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Former Hartford lawmaker accused of vote fraud

CT

(Hartford-AP) -- A Superior Court judge says a former Hartford lawmaker accused of vote fraud will get a special form of probation. Barnaby Horton was arrested last year on charges of unlawful possession of another's absentee ballot, being present as a candidate when ballots were filled out and making a false statement.

State elections officials said he had gone from room to room at a home for the elderly and handicapped and provided them with ballots. They said in some cases, he encouraged residents to check off his name.

A Superior Court judge is expected to detail the terms of the probation later this month. If he meets them, all charges can eventually be erased from his record.

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Top Stories

West Haven in pilot program to curb absentee ballot abuse

Rebecca Baker Erwin, Register Staff 09/25/2003

WEST HAVEN — The city will change the way it handles absentee ballot forms as part of a state experiment to reduce election fraud.

West Haven is the largest of three municipalities to join the pilot program, initiated by the state Elections Enforcement Commission.

Under the program, West Haven, Winsted and Kent will ban politicians and their supporters from handing out absentee ballot applications during campaigns for the Nov. 4 election.

Only the city clerk or designated absentee ballot coordinators will be able to send applications to voters. Political candidates can give them the names of voters interested in absentee ballots.

Absentee ballot abuse is "the greatest threat to the elections process," said Joan Andrews, the commission's principal attorney.

Too often, Andrews said, candidates flood elderly and disabled voters with absentee ballot applications and later show up to "help" them fill out the ballots "the right way."

"We'd like to sever that first connection," she said.

She cited the case of Angelo Reyes, a former political candidate in New Haven, who was convicted of tampering with elections in 2001 and 2002 in which he and his sister, Denise Maldonado, were candidates.

Reyes was placed on probation for three years, fined \$2,000 and ordered to do 100 hours of community service.

Andrews said absentee ballot abuse also is a problem in the state's largest cities.

The pilot would help state election commissioners learn if trying to fix "a big-city problem" would hurt small or medium-sized towns.

Under current law, the names of people who send in absentee ballot applications and the dates when absentee ballots are sent to voters are public records.

Andrews said "overzealous" candidates and campaign workers use those records to bombard residents with fliers, phone calls and unannounced visits, trying to steer votes.

"We've had complaints from voters who feel they've been harassed," she said.

So has City Clerk Deborah Collins, who said one frustrated resident received eight to nine political phone calls after requesting an absentee

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ballot application.

West Haven Mayor H. Richard Borer said former political candidates in West Haven have picked up hundreds of absentee ballot applications and handed them out on campaign stops.

"They say, 'Here, fill this out' and they know they have the vote in their pocket," Borer said. "The (pilot) program takes politics out of the process."

Borer said the city has "an unusually large number" of absentee ballots, especially during Democratic primaries.

During the 2001 Democratic primary, the city clerk mailed out 1,200 absentee ballot applications and received 600 back. But in the general election a few months later, only 700 applications were requested.

Borer's Republican challenger, Paul Messina, said he believes the program will bring positive results.

"I think people that vote absentee should remain anonymous in the way they voted and this way I hope it will," he said. "It will give them the privacy just like going in the booth."

The pilot program also seeks to cut down on voters who improperly use absentee ballots for convenience, Andrews said.

Under state law, absentee ballots are only for people who are ill, physically disabled, serving in the military, out of town on Election Day, working as a poll worker at a polling place other than their own or whose religion forbids secular activity on Election Day.

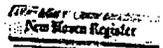
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CT

FBI in state to monitor elections for fraud

By [The Associated Press](#)

Published on 11/05/2002

Bridgeport (AP) — Federal authorities will step up monitoring for possible voter fraud statewide during Election Day, part of a national initiative.

The extra efforts come as the FBI is investigating potential fraud in Bridgeport's Democratic primary for probate judge and as two men face absentee ballot charges involving two New Haven primaries. A team of U.S. attorneys and FBI agents will be available to receive and review complaints of fraud or other election problems.

"Election fraud corrupts the essence of our representative form of government," U.S. Attorney John A. Danaher III told the Connecticut Post. "As a crime against both the individual and the government, it will be dealt with promptly, aggressively and in full cooperation with all appropriate state authorities."

Secretary of the State Susan Bysiewicz said Monday that uniformed and armed FBI officials would not be a presence at the polls. It wasn't clear where they would be working.

Bysiewicz also expressed concern over reports that the campaign of U.S. Rep. Rob Simmons, R-2nd District, had told Republican registrars to consider requesting police supervision at the polls today if they are concerned about voting fraud or disturbances. Posting police officers at voting places could discourage minorities from voting, said Bysiewicz' spokesman, Larry Perosino.

"We felt there was no basis for their (Simmons') communication to the registrars because there has been no evidence of problems with fraud in the 2nd District," Perosino said. "We're concerned about potentially discouraging people from going to the polls if they're worried about uniformed law-enforcement presence being there, and we thought it was bordering on voter intimidation."

The Simmons campaign said Bysiewicz, a Democrat seeking reelection, based her comments on political motives. The campaign's volunteers simply reminded registrars that Connecticut law allows them to request police supervision if they have reason to believe problems may occur, said Simmons Chief of Staff Todd Mitchell.

"Maybe the secretary of the state should spend a little less time politicking and less time wasting tax dollars on the eve of the election," Mitchell said. "This is page 139 in the national Democrats' playbook. When they are losing a race, at the last minute they pull out the voter-suppression card and put it on the table."

Mitchell said some registrars have reason to worry about voting problems today because union groups and Democratic supporters have told some residents incorrectly that they can register to vote at the polls or that they can vote if they can use mail with their addresses on it as proof of residency.

Regarding the FBI supervision of today's elections, Bysiewicz said that two to four federal officials from the Department of Justice would be on hand in Waterbury to ensure that voting materials are made available in Spanish for the city's Hispanic population. Those officials won't be at the polls, but most likely will work from the registrar's office, Bysiewicz said.

The Justice Department planned to dispatch monitors to polling places in 13 other states as well.

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The observers will be watching for any signs of discrimination based on race or problems encountered by the disabled, as well as whether all eligible voters are able to cast a ballot. Widespread voting problems were reported in 2000, particularly in Florida, where the results delayed the declaration of a presidential winner by a month.

Danaher said some election crimes are easily detected, such as bribery, intimidation and ballot forgery. But, he added, it's also a federal offense to "seek out the elderly, the socially disadvantaged or the illiterate for the purpose of subjugating their electoral will."

Federal law also prohibits assisting a voter with casting an absentee ballot, an allegation under investigation in Bridgeport. ■

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State probes absentee voting Many ballots cast in county board race

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By BERNARD SCHOENBURG
POLITICAL WRITER

The State Board of Elections has opened a formal investigation of possible irregularities involving absentee ballots in Sangamon County after questions about a county board primary race, executive director Dan White said Thursday.

