair or discriminatory distribution of equipment and resources where necessary, and the Democratic Party should bring litigation as necessary.
15. Voting equipment vendors should be required to disclose their source code so that it can be examined by third parties. No voting machine should have wireless connections or be able to connect to the Internet.
16. Any equipment used by voters to vote or by officials to tabulate the votes should be used

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exclusively for that purpose. That is particularly important for tabulating/aggregating computers.

17. States should adopt “no excuse required” standards for absentee voting.

18. States should make it easier for college students to vote in the jurisdiction in which their school is located.

19. States should develop procedures to ensure that voting is facilitated, without compromising security or privacy, for all eligible voters living overseas.

20. States should make voter suppression a criminal offense at the state level, in all states.

21. States should improve the training of pollworkers.

22. States should expend significantly more resources in educating voters on where, when and how to vote.

23. Partisan officials who volunteer to work for a candidate should not oversee or administer any elections.

**Interview with John Ravitz, Executive Director, New York City Board of Elections**

February 16, 2006

Process

If there is an allegation of fraud or intimidation, the commissioners can rule to act on it. For example, in 2004 there were allegations in Queens that people had registered to vote using the addresses of warehouses and stores. The Board sent out teams of investigators to look into this. The Board then developed a challenge list that was to be used at the polls if any of the suspect voters showed up to vote.

If the allegation rises to a criminal level, the Board will refer it to the county district attorney. If a poll worker or election official is involved, the Board may conduct an internal investigation. That individual would be interviewed, and if there is validity to the claim, the Board would take action.

Incidences of Fraud and Intimidation

Mr. Ravitz says there have been no complaints about voter intimidation since he has been at the Board. There have been instances of over-aggressive poll workers, but nothing threatening. Voter fraud has also generally not been a problem.

In 2004, the problem was monitors from the Department of Justice intimidating voters. They were not properly trained, and were doing things like going into the booth with voters. The Board had to contact their Department supervisors to put a stop to it.

Charges regarding “ballot security teams” have generally just been political posturing.

The problem of people entering false information on voter registration forms is a problem. However, sometimes a name people allege is false actually turns out to be the voter’s real name. Moreover, these types of acts do not involve anyone actually casting a fraudulent ballot.

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With respect to the issue of voters being registered in both New York and Florida, the Board now compares its list with that of Florida and other places to address the problem. This will be less of an issue with the use of statewide voter registration databases, as information becomes easier to share. Despite the number of people who were on the voter registration lists of both jurisdictions, there was no one from those lists who voted twice.

Most of the problems at the polls have to do with poll workers not doing what they are supposed to do, not any sort of malfeasance. This indicates that improved training is the most important measure we can take.

There have been instances in which poll workers ask voters for identification when they shouldn't. However, the poll workers seem to do it when they cannot understand the name when the voter tells it to them. The Board has tried to train them that no matter what, the poll worker cannot ask for identification in order to get the person's name.

Absentee ballot fraud has also not been a problem in New York City. This is likely because absentee ballots are counted last – eight days after election day. This is so that they can be checked thoroughly and verified. This is a practice other jurisdictions might consider.

New York City has not had a problem with ex-felons voting or with ex-felons not knowing their voting rights. The City has not had any problems in recent years with deceptive practices, such as flyers providing misinformation about voting procedures.

Recommendations

- Better poll worker training
- Thorough inspection of absentee ballots subsequent to the election

**Interview with John Tanner, Director, Civil Rights Division, U.S. Department of Justice**

February 24, 2006

Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. Mr. Tanner would not give us any information about or data from the section's election complaint in-take phone logs; data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws; and would give us only a selected few samples of attorney-observer reports, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. He would not discuss in any manner any current investigations or cases the section is involved in. He also did not believe it was his position to offer us recommendations as to how his office, elections, or the voting process might be improved.