"We're working with the county clerk at this point," White said. "We have the authority to conduct investigations under the Election Code."

If any apparent violations of the law are found, White said, the information will be referred to the Sangamon County state's attorney, the state attorney general or the U.S. attorney's office.

The investigation follows a contentious primary election for the Democratic nomination for the District 19 county board seat. Incumbent Doris Turner defeated Roy Williams Jr. by an unofficial count of 678 to 216. No Republican candidate was on the ballot.

In the 19th, 235 people had applied for absentee ballots and 201 absentee ballots were received by election officials.

Williams has sent allegations of potential wrongdoing to several agencies, including the State Board of Elections. Turner said there was no fraud.

White had indicated before the election that his agency was watching District 19. He said Thursday that the board has now opened a formal investigation.

On Election Day, reporters from The State Journal-Register checked on the whereabouts of 91 of the people registered to vote in District 19 who had applied for absentee ballots and found that more than half were in Springfield that day.

Absentee ballot applications from those people had included a check mark next to the statement: "I expect to be absent from my county of residence" on Election Day. Absentee voting is allowed only in certain circumstances, including when the voter cannot get to his or her polling place.

White said an investigator has been assigned to review the records, and interviews may follow.

"We're cooperating," said Sangamon County Clerk Joe Aiello. "We are providing them with any and all documentation they request. We're taking this thing very seriously."

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Calumet City gets new mayor

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Judge tosses ballots, gives city clerk election win

Advertisement



By Manya Brachear and Stanley Ziembra, Tribune staff reporters. Tribune staff reporter Joseph Sjoström contributed to this report

September 3, 2003

A Cook County judge Tuesday reversed the outcome of April's Calumet City mayoral election, declaring Michelle Markiewicz Qualkinbush the winner over Greg Skubisz, who had been sworn into office after declaring victory by 24 votes.

Circuit Court Judge Michael Murphy threw out 38 absentee ballots that he determined to have been illegally cast for Skubisz and eliminated about 50 other contested ballots. He then ruled Markiewicz Qualkinbush, the city clerk, had won the election by 27 votes.

Skubisz's attorney, Mike Lavelle, said he filed notice of a planned appeal late Tuesday and also asked that the judge's order be stayed until the appeal is heard. He was given until 5 p.m. Wednesday to file the appeal.

Markiewicz Qualkinbush said if the stay is denied, she could take office by Wednesday night and would hold a news conference on Thursday to outline plans for her administration.

She would be Calumet City's first female mayor, serving the remaining two years in the term of former Mayor Jerry Genova, who was forced to resign in 2001 after being convicted on federal corruption charges. He is in federal prison.

In his ruling, Murphy said former alderman Skubisz deliberately targeted "the sick, the infirm and the confused" to generate absentee ballots.

"After evaluating all the evidence ... the court finds the actions described herein were intentional, deliberate and persistent pursuit of the absentee vote of handicapped voters," Murphy wrote. "The court finds that this pursuit was fraudulent and designed to win an election at all costs."

After copies of Murphy's decision were distributed to attorneys, Markiewicz Qualkinbush said she was elated by the decision.

"This has been a hard fight, and by no means has it been cheap," she said outside of Murphy's courtroom in the Daley Center. "But the people of Calumet City are worth fighting for. This victory is not about me. It's a win for all the people of Calumet City."

The attorney for Skubisz, who has served as mayor since the April 1 election, said the stay he has requested allows Skubisz to remain in office at least until there's a ruling on the appeal. That way, Lavelle said, a lot of "turmoil, confusion, disruption and upheaval" could be avoided if Murphy's ruling is overturned.

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"We're not done yet," Skubisz said. "There's no question we won the election. It's just that the election was set aside [at least temporarily] by a technicality."

As for Murphy's ruling, Skubisz, an attorney, said the judge's decision to disqualify absentee ballots could have "a chilling effect on people who want to cast their ballot absentee."

The judge ruled that state election law was violated because some of the absentee ballots cast for Skubisz were mailed or delivered to election officials by someone other than a blood relative, Lavelle said.

"One issue that will be brought up at appeal is that the state law is superseded by the Federal Voting Rights Act," Lavelle said. "The federal law allows absentee voters to choose anyone they want, not just a blood relative, to take their ballots to the mailbox or deliver them to the election office."

The outcome of the Calumet City mayoral election had been in doubt since May when Markiewicz Qualkinbush filed a lawsuit alleging that ballot errors at the polls and the mishandling of some of the absentee ballots by Skubisz's supporters denied her an accurate vote count. She requested a recount and nullification of any votes deemed to have been cast improperly. She contended the recount would show she had won by 78 votes.

During the recount, Markiewicz Qualkinbush's attorneys called more than 70 ballots into question, including absentee ballots they said were illegally handled by Skubisz's campaign workers.

After deducting the contested ballots from Skubisz's Election Day vote totals, Murphy counted a total of 2,530 votes cast for Markiewicz Qualkinbush and 2,503 for Skubisz--a difference of 27 votes. Cook County Clerk David Orr said in a written statement that the decision should serve as a warning to future candidates and their campaigns not to break election laws.

"In reversing the April 1 election, Judge Murphy has sent a strong message that overzealous political workers who take advantage of voters and make up their own rules will not be tolerated," the statement said. Reaction among Calumet City residents to the ruling was mixed.

Dave Ley, 22, a student at Purdue University-Calumet in Hammond, Ind. who works part-time at the Calumet City Library, said he voted for Skubisz because he thought Markiewicz Qualkinbush was too closely aligned with Genova's Democratic organization.

Skubisz "was elected the mayor, and I thought that was that," Ley said. "Everything has been running smoothly and I can't imagine what this (court ruling) will mean. It will bring a lot of confusion, though," he said.

Regina Whitelow, a five-year Calumet City resident, said she voted for Markiewicz Qualkinbush and was pleased with the outcome of the court case.

"I liked Michelle as city clerk. I thought she was very efficient," Whitelow said. City employees declined to comment, although one who had been hired since Skubisz took office said he now expects to be fired.

Skubisz has made several appointments to top posts, including veteran police officer Pamela Cap as police chief. Those could be rescinded if Markiewicz Qualkinbush takes office, Lavelle said.

Markiewicz Qualkinbush declined to say what changes she would make as mayor.

"We'll disclose what we plan to do at the appropriate time," she said Tuesday afternoon.

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IN

Anderson gets green light on election challenge

BY JOSEPH RYAN
Times Staff Writer

SCHERERVILLE — A Lake County judge has handed a town judge challenger time and a microphone to prove that voter fraud, allegedly orchestrated by one man, kept him from winning May's primary.

Lake Superior Court Judge Mary Beth Bonaventura decided Thursday to move forward with Kenneth Anderson's election challenge, despite the argument from incumbent Judge Deborah Riga that it's too late.

Riga won the election by 11 votes. Anderson garnered more votes at the polls, but Riga eked out the lead with overwhelming support in absentee ballots.

Anderson tried to persuade an election panel in June to throw out more than 20 absentee votes in her favor. He showed the panel evidence four voters moved out of town years ago, with three of them now living in Illinois. He also said numerous signatures were blatantly forged.

But the election panel voted 2-1 to uphold the primary results, saying the apparent corruption wasn't rampant enough.

Bonaventura's ruling Thursday revitalizes Anderson's efforts to uncover what he believes is a stolen election.

The judge gave him 3-1/2 weeks to question absentee voters under oath and pin down the man he accuses of stealing votes — Bob "Bosko" Grkinich.

"We are going to get all the evidence we can," Anderson said Thursday. "This is a nice step in the right direction."

Riga, who has been avoiding the media, told Bonaventura on Wednesday to throw out Anderson's challenge because state law said the hearing had to be held by June 25. Anderson's attorneys said she can ignore the deadline because they hadn't received election material for the investigation until June 20.

Bonaventura sided with Anderson in Thursday's ruling and also set up a hearing for his appeal to the election panel's decision. Both issues will move forward Aug. 6.

If Anderson convinces the judge corruption spoiled the election, Bonaventura could order a new election for the whole town, or just in the precinct the tainted ballots came from. She could not throw out votes, according to Kristi Robertson, co-director of the Secretary of State's Election Division.

However, the judge also could agree with Anderson's appeal to the election board's decision, and throw out all the votes from the contested precinct, which is in the east side Novo Selo neighborhood.

It is in that precinct Anderson alleges Grkinich stole the election.

The ballots in the name of three Illinois residents were mailed to the home of Gus and Roberta Flores, both of whom have ties to East Chicago politicians.

But Gus Flores has denied he knew about the ballots. Instead, he has suggested his brother-in-law, Grkinich, was behind it. Grkinich, a registered nurse, visits the home regularly to care for his ailing mother.

Grkinich has not returned phone calls, but he has told Gus Flores he will one day clear his name.

Allegedly, the handwriting on the ballots mailed to Flores' home match roughly 20 other absentee ballot applications from the east side precinct. And Anderson said many of those ballot signatures are forged, claiming Grkinich either voted for them or signed the application ballots. Both actions are illegal and would void a ballot.

But Anderson has yet to prove that theory.

During the next three weeks he said he will question all 24 of the mail-in voters from the Novo Selo neighborhood. Twenty-three of those ballots were in Riga's favor.

He also wants to question Grkinich under oath to tighten his case that the votes should be thrown out or the precinct revote.

In the end, the judge will decide whether Anderson's efforts prove rampant voter fraud.

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Bonaventura's ruling on Anderson's appeal as well as his challenge also will determine who will hand out justice for traffic violations and minor crimes in Schererville for the next four years.

The Republicans failed to field a candidate for November's town judge election, handing whoever wins these court hearings the key to the courtroom.

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016681

IN

Judge rejects recount dismissal

BY JOSEPH RYAN
Times Staff Writer

CROWN POINT -- A LaPorte County judge rejected a move Monday by East Chicago Mayor Robert Pastrick to toss out the court challenge to his primary win, sending the contest chugging forward with testimony in Pastrick's defense against voter fraud accusations.

Pastrick's attorneys told LaPorte County Judge Steven King that challenger George Pabey, a city councilman, hadn't proved enough illegal votes to show the election was stolen. The attorneys said even if they gave Pabey the benefit of the doubt on many disputed ballots, he would still fall 143 votes short.

Pabey lost May's Democratic mayoral primary by 278 votes. He won at the polls, but Pastrick pulled out ahead when mail-in ballots were counted. Pabey is challenging the mail-in ballots and has presented evidence throughout the first two weeks of the trial he says shows a pattern of illegal voting spurred by Pastrick's political operation.

King sided with Pabey's argument that the law doesn't require the illegal votes cover the spread of the win. Instead, Pabey's attorneys said they need to show a series of strong-arming and ballot-stealing that leaves the validity of the election in doubt.

"This is not a numbers game," said Nathaniel Ruff, one of Pabey's attorneys.

Ruff contends Pastrick created an influence over voters that wouldn't exist at the polls because city workers were asked to vote absentee and acquire absentee applications, and political newcomers were allegedly given paid election day positions for bringing in absentee votes.

With King shooting down Pastrick's attempt to get the case thrown out, the focus of the trial shifted to his defense, which will attempt to prove the campaign had no malicious intent in signing up absentee voters.

"We readily admit we had a very active campaign to get out the vote," said Terry Smith, one of Pastrick's attorneys. "This is not some vast conspiracy dreamed up by the Pastrick campaign."

Pastrick's defense called election officials and political figures to the stand Wednesday to testify that circulating absentee applications was not an insidious conspiracy, but rather a natural part of a political campaign.

Lake County auditor and head of the county Democrats Stephen "Bob" Stiglich was called to the stand for Pastrick to testify about inner county political workings. Stiglich had unsuccessfully run against Pastrick in the 1980s and in 1999. The most recent face-off between the two was surrounded by voter fraud accusations.

Stiglich testified that flooding the campaign trail with absentee applications is normal and important in getting apathetic residents to vote.

"We do it every time," he said, adding that his own campaign in 1999 focused heavily on acquiring absentee votes.

Pabey's arguments mostly centered on the legal stipulations of absentee balloting, and whether Pastrick workers treated the mail-in ballots as applying to anyone who didn't feel like going to the polls.

"Just because this may be business as usual in East Chicago doesn't make it right," Ruff said.

State law lays out a series of reasons ballots can be sent through the mail, including disability, work and age.

In related matters, attorney Jim Wieser, who is overseeing the case for the Lake County election board, asked King to throw out the case, drawing immediate criticism from another Democratic primary mayoral candidate, Lonnie Randolph. Both Randolph and Wieser are respondents in the case and not working on behalf of either side.

"We are supposed to be neutral parties," Randolph said to Wieser.

Wieser also said he plans to turn over some of the voter fraud evidence to the Lake County election board with the intention that it be submitted to the county prosecutor.

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08/05/2003 1:06 PM



IN

Voter fraud trial heads into final stretch

BY JIM MASTERS
Times Correspondent

EAST CHICAGO – As the voter fraud trial against Mayor Robert A. Pastrick heads into closing arguments today, East Chicago residents brace for the final outcome.

The verdict will likely go one of three ways: All or some of Pastrick's absentee ballots will be tossed out; all votes will stand as counted; or LaPorte County Judge Steven E. King will order a new election.