Authority and Process

The Voting Section, in contrast to the Public Integrity section as Craig Donsanto described it, typically looks only at systemic problems, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In

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situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

Federal voting laws only apply to state action, so the section only sues local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. Doing it this way has been most effective – for example, while the section used to have the most observers in the South, systematic changes forced upon those jurisdictions have made it so now the section does not get complaints from the South.

The section can get involved even where there is no federal candidate on the ballot if there is a racial issue under the 14<sup>th</sup> and 15<sup>th</sup> Amendments.

When the section receives a complaint, attorneys first determine whether it is a matter of individuals or systemic. When deciding what to do with the complaint, the section errs on the side of referring it criminally because they do not want civil litigation to complicate a possible criminal case.

When a complaint comes in, the attorneys ask questions to see if there are even problems there that the complainant is not aware are violations of the law. For example, in the Boston case, the attorney did not just look at Spanish language cases under section 203, but also brought a Section 2 case for violations regarding Chinese and Vietnamese voters. When looking into a case, the attorneys look for specificity, witnesses and supporting evidence.

Often, lawsuits bring voluntary compliance.

Voter Intimidation

Many instances of what some people refer to as voter intimidation are more unclear now. For example, photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera. It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation.

The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.

The inappropriate use of challengers on the basis of race would be a violation of the law. Mr. Tanner was unaware that such allegations were made in Ohio in 2004. He said there had never been an investigation into the abusive use of challengers.

Mr. Tanner said a lot of the challenges are legitimate because you have a lot of voter registration fraud as a result of groups paying people to register voters by the form. They turn in bogus registration forms. Then the parties examine the registration forms and challenge them because 200 of them, for example, have addresses of a vacant lot.

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However, Mr. Tanner said the Department was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama, as was referenced in a February 23 Op-Ed in USA Today. Mr. Tanner reiterated the section takes racial targeting very seriously.

Refusal to provide provisional ballots would be a violation of the law that the section would investigate.

Deceptive practices are committed by individuals and would be a matter for the Public Integrity Section. Local government would have to be involved for the voting section to become involved.

Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

When asked about the section's references to incidents of vote fraud in the documents related to the new state photo identification requirements, Mr. Tanner said the section only looks at retrogression, not at the wisdom of what a legislature does. In Georgia, for example, everyone statistically has identification, and more blacks have ID than whites. With respect to the letter to Senator Kit Bond regarding voter ID, the section did refer to the perception of concern about dead voters because of reporting by the Atlanta Journal-Constitution. It is understandable that when you have thousands of bogus registrations that there would be concerns about polling place fraud. Very close elections make this even more of an understandable concern. Putting control of registration lists in the hands of the states will be helpful because at this higher level of government you find a higher level of professionalism.

It is hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. However, the enforcement of federal law over the years has made an astounding difference so that the level of discrimination has plummeted. Registration of minorities has soared, as can be seen on the section's website. Mr. Tanner was unsure if the same was true with respect to turnout, but the gap is less. That information is not on the section's website.

The section is not filing as many Section 2 cases as compared to Section 203 cases because many of the jurisdictions sued under Section 2 in the past do not have issues anymore. Mr. Tanner said that race based problems are rare now.

NVRA has been effective in opening up the registration process. In terms of enforcement, Mr. Tanner said they do what they can when they have credible allegations. There is a big gap between complaints and what can be substantiated. Mr. Tanner stated that given the high quality of the attorneys now in the section, if they do not investigate it or bring action, that act complained of did not happen.

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Recommendations

Mr. Tanner did not feel it was appropriate to make recommendations.

**Interview with Kevin Kennedy, State Elections Director, State of Wisconsin**

April 11, 2006

Background

Kennedy is a nonpartisan, appointed official. He has been in this position since 1983.

Complaints of fraud and intimidation do not usually come to Kennedy's office. Kennedy says that complainants usually take their allegations to the media first because they are trying to make a political point.