City Councilman George Pabey, who brought the case against Pastrick after losing the Democratic primary for mayor by 278 votes, wants Pastrick's absentee ballots nullified on the basis of widespread fraud. While neither side wants to see a new election, including the Lake County Election Board, which was named as a co-defendant, it would seemingly bode well for Pabey, who won at the polls but lost by virtue of Pastrick's 1,093 absentee ballots.

If attorney Lonnie Randolph, who finished third in the primary and was also named as a co-defendant, chose not to run in a new election, many of his votes could go to Pabey, observers say.

Pastrick's attorneys, Terrance Smith and Michael Bosch, have not hidden the fact that absentee voting was encouraged and widespread in the election, but they say people cast ballots for the candidate of their choice and did so free of political strong-arm tactics, as Pabey has alleged.

Lake County Election Board attorney James Wieser warned against disenfranchising a large block of voters.

After 10 days of testimony and nearly 200 witnesses, Pabey has essentially put the political process on trial in East Chicago. Numerous witnesses could not produce a valid reason for voting absentee. Some witnesses admitted not residing in East Chicago while another admitted his vote was for sale.

Several political heavyweights have taken the stand to answer questions how – for better or worse – elections in East Chicago are traditionally conducted.

Lake County Democratic Party Chairman Stephen Stiglich testified that flooding the campaign trail with absentee ballot applications is normal and important in getting apathetic residents to vote. He admitted employing such practices during his unsuccessful runs against Pastrick in the 1980s and 1999.

Two elected officials with close ties to Pastrick, Lake County Councilman Joel Markovich, D-East Chicago, and North Township Trustee Greg Cvitkovich, both downplayed their roles in the campaign where absentee balloting is concerned.

Markovich described himself as a self-appointed coordinator of absentee balloting in his home precinct, helping people fill out applications "in order to expedite matters." Cvitkovich disavowed any knowledge that absentee ballot applications were being freely distributed from the township offices.

Former East Chicago Republican Party Chairman Robert Cantrell, who according to Cvitkovich works in the East Chicago office under no official title, testified he submitted a limited number of applications for both Republican and Democrat voters.

Cantrell denied any election-related work was conducted in the township offices.

However, township employees Lee Busby and Harry Dean Johnson told of their concerns about political activity taking place in the offices in violation of office policy. Johnson said he overheard Cantrell say he was responsible for Pastrick winning the primary by way of the absentee ballots.

Pastrick campaign operative Andrew Callas offered little in the way of damaging testimony. He testified that he took more than 1,000 absentee ballot applications to Crown Point and made photocopies of each, but destroyed them in the days after the election.

Numerous city employees were questioned about their roles in helping obtain absentee ballots. Quite often, the name Allen "Twig" Simmons surfaced as someone who pressed them into voting absentee.

Simmons denied any heavy-handed tactics, but was called by to court to answer to allegations of witness tampering.

Testimony also took aim at the involvement of East Chicago City Councilman Levones Tolbert, D-6th, who, witnesses said, offered them money to obtain absentee ballot applications.

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A blow to the Pastrick defense came Monday when King denied his motion to toss out the court challenge. Wieser also petitioned for the same.

All parties agreed on one thing, that a voting recount was unnecessary and should not be conducted as scheduled.

Pabey was present every day in court, with supporters filling the benches in the courtroom. King thanked the audience Tuesday for their demeanor throughout the trial.

Pastrick appeared on Monday this week and briefly Tuesday. His son, Lake County Coroner David Pastrick, was a frequent visitor.

It's unknown how long King will take to render a decision or how much evidence he'll require to rule if substantial voter fraud existed to the point where a remedy is in order. Until then, Pastrick's eight-term reign as mayor hangs in the balance.

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IA

THE INDIANAPOLIS STAR
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Officials hope to learn from vote-fraud probe

New state laws could turn on findings of Lake County panel, one legislator says.

Associated Press

August 25, 2003

CROWN POINT, Ind. -- Some state officials are watching a grand jury's investigation into vote-fraud allegations in Lake County as new laws are considered to prevent election problems.

State Rep. Chet Dobis, D-Merrillville, said new laws were needed to prevent the theft of elections through illegal absentee balloting, but legislators do not have a clear idea how to correct the problem.

Lake County Prosecutor Bernard Carter sought a grand jury to investigate reports of vote tampering by campaign workers in East Chicago, Schererville and other parts of the county.

Dobis, one of the top Democrats in the Indiana House, said discussions about new state laws could turn on what is discovered in the investigation.

"The only thing we can do is wait for some reports from the grand jury, from Bernie Carter or through a trial," Dobis told The Times of Munster for a story published Sunday.

Judge Steven King presided over a trial challenging absentee voting in the primary victory by East Chicago Mayor Robert Pastrick. King wrote in his opinion that the city's mayoral primary "may be a textbook example of the chicanery that can attend the absentee vote cast by mail."

King said mail-in absentee voting was vulnerable to vote fraud because the ballot is cast in an unmonitored setting where no election official or independent observer can prevent coercion or the offer of money, jobs or other incentives.

"This is what Lake County does," said state Sen. Rose Ann Antich, D-Merrillville. "They aren't afraid of the law, so they will go ahead and do business as usual."

Cam Savage, a spokesman for the Indiana secretary of state's office, said that office was working on proposals to address vote fraud.

"We hope to work with members of both parties and try to get some of those reforms passed," Savage said. "We think there are some significant changes that need to be made in the election code."

Some legislators say the punishment for vote-fraud convictions needs to be made more severe.

"I'd like to make it a felony, and it can't be lenient because he knows somebody," Antich said. "I think that would scare the hell out of people more than anything else."

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IN

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URL: http://www.courierpress.com/ecp/indiana_elections/article/0,1626,ECP_1957_2391141,00.html

More absentee ballots, applications turned over

By JOHN MARTIN Courier & Press staff writer 464-7594 or jmartin@evansville.net

October 31, 2003

Two more absentee ballot applications and two ballots were turned over by the Election Board to Evansville police Thursday, as an investigation of alleged fraud slowly moved forward less than a week before the Nov. 4 city election.

Assistant Evansville Police Chief Kent Burnworth said 18 absentee ballot forms are being "actively" investigated by three detectives and one supervising officer. That's down from a stack of 140 that the Election Board gave police on Oct. 14.

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One case file related to the investigation has been sent by police to Vanderburgh County Prosecutor Stan Levco. That file identified one suspect who has not been charged. Levco has said he will not consider filing charges until after the election.

Burnworth declined to comment when asked if police are looking at any other suspects.

The Election Office has received more than 3,000 requests for absentee ballots, many of which were turned in by Democratic Party workers.

Democrats have accused the Republican-controlled Election Board for handing the investigation to a police department run by Chief Dave Gullede, an appointee of Mayor Russ Lloyd Jr. But Election Board member Don Vowels, the lone Democrat on the three-member Election Board, said Thursday that he is pleased that the board has now inspected every ballot application called into question.