2004 Election Incidents of Fraud

The investigations into the 2004 election uncovered some cases of double voting and voting by felons who did not know they were not eligible to vote, but found no concerted effort to commit fraud. There have been a couple of guilty pleas as a result, although not a number in the double digits. The task force and news reports initially referred to 100 cases of double voting and 200 cases of felon voting, but there were not nearly that many prosecutions. Further investigation since the task force investigation uncovered that in some instances there were mis-marks by poll workers, fathers and sons mistaken for the same voter, and even a husband and wife marked as the same voter. The double votes that are believed to have occurred were a mixture of absentee and polling place votes. It is unclear how many of these cases were instances of voting in two different locations.

In discussing the case from 2000 in which a student claimed – falsely – that he had voted several times, Kennedy said that double voting can be done. The deterrent is that it's a felony, and that one person voting twice is not an effective way to influence an election. One would need to get a lot of people involved for it to work.

The task force set up to investigate the 2004 election found a small number of illegal votes but given the 7,000 alleged, it was a relatively small number. There was no pattern of fraud.

The one case Kennedy could recall of an organized effort to commit fraud was in the spring of 2003 or 2004. A community service agency had voters request that absentee ballots be sent to the agency instead of to the voters and some of those ballots were signed without the voters' knowledge. One person was convicted, the leader of the enterprise.

In Milwaukee, the main contention was that there were more ballots than voters. However, it was found that the 7,000 vote disparity was tied to poll worker error. The task force found that there was no concerted effort involved. Kennedy explained that there are many ways a ballot

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can get into a machine without a voter getting a number. These include a poll worker forgetting to give the voter one; someone does Election Day registration and fills out a registration form but does not get a number because the transaction all takes place at one table; and in Milwaukee, 20,000 voters who registered were not put on the list in time and as a short term solution the department sent the original registration forms to the polling places to be used instead of the list to provide proof of registration. This added another element of confusion that might have led to someone not getting a voter number.

The Republican Party used this original list and contracted with a private vendor to do a comparison with the U.S. postal list. They found initially that there were 5,000 bad addresses, and then later said there were 35,000 illegitimate addresses. When the party filed a complaint, the department told them they could force the voters on their list to cast a challenge ballot. On Election Day, the party used the list but found no actually voting from those addresses. Kennedy suspects that the private vendor made significant errors when doing the comparison.

In terms of noncitizen voting, Kennedy said that there is a Russian community in Milwaukee that the Republican Party singles out every year but it doesn't go very far. Kennedy has not seen much in the way of allegations of noncitizen voting.

However, when applying for a drivers license, a noncitizen could register to vote. There is no process for checking citizenship at this point, and the statewide registration database will not address this. Kennedy is not aware of any cases of noncitizen voting as a result, but it might have happened.

Kennedy said that the biggest concern seemed to be suspicions raised when groups of people are brought into the polling site from group homes, usually homes for the disabled. There are allegations that these voters are being told how to vote.

### Incidents of Voter Intimidation

In 2004, there was a lot of hype about challenges, but in Wisconsin, a challenger must articulate a basis under oath. This acts as a deterrent, but at the same time it creates the potential that someone might challenge everyone and create long lines, keeping people from voting. In 2004, the Republican Party could use its list of suspect addresses as a legitimate basis for challenges, so there is the potential for abuse. It is also hard to train poll workers on that process. In 2004, there were isolated cases of problems with challengers.

In 2002, a flyer was circulated only in Milwaukee claiming that you had vote by noon. This was taken as an intimidation tactic by the Democrats.

### Reforms

Wisconsin has had difficulty with its database because 1) they have had a hard time getting a good product out of the vendor and 2) until now there was no registration record for one-quarter of the voters. Any jurisdiction with fewer than 5000 voters was not required to have a registration list.

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In any case, once these performance issues are worked out, Kennedy does believe the statewide voter registration database will be very valuable. In particular, it will mean that people who move will not be on more than one list anymore. It should also address the double voting issue by identifying who is doing it, catching people who do it, and identifying where it could occur.