Questions regarding all but about 12 of those 383 applications were resolved by the board. At its Oct. 14 meeting, the board voted to send several applications to police, but did not review them before doing so.

"This seems to have taken on a life of its own," Vowels said of the controversy surrounding absentee voting. "But the Election Board has taken this into our own hands."

Vowels has, however, differed with County Clerk Marsha Abell and Election Board President Mark Foster about several matters, including the two Republicans' decision to send a absentee voting board to a homeless shelter, which produced about 25 applications for mailed ballots. The ballots should have been mailed, said Vowels. The shelter is near the Civic Center, where people can vote absentee in person.

During a Democratic Party rally for city candidates Thursday night at C.K. Newsome Center, speakers took aim at the investigation.

"Don't let the county clerk scare you from voting," said 3rd Ward City Councilman and local Democratic Chairman Steve Melcher, a frequent Abell critic.

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Abell, appearing Thursday on WNIN-PBS9's "Shively & Shoulders" program, said she has sought to verify that the large number of people requesting absentee ballots are eligible to vote.

"We made a lot of strides (Thursday)," Abell said. "We have a travel board, as we speak, voting people at the homeless shelter."

Abell said recent changes in state law regarding absentee voting and voter registration need to be reviewed.

"You can register your dog to vote now," Abell said, "because you don't have to be seen in person. I think the law needs to be changed where you have to show some identification."

Vowels, appearing on the same program, said he and Abell "are on common ground that the Legislature needs to look at this," but "my approach is we're stuck with the statutes they dealt us, and we have to deal with them accordingly."

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IAN

Fraud allegations spur absentee ballot review

BY WILLIAM LAZARUS

Times Staff Writer

In the wake of ongoing and widespread allegations of absentee ballot vote fraud, the Lake County election board plans to look at letting all voters cast absentee ballots by mail.

Such a change would have to be enacted through a state law and would do away with objections that voters cited the wrong reasons for voting absentee. Critics said it would greatly increase the danger of stolen elections.

"It's the worst reform imaginable. It's a gateway to wholesale election fraud," said William Kimberling, a former deputy director of the Federal Election Commission, who has now retired to his family home in Kokomo.

The county's newly formed Lake County Elections Integrity Subcommittee will consider absentee ballot voting by mail and other election issues after its first organizational meeting at 10 a.m. Friday in the commissioners courtroom at the county government center.

Attorney Justin Murphy, the subcommittee's chairman, said both Democratic and Republican Party chairmen are interested in liberalizing the law on absentee ballot voting.

"Oregon votes by mail, period, and 70 percent of the people vote," said Lake County Republican Party Chairman John Curley.

Curley said he believes voters should not have to give reasons why they want to vote absentee ballot by mail, but he said laws against fraud should have teeth.

In any case, Curley said the elections subcommittee should quickly decide on the changes it wants to push in the upcoming legislative session.

Fellow Republican and Indiana Secretary of State Todd Rokita likely won't agree that all voters should be able to cast absentee ballots, according to his spokesman Cam Savage. Rokita is one of the people named to serve on the election subcommittee.

"There are laws in place" to guard against fraud, Savage said. "We saw in the 1999 elections and the 2003 elections in Lake County that those laws aren't being followed. Doing away with the safeguards that are already there and opening (absentee ballot voting by mail) up to everybody might open it up to even more fraud."

Kristi Robertson, Democratic co-director of the Indiana Election Division, said last year the legislature changed state law to allow all voters to cast pre-election absentee ballots inside election offices, without giving reasons for doing so.

Robertson doubted the Indiana Senate would extend the change to absentee ballots by mail, though she believes such a change would make sense.

"If we really want people to vote, we've got to come up with ways of making it easier," Robertson said. "I understand people's concern about vote fraud, but there are already stiff penalties for that."

Kimberling sees it differently.

"It is a mistake to sacrifice the integrity of the process on the altar of turnout," he said. "We could have huge turnout if we allowed illegal voting."

One problem, he said, is that absentee ballot voting by mail occurs in private, without the checks and balances of a public polling place where parties watch each other to make sure voters aren't coerced.

Also, he said, coupling the right to register to vote by mail with absentee ballot voting by mail makes it possible to generate ghost votes en masse.

016688

"It's not as easy to discover as you think because no one ever looks," Kimberling said, adding that is true especially in Indiana where election records are put under seal for 22 months, after which they can be destroyed.

Richard Smolka, editor of Election Administration Reports, a 33-year-old national newsletter for election officials, shared Kimberling's perspective.

"The Department of Justice Public Integrity Section has frequently stated that absentee voting was the principal method of vote fraud in the United States," he said.

Smolka questioned whether existing criminal penalties work.

Also, Smolka said, "The more absentee ballots that are cast, the harder it is to identify the fraudulent ones because of the volume."

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<<Back



November 18, 2003

Four Charged in Alleged East Chicago Voter Fraud Case

JN

Four people were indicted by a grand jury Monday in an investigation into absentee voting in East Chicago's Democratic mayoral primary.

Allan Simmons is accused of receiving absentee ballots for people who were not eligible to vote in the primary and threatening them if they testified before a grand jury. The 35-year old East Chicago resident faces three counts of attempted obstruction of justice and six counts of ballot fraud.

City councilman George Pabey lost the Democratic nomination for mayor by 278 votes. He claims he would have won if not for hundreds of fraudulent absentee votes cast for Robert Pastrick.

Pastrick won re-election to his ninth term in the heavily Democratic industrial city two weeks ago. Jimmy Lee Franklin, 50, was also indicted and accused of failing to appear before a grand jury.

Robert Croy, 73, and Delores A. Croy, 66, are charged with voter fraud and lying to the grand jury.

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IN

December eyed for wrap on voter fraud

By **BYRON ROHRIG** Courier & Press staff writer 464-7426 or brohrig@evansville.net

November 19, 2003

Don't look for a conclusion to the city voter fraud inquiry until December - probably late December.

Vanderburgh County Prosecutor Stan Levco said the latest word he's received from police is that an investigation of alleged absentee voter fraud in this year's city election will be concluded "by the end of the year."

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"It would be my intention to try to resolve this before the first of the year," Levco said Tuesday. "But I've only seen one case. I would like to see what other things (police) have found in their investigation."

Police Chief David Gulledge, who was unavailable Tuesday, said last week that the investigation is continuing and that he did not know when it would be wrapped up. Gulledge said 14 more suspect ballots were turned over to police last week, about 30 others were being checked and detectives had finished examining 100 others.

The only case file now in Levco's possession involves Donald Mosby, a Democratic precinct committeeman and an uncle of Vanderburgh County Commissioner David Mosby. Investigators accused Donald Mosby of asking Nelson E. Detalente Sr., a former Evansville man who now lives in Henderson, Ky., to fill in his former Evansville address on an absentee ballot request form.

Levco said he would like to have a case to present next month to a grand jury.

Before the election, Levco declined to proceed with the Mosby case. He later said he would act after the absentee-ballot investigation by police is closed.

Heated, often partisan sessions of the Vanderburgh County Election Board, held for inspection of questionable absentee ballot applications, led up to the Nov. 4 election.

Part of the debate swirled around whether city police, headed by an appointee of Republican Mayor Russ Lloyd Jr., should investigate alleged absentee irregularities.

While some Republicans argued city law enforcement should check into matters involving a city election, some Democrats said the probe should have been handed over to Indiana State Police.

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IN

Vote fraud scrutiny to be heightened

BY BILL DOLAN
Times Staff Writer

HAMMOND -- U.S. Attorney Joseph Van Bokkelen said his office is gearing up to investigate any vote fraud complaints made during this year's elections.

Lake County was a hotbed of scandal last year over allegations that hundreds of illegal absentee ballots were cast in 2003 in the East Chicago and Schererville spring primary.

Because last year's elections only involved municipal races, federal authorities kept their distance until recent weeks. Sources within federal government said the U.S. Justice Department will move in to assist, if not take over, a stalled investigation by the county prosecutor and Indiana Attorney General's offices.

There will be no delay if vote fraud rears its head in the spring primary, Van Bokkelen said.

"If there is any kind of illegal activity taking place, it's one in which we will have much more ability to look into than we would on just any local election," he said.

He said his chief weapon against voting irregularities is the 1965 Voting Rights Act.

"We can pursue the issues of civil rights, extortion or bribery. Because there is a federal election going on that we can bring in to play, that we could not normally bring into play on a purely local election," he said.

The Voting Rights Act has been used to protect language minorities. Lake County has sizable Spanish- and Serbian-speaking populations, who allegedly were victimized last year.

East Chicago Mayor Robert Pastrick won the mayoral primary last spring with hundreds of absentee ballots, many cast in the names of Hispanics who couldn't read the English instructions.

Pastrick's critics allege his campaign workers filled out many of the ballots for naive foreign-born city residents, in violation of state law that only the voters or their immediate family can write on the form.

The same allegations were made in Schererville, where voters for whom English is a second language said they received help from Bob "Bosko" Grkinich, a Schererville businessman and Democratic committeeman.

Bill Dolan can be reached at bdolan@nwitimes.com or (219) 662-5328.

016692



TIN

Feds stalk vote fraud bounty

BY BILL DOLAN
Times Staff Writer

HAMMOND -- U.S. Justice Department investigators see Lake County's vote fraud scandal as a big game hunt.

A source close to the U.S. Attorney's office said the federal government is targeting those who directed wholesale vote buying, intimidation or fraud to steal elections in East Chicago and Schererville.

Federal authorities said they suspect a conspiracy took place among East Chicago city officials, County Board of Elections and Registration officials and campaign employees of Mayor Robert Pastrick to coordinate the fraudulent casting of hundreds of absentee ballots in the May 6 Democratic primary. They believe a similar, but smaller, racket took place in Schererville.

Sources within the federal government said the U.S. Attorney's office is under pressure to take over an investigation in Crown Point by a special county grand jury that was at best spinning its wheels and at worst leaking evidence to those under suspicion.

U.S. Attorney Joseph Van Bokkelen is expected to announce as early as this week that he is not conducting a hostile takeover, but rather a merger with Indiana Attorney General Steve Carter and Lake County Prosecutor Bernard Carter, who were running the special grand jury in Crown Point.

Ned Ruff, an attorney for East Chicago City Councilman George Pabey, D-at large, said Friday their team of private investigators found a surplus of evidence, which was detailed last summer in Special Lake Superior Court Judge Steven King's 104-page opinion on that city's 2003 Democratic primary.

Pabey lost to East Chicago Mayor Robert Pastrick by 278 votes. Pabey contested that result. King heard three weeks of evidence from witnesses collected by Pabey's lawyers, and threw out 155 absentee ballots, leaving Pastrick with a 123-vote majority.

Ruff said they will continue to argue this March before the Indiana Supreme Court that all absentee ballots cast in Pastrick's name should have been thrown out because of what Ruff calls, "a pattern of fraudulent behavior."

"These were not isolated incidents," he said. "It covered the city. It happened to a lot of different people. It was centrally directed fraud in which the poor, young and naive were targeted.

An organized effort

The names of those who reportedly did the targeting were repeated over and over last summer by witnesses.

Ruff said there wasn't any evidence linking Pastrick to the illegal activity.

King's opinion named North Township Trustee Gregory Cvitkovich and Robert Cantrell, former East Chicago Republican chairman, but not as participants in vote fraud.

Rather, King quotes Cvitkovich and Cantrell as saying candidates (like Pastrick) hire hundreds of unofficial poll workers in the expectation they will cast absentee ballots in the name of their paymaster candidate.

Ruff said there was a large amount of evidence that East Chicago's parks department swelled before last year's primary with employees hired not to promote recreation but Pastrick's re-election.

"Park Superintendent Joe Valdez's name came up over and over," Ruff said. We were told park employees were ordered to vote by absentee ballot, because there was a fear they would get drunk on election day and not get to the polls."

Valdez is awaiting trial this summer on charges he and five other East Chicago political figures illegally spent \$20 million on sidewalk and other concrete work on private property to curry favor with voters before the 1999 Democratic primary election. He is pleading

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IN

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URL: http://www.courierpress.com/ecp/news/article/0,1626,ECP_734_2645626,00.html

Abell: It's time to end vote fraud probe

However, clerk still convinced it occurred

By JOHN MARTIN Courier & Press staff writer 464-7594 or jmartin@evansville.net
February 11, 2004

Investigations of alleged fraud in the 2003 Evansville city government election will proceed no further.

Vanderburgh County Clerk Marsha Abell, who said last month that the County Election Board should continue an examination of the election, said Tuesday that it's time to move on.

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"I think our energies would be better served making sure these things don't happen again," Abell said.

"These things," according to Abell, included irregularities in the absentee voting process. The county election office received more than 3,000 applications for absentee ballots, and signature issues on several ballots led the Election Board to request an Evansville Police Department investigation.

Results of that investigation were presented after the election to a Vanderburgh County grand jury, which returned no indictments.

But Abell said she remained convinced that fraud took place. She said she had evidence a voter knowingly cast two ballots and heard about problems with absentee voting among residents of a Downtown homeless shelter.

There were roadblocks, though, in investigating the issues further, Abell said. She said she asked the police department for its investigative file, but she said the police department said the Election Board would have to issue a subpoena to view it. Don Vowels, the lone Democrat on the Election Board, said moving forward with an investigation would have raised legal questions.

"Mrs. Abell is right about the difficulty of going forward on this because we don't know what the grand jury looked at," Vowels said. "If a grand jury looked at a case and there is (no indictment), they can't be looked at (again) unless new information comes to light after the proceeding."