Recommendations

Better trained poll workers

Ensure good security procedures for the tabulation process and more transparency in the vote counting process

Conduct post-election audits

**Interview with Lori Minnite, Barnard College**

February 22, 2006

Background

Ms. Minnite is an assistant professor of political science at Barnard College. She has done substantial research on voter fraud and wrote the report "Securing the Vote." Ms. Minnite also did work related to an election lawsuit. The main question that she was asked to address in the lawsuit was---did election-day registration increase the possibility of fraud?

Securing the Vote

In Securing the Vote, Ms. Minnite found very little evidence of voter fraud because the historical conditions giving rise to fraud have weakened over the past twenty years. She stated that for fraud to take root a conspiracy was needed with a strong local political party and a complicit voter administration system. Since parties have weakened and there has been much improvement in the administration of elections and voting technology, the conditions no longer exist for large scale incidents of polling place fraud.

Ms. Minnite concentrates on fraud committed by voters not fraud committed by voting officials. She has looked at this issue on the national level and also concentrated on analyzing certain specific states. Ms. Minnite stressed that it is important to keep clear who the perpetrators of the fraud are and where the fraud occurs because that effects what the remedy should be. Often, voters are punished for fraud committed by voting officials.

Other Fraud Issues

Ms. Minnite found no evidence that NVRA was leading to more voter fraud. She supports non-partisan election administration. Ms. Minnite has found evidence that there is absentee ballot fraud. She can't establish that there is a certain amount of absentee ballot fraud or that it is the major kind of voter fraud.

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Recommendations

Assure there are accurate voter records and centralize voter databases

Reduce partisanship in electoral administration.

**Interview with Nina Perales, Counsel, Mexican American Legal Defense and Education Fund**

March 7, 2006

Background

Ms. Perales is an attorney with the Mexican American Legal Defense Fund (MALDEF). MALDEF's mission is to foster sound public policies, laws and programs to safeguard the civil rights of the 40 million Latinos living in the United States and to empower the Latino community to fully participate in our society. One of the areas MALDEF works in is electoral issues, predominately centered on the Voting Rights Act. Ms. Perales did not seem to have a sense of the overall electoral issues in her working region (the southwest) effecting Hispanic voters and did not seem to want to offer her individual experiences and work activities as necessarily a perfect reflection of the challenges Hispanic voters face.

Largest Election Problems Since 2000

Santa Anna County, New Mexico-2004-intimidated voters by video taping them.

San Antonio-One African American voter subjected to a racial slur.

San Antonio-Relocated polling places at the last minute without Section 5 pre-clearance.

San Antonio-Closed polls while voters were still in line.

San Antonio-2003-only left open early voting polls in predominantly white districts.

San Antonio-2005-racially contested mayoral run-off election switched from touch screen voting to paper ballots.

Voter Fraud and Intimidation

In Texas, the counties are refusing to open their records with respect to Section 203 compliance (bilingual voting assistance), and those that did respond to MALDEF's request submitted incomplete information. Ms. Perales believes this in itself is a form of voter intimidation.

Ms. Perales said it is hard to say if the obstacles minorities confront in voting are a result of intentional acts or not because the county commission is totally incompetent. There have

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continuously been problems with too few ballots, causing long lines, especially in places that had historically lower turnout. There is no formula in Texas for allocating ballots – each county makes these determinations.

When there is not enough language assistance at the polls, forcing a non-English speaker to rely on a family member to vote, that can suppress voter turnout.

Ms. Perales is not aware of deceptive practices or dirty tricks targeted at the Latino community.

There have been no allegations of illegal noncitizen voting in Texas. Indeed, the sponsor of a bill that would require proof of citizenship to vote could not provide any documentation of noncitizen voting in support of the bill. The bill was defeated in part because of the racist comments of the sponsor. In Arizona, such a measure was passed. Ms. Perales was only aware of one case of noncitizen voting in Arizona, involving a man of limited mental capacity who said he was told he was allowed to register and vote. Ms. Perales believes proof of citizenship requirements discriminate against Latinos.

### Recommendations

Ms. Perales feels the laws are adequate, but that her organization does not have enough staff to do the monitoring necessary. This could be done by the federal government. However, even though the Department of Justice is focusing on Section 203 cases now, they have not even begun to scratch the surface. Moreover, the choices DOJ has made with respect to where they have brought claims do not seem to be based on any systematic analysis of where the biggest problems are. This may be because the administration is so ideological and partisan.

Ms. Perales does not believe making election administration nonpartisan would have a big impact. In Texas, administrators are appointed in a nonpartisan manner, but they still do not always have a nonpartisan approach. Each administrator tends to promote his or her personal view regardless of party.

### **Interview with Pat Rogers, private attorney**

March 3, 2006

### Background

In addition to his legal practice with *Modrall, Sperling, Roehl, Harris & Sisk*, Rogers also does some state-level lobbying for Verizon Wireless, GM, Dumont and other companies. His experience in election law goes back to 1988, where his first elections case was a defense against Bill Richardson, who had sued to get another candidate tossed off a ballot because of petition fraud. Since 1988, he has been involved in election cases at least once every two years.

### 2004 Litigation

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In a case that ended before the New Mexico Supreme Court, Rogers represented the Green Party and other plaintiffs against the New Mexico Secretary of State for sending a directive telling local boards not to require ID for first time voters registering by mail. He argued that this watered-down ID check conflicted with what seemed fairly clear statutory requirements for first time voters. In 2004 these requirements were especially important due to the large presence of 3<sup>rd</sup> party organizations registering voters such as a 527 funded by Governor Richardson, ACORN, and others.

Plaintiffs were seeking a temporary restraining order requiring Secretary of State to follow the law. Yet the Supreme Court ultimately decided that, whether the directive was right or wrong, it was too late to require ID lest Bush v. Gore issues be raised.

Today, the issue is moot as the state legislature has changed the law, and the Secretary of State will no longer be in office. It seems unlikely they will send any policy directives to county clerks lest they violate due process/public notice.

Major issues in NM w/ regard to vote fraud

Registration fraud seems to be the major issue, and while the legislature has taken some steps, Rogers is skeptical of the effect they will have, considering the history of unequal application of election laws. He also believes there are holes in the 3<sup>rd</sup> party registration requirement deadlines.

Rogers views a national law requiring ID as the best solution to registration problems. Rather than imposing a burden he contends it will enhance public confidence in the simplest way possible.

Registration Fraud in 2004 election

It came to light that ACORN had registered a 13 year old. The father was an APD officer and received the confirmation, but it was sent to the next door address, a vacant house. They traced this to an ACORN employee and it was established that this employee had been registering others under 18.

Two weeks later, in a crack cocaine bust of Cuban nationals, one of those raided said his job was registering voters for ACORN, and the police found signatures in his possession for fictitious persons.

In a suspicious break-in at an entity that advertised itself as nonpartisan, only GOP registrations were stolen.

In another instance, a college student was allegedly fired for registering too many Republicans.

Rogers said he believed these workers were paid by the registration rather than hourly.

There have been no prosecution or convictions related to these incidents. In fact, there have been no prosecutions for election fraud in New Mexico in recent history. However, Rogers is

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skeptical that much action can be expected considering the positions of Attorney General, Governor, and Secretary of State are all held by Democrats. Nor has there been any interest from the U.S. attorney—Rogers heard that U.S. attorneys were given instruction to hold off until after the election in 2004 because it would seem too political.

As part of the case against the Secretary of State regarding the identification requirement, the parties also sued ACORN. At a hearing, the head of ACORN, and others aligned with the Democratic Party called as witnesses, took the 5<sup>th</sup> on the stand as to their registration practices.

Other incidents

Very recently, there have been reports of vote buying in the town of Espanola. Originally reported by the *Rio Grande Sun*, a resident of a low-income housing project is quoted as saying it has been going on for 10-12 years. The Albuquerque Journal is now reporting this as well. So far the investigation has been extremely limited.