The investigation of alleged voter fraud became politically charged in the last days before the Nov. 4 election. Mark Foster, the other Republican Election Board member, said he believes the board sent a message that "those who may want to bend the rules know we're not going to sit idly by and let it happen."

In another matter, Vowels made an unsuccessful motion that business cards, which give instructions about the new voting machines, not be distributed by those who demonstrate the county's new election equipment. He objected because the cards, which list the dates of this

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year's primary and general elections, twice list Abell's name, and Carla Hayden's name is listed once. Both are candidates in the November election.

The cards also have the names of the other two election board members, including Election Board member Vowels. On the reverse, Abell's name appears with Hayden, the chief deputy clerk who is running for county clerk, and Election Supervisor B.J. Farrell.

Abell is running for Vanderburgh County Council at-large.

Foster said the cards are meant to instruct voters on the new touch-screen voting machines, and the names on the cards, which include county phone numbers, indicate who residents can contact to schedule demonstrations.

Vowels' motion died for lack of a second.

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IN

Election Board to act on claims of illegal voting

BY DAVID MITCHELL

Times Staff Writer

VALPARAISO -- The Porter County Election Board voted Tuesday to conduct a hearing on claims of illegal voting in last year's election by children of the former Porter Town Council president.

Board member Dale Brewer requested the action at the close of the group's regular meeting, and asked the county Sheriff's Department to investigate the claims.

According to Brewer, the allegations involved absentee ballots cast by Wesley and Nicole Kozuszek, children of Kathy Kozuszek, who lost her re-election bid last year. Brewer prepared a statement and additional material for the other members of the board.

"The challenge to the ballots was based upon independent, reliable public information obtained from the Chesterton Police Department that the individuals casting the absentee votes did not reside in that voting district, and therefore, were ineligible to cast a vote," according to Brewer's statement.

Brewer had information from the Chesterton Police Department related to a report filed by Wesley Kozuszek in October 2003, after he told police someone stole his vehicle. Police records show a Chesterton address for Nicole and Wesley Kozuszek, making them ineligible to vote in a town of Porter election.

Kathryn Kozuszek said her children have an attorney and would have been at the board's regular meeting had they known the issue would be addressed. Instead, a special meeting is scheduled for April 30, when the Kozuszekes will state their case.

Kozuszek said her children live and are registered to vote in Porter. While her son maintained an apartment to get out of the house on occasion while the family dealt with difficult times last year, Kozuszek said he lived at home in Porter.

"That will be up to the Sheriff's Department to investigate," Brewer said.

Aside from the absentee ballot issue, Kozuszek charged Brewer with abuse of power as a member of the board. On Election Day, Brewer was notified of a Porter poll worker authorized by the county Democratic Party chairman, but that person neither lived in nor was registered to vote in Porter County.

Brewer asked the person to leave. Kozuszek claimed the person tallied people entering the polling place -- a poll book holder -- and is not required to be a county resident.

Brewer agreed the person did not have to be a resident but said he never identified himself as a poll book holder.

Meanwhile, the board resolved a number of alleged campaign finance violations reported following last year's elections. Accusations mainly targeted Democratic candidates in Porter and Hebron, claiming they filed inaccurate campaign finance disclosure forms.

Board Chairman James Bozik said all candidates in question subsequently corrected any errors previously filed. Board officials plan to send an additional letter to candidates reminding them of their obligation to accurately file their paperwork. No more exceptions will be made, and candidates who fail to abide by election laws will pay fines or legal fees, Bozik said.

David Mitchell can be reached at dmitchell@nwitimes.com or (219) 462-5151, ext. 346.

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July 23, 2001, Monday, 0 South Pinellas Edition

SECTION: EDITORIAL; LETTERS; Pg. 7A

LENGTH: 1836 words

HEADLINE: Election debacle will resonate for years to come

BODY:

Along with the striking story in the New York Times of July 15 on Republican behavior during the Florida election crisis is a second story about Joe Lieberman. He, of course, was the Democratic vice presidential candidate who lost out along with Al Gore, possibly due to his own decency - perhaps naivete - in the face of the raw-knuckled political infighting of this ballot count.

The first story relates how the Republicans pressured Florida election officials to disregard faulty absentee ballots in Bush-leaning counties. The Times' six-month study reports that ballots were flawed because they had no witnesses as required by law, they were without postmarks or were postmarked too late, many were mailed from within the United States, and there were even ballots from voters who voted twice. Florida Secretary of State Katherine Harris had declared that only proper ballots deposited on time should count, but she waived that requirement for overseas ballots which were known in advance to be right-leaning.

While the Republicans were launching their hardball campaign to get every last pro-Bush ballot counted - proper or improper - good-hearted Lieberman said on Meet the Press on Nov. 19 that he favored giving "the benefit of the doubt" to military personnel. He felt their votes should count. It all smacks of Leo Durocher, the hard bitten manager of the New York Giants in the 1950s, who snarled, "Nice guys finish last."

The dispute on Florida absentee ballots in 2000 will resonate for years as will the Republican effort to disenfranchise black voters. We can't kick George W. Bush out of office; that would be unconstitutional. But we can recall the 2000 debacle in 2004.

Edward Rapp, Inverness

Let states tackle election woes

Re: Another good idea for election reform, by Philip Gailey, July 15.

In a timely reminder, editor Philip Gailey references a report out of the Brookings Institution regarding election reform in which author Thomas Mann "warns against seeking a federal solution to a problem that is . . . primarily a state and local responsibility." Mann also suggests "the federal government should create a new independent agency to assist states" seeking solutions to electoral problems.

As a Libertarian, I flinch from suggestions that the federal government should take on more tasks - there is nothing in the Constitution that allows the federal government to do so. On the other hand, there is nothing in law or the Constitution that prevents the states, whether two or 50, from forming the Interstate Cooperative Committee on Ballot Technology and doing precisely what Mann suggests.

If there is to be a nationwide dialogue on how to run an election, let it be managed by the states rather than by Washington's bureaucrats. The Interstate Cooperative Committee won't be able to force a one-size-fits-all solution on its members, but the Federal Ballot Technology Administration might.

Frank Clarke, chairman, Pinellas County Libertarian Party,

Oldsmar

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How Bush will be remembered

Re: Bush focus: Get in overseas votes, July 15.

The article regarding the overseas ballots is not very surprising.

What is surprising is that White House spokesman Ari Fleischer believes "the election was decided by the voters of Florida a long time ago" when, in reality, the election was decided by the U.S. Supreme Court.

George W. Bush will always be remembered as the "selected" president.

Sandra Harris, Safety Harbor

Scanner system makes sense

Re: Voting machines.