In 1996, there were some prosecutions in Espanola, where a state district judge found registration fraud.

In 1991, the chair of Democratic Party of Bertolino County was convicted on fraud. Yet she was pardoned by Clinton on same day as Marc Rich.

Intimidation/Suppression

Rogers believes the most notable example of intimidation in the 2004 election was the discovery of a DNC Handbook from Colorado advising Democratic operatives to widely report intimidation regardless of confirmation in order to gain media attention.

In-person polling place fraud

There have only been isolated instances of people reporting that someone had voted in their name, and Rogers doesn't believe there is any large scale conspiracy. Yet he contends that perspective misses the larger point of voter confidence. Although there has been a large public outcry for voter ID in New Mexico, it has been deflected and avoided by Democrats.

In 2004, there were more Democratic lawyers at the polls than there are lawyers in New Mexico. Rogers believes these lawyers had a positive impact because they deterred people from committing bad acts.

Counting Procedures

The Secretary of State has also taken the position that canvassing of the vote should be done in private. In NM, they have a 'county canvas' where they review and certify, after which all materials—machine tapes, etc.,—are centralized with the Secretary of State who does a final canvass for final certification. Conducting this in private is a serious issue, especially considering the margin in the 2000 presidential vote in New Mexico was only 366 votes. They wouldn't be

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changing machine numbers, but paper numbers are vulnerable.

On a related note, NM has adopted state procedures that will ensure their reports are slower and very late, considering the 2000 late discovery of ballots. In a close race, potential for fraud and mischief goes up astronomically in the period between poll closing and reporting. Rogers believes these changes are going to cause national embarrassment in the future.

Rogers attributes other harmful effects to what he terms the Secretary of State's incompetence and inability to discern a nonpartisan application of the law. In the 2004 election, no standards were issued for counting provisional ballots. Furthermore, the Secretary of State spent over \$1 million of HAVA money for 'voter education' in blatant self-promotional ads.

Recommendations

Rogers believes it would be unfeasible to have nonpartisan election administration and favors transparency instead. To make sure people have confidence in the election, there must be transparency in the whole process. Then you don't have the 1960 vote coming down to Illinois, or the Espanola ballot or Dona Anna County (ballots found there in the 2000 election). HAVA funds should also be restricted when you have an incompetent, partisan Secretary of State.

There should be national standards for reporting voting results so there is less opportunity for fraud in a close race. Although he is not generally an advocate of national laws, he does agree there should be more national uniformity into how votes are counted and recorded.

**Interview with Rebecca Vigil-Giron, Secretary of State, New Mexico**

March 24, 2006

Background

Vigil-Giron has been Secretary of State for twelve years and was the President of the National Association of Secretaries of State in 2004. Complaints of election fraud and intimidation are filed with the SOS office. She then decides whether to refer it to the local district attorney or the attorney general. Because the complaints are few and far between, the office does not keep a log of complaints; however, they do have all of the written complaints on file in the office.

Incidents of Fraud and Intimidation

During the 2004 election, there were a couple of complaints of polling place observers telling people outside the polling place who had just voted, and then the people outside were following the voters to their cars and videotaping them. This happened in areas that are mostly second and third generation Latinos. The Secretary sent out the sheriff in one instance of this. The perpetrators moved to a different polling place. This was the only incident of fraud or intimidation Vigil-Giron was aware of in New Mexico.

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There have not been many problems on Native reservations because, unlike in many other states, in New Mexico the polling place is on the reservation and is run by local Native Americans. Vigil-Giron said that it does not make sense to have non-Natives running those polls because it is necessary to have people there who can translate. Because most of the languages are unwritten, the HAVA requirement of accessibility through an audio device will be very helpful in this regard. Vigil-Giron said she was surprised to learn while testifying at the Voting Rights Act commission hearings of the lack of sensitivity to these issues and the common failure to provide assistance in language minority areas.

In 2004 the U.S. Attorney, a Republican, suddenly announced he was launching an investigation into voter fraud without consulting the Secretary of State's office. After all of that, there was maybe one prosecution. Even the allegations involving third party groups and voter registration are often misleading. People doing voter registration drives encourage voters to register if they are unsure if they are already registered, and the voter does not even realize that his or her name will then appear on the voter list twice. The bigger problem is where registrations do not get forwarded to election administrators and the voter does not end up on the voting list on Election Day. This is voter intimidation in itself, Vigil-Giron believes. It is very discouraging for that voter and she wonders whether he or she will try again.

Under the bill passed in 2004, third parties are required to turn around voter registration forms very quickly between the time they get them and when they must be returned. If they fail to return them within 48 hours of getting them, they are penalized. This, Vigil-Giron believes, is unfair. She has tried to get the Legislature to look at this issue again.

Regarding allegations of vote buying in Espanola, Vigil-Giron said that the Attorney General is investigating. The problem in that area of New Mexico is that they are still using rural routes, so they have not been able to properly district. There has, as a result, been manipulation of where people vote. Now they seem to have pushed the envelope too far on this. The investigation is not just about vote buying, however. There have also been allegations of voters being denied translators as well as assistance at the polls.

Vigil-Giron believes there was voter suppression in Ohio in 2004. County officials knew thirty days out how many people had registered to vote, they knew how many voters there would be. Administrators are supposed to use a formula for allocation of voting machines based on registered voters. Administrators in Ohio ignored this. As a result, people were turned away at the polls or left because of the huge lines. This, she believes, was a case of intentional vote suppression.

A few years ago, Vigil-Giron heard that there may have been people voting in New Mexico and a bordering town in Colorado. She exchanged information with Colorado administrators and it turned out that there were no cases of double voting.

### Recommendations

Vigil-Giron believes that linking voter registration databases across states may be a way to see if people who are registered twice are in fact voting twice.

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The key to improving the process is better trained poll workers, who are certified, and know what to look for on Election Day. These poll workers should then work with law enforcement to ensure there are no transgressions.

There should be stronger teeth in the voter fraud laws. For example, it should be more than a fourth degree felony, as is currently the case.

**Interview with Sarah Bell Johnson Interview**

April 19, 2006

Procedures for Handling Fraud

Fraud complaints are directed first to the state Board of Elections. Unlike boards in other states, Kentucky's has no investigative powers. Instead, they work closely with both the Attorney General and the U.S. Attorney. Especially since the current administration took office, they have found the U.S. Attorney an excellent partner in pursuing fraud cases, and have seen many prosecutions in the last six years. She believes that there has been no increase in the incidence of fraud, but rather the increase in prosecutions is related to increased scrutiny and more resources.

Major Types of Fraud and Intimidation

Johnson says that vote buying and voter intimidation go hand in hand in Kentucky. While historically fraud activity focused on election day, in the last 20 years it has moved into absentee voting. In part, this is because new voting machines aren't easy to manipulate in the way that paper ballots were open to manipulation in the past, especially in distant rural counties. For this reason, she is troubled by the proliferation of states with early voting, but notes that there is a difference between absentee ballot and early voting on machines, which is far more difficult to manipulate.

Among the cases of absentee ballot fraud they have seen, common practice involves a group of candidates conspiring together to elect their specific slate. Nursing homes are an especially frequent target. Elderly residents request absentee ballots, and then workers show up and 'help' them vote their ballots. Though there have been some cases in the Eastern district of election day fraud, most have been absentee.

Johnson argues that it is hard to distinguish between intimidation and vote buying. They have also seen instances where civic groups and church groups intimidate members to vote in a specific manner, not for reward, but under threat of being ostracized or even telling them they will go to hell.

While she is aware of allegations of intimidation by the parties regarding minority precincts in Louisville, the board hasn't received calls about it and there haven't been any prosecutions.