I am unaware of the individual costs of the units under consideration, but there should be a great difference in the numbers required when comparing "touch screen" and "scanner" use. A polling place would probably require as many touch screen units as the punch card booths now in use. However, polling places would need two or three scanners, (more in high-activity polls) ensuring backup for failures. The scanner would be virtually as fast as dropping a ballot in the ballot box, except where a ballot is rejected. Even then, little time is lost at the machine! Voters would require only privacy stalls, much like those for the punch card system, in which to mark their scanner ballots.

Far fewer electronic devices are required, a "paper trail" is retained, and a "real time" count can be maintained and/or fed directly to an "election center" computer. Costs aside, the "scanner" system should require less inventory, maintenance and "glitch" worry. May common sense prevail!

E.C. Whipple, St. Petersburg

Times should stop obsessing

When will your paper stop obsessing about the Florida presidential recount? It's over. Your guy lost. Forget it!

Pat Jennings, Dunedin

A painful loss . . . or theft

Re: Vote controversy turns to computer records,

July 17.

Gov. Jeb Bush's communication director, Katie Baur, says it's painful to lose an election, but we should all move on.

Losing a precious possession would be painful, but if I suspected it had been stolen from me, it's unlikely I would just move on without an investigation, though I'm sure the alleged thief would appreciate it.

Kay Lawrence, Largo

Harris' role should be scrutinized

Re: Scrutiny of Harris' role revived, July 16.

Thanks for the excellent follow-up story on the shocking New York Times story on how the Republicans corrupted the recount of military ballots.

Note to Mac Stipanovich who says that some people believe Katherine Harris is "evil personified": Count me as someone who doesn't believe that, Mac.

Do, however, count me as someone who believes that if the Times' allegation that Harris allowed her non-partisan office to be used as a partisan "war room" during the recount debacle is correct, Harris should resign.

Pronto!

Jack McCarthy, Tallahassee

An elections chief with ethics

Re: Elections chief recuses herself, July 18.

What a concept, an elections chief with ethics. Deborah Clark is to be commended for taking the high road. It's refreshing to witness such character.

Too bad we cannot say the same for Katherine Harris. From the many articles I've read in the St. Petersburg Times and the New York Times, the screw-up with the overseas absentee ballots lay squarely on her shoulders.

As has been reported, state election law requires overseas ballots to be postmarked by Election Day. She knew this, she even reminded the supervisors of elections statewide in a public statement. But she allowed some 680 flawed (illegal) ballots to be counted. Ballots with late, illegible or missing postmarks. Overseas ballots with domestic postmarks. Ballots with no witness signature. Even absentee ballots that were not requested by the voter. Harris allowed her very partisan wishes (and possible ambassadorship) to blind her to the letter of the law concerning absentee ballots in Florida.

The governor saw the nature of the beast and realized the possible hint of a conflict of interest. He did the only thing he could do and stepped aside (even if only in public).

Now we learn that records on computers used in Harris' office during this period have been erased. Now this brings back some memories.

Gilbert A. Sullivan, St. Petersburg

Be sure your vote is counted

Once again, the liberal Times has seen fit to revisit the 2000 presidential election with articles on the counting of the military votes, Katherine Harris and so on. Will this never die? After the myriad lawsuits for weeks, the Supreme Court spoke and we swore in a new president - George W. Bush - on January 20, 2001.

It's over, kaput; you're beating a dead horse. Let's move on.

That said, let our voters, or those intending to do so, know that there are several essential steps they should take to ensure the proper counting of their vote. Remember, voter error is not sufficient cause for a recount. Familiarize yourself with the ballot you will be using, know what identification is required in order to cast your vote, know what precinct you are in and where your polling place is located, and then - this is important - know your candidates for the various offices. If any of these pose a problem, ask for help from a friend, relative, an attorney or your supervisor of elections. If people go to vote unprepared, they have only themselves to blame if their vote is not counted.

Jim Wright, Clearwater

We won! You lost! Get over it!

As a transplanted Yankee, I often see bumper stickers, etc., relating to a certain war that took place almost 150 years ago in America. Those who lost that war still bemoan the fact and insist that the war isn't really over at all. To them I say, "The war is over! We won! You lost! Get over it!"

Now, as a conservative Republican, I am seeing more and more articles in the Times bemoaning the fact that yet another study has been done concluding that those nasty Republicans did everything in their power to win the 2000 election, and though nothing illegal has been uncovered, the Democrats and the liberal media are just sure that some awful crime was committed. (Of course, to them a Republican in office is a crime.) To them I also say, "The election is over! We won! You lost! Get over it!"

J.R. Carrel, Safety Harbor

Encourage effective solutions

International leaders are meeting in Germany this week to resume negotiations on the implementation of the Kyoto Protocol on Climate Change. President Bush has repudiated the United States' obligation to develop details on how the world will minimize global warming. During the president's recent European tour he pledged that he would not obstruct progress during the climate talks. I hope that Americans will hold President Bush accountable to his word, given that even without our participation, the Kyoto Protocol is a crucial step toward addressing this century's greatest environmental challenge.

As the world's largest emitter of climate changing pollution, the United States should take a lead in reducing emissions.

Americans are renowned for innovative leadership in the business world, yet when it comes to acknowledging our role in global warming we have become an international embarrassment. We must encourage leadership from all elected officials to develop effective solutions to climate change.

Lyndy Worsham, Clearwater

An image that doesn't inspire

Why must you print, seemingly, a picture of President Bush with every article concerning him? We all know what he looks like, and his crafty face certainly does not attract readers or inspire them.

James Wilkins, St. Petersburg

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They should be brief and must include the writer's name, address and phone number. Please include a handwritten signature when possible.

Letters may be edited for clarity, taste and length. We regret that not all letters can be published.

GRAPHIC: BLACK AND WHITE CARTOON, DON ADDIS; George W. Bush sitting on a tree stump labeled "THE STEM CELL DECISION," thinks to himself "What would Charlton Heston do?"

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Suspicious absentee ballots?

Political accusations fly both directions

By JOHN MARTIN Courier & Press staff writer 464-7594 or jmartin@evansville.net
October 21, 2003

A Vanderburgh County government attorney said he's worried that an investigation of suspicious absentee balloting is not being handled properly, but the county clerk claims the concerns are simply "a political ploy."

Kevin Winterheimer, attorney for the Democratic-majority Vanderburgh County Commissioners, called into question Monday night how the investigation has been handled by County Clerk Marsha Abell, a Republican.

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Abell has turned over about 100 absentee ballot applications and fewer than 10 unmarked absentee ballots to Evansville police, who say they are investigating possible fraud.

The ballot applications, Abell said, have irregularities such as incorrect signatures or birth dates.

She said the actual ballots turned over to police were mailed from the Election Office to city voters who supposedly applied for them, but the ballots bounced back to the senders because no one lived at those addresses.

Elections for Evansville mayor, City Council and city clerk will be Nov. 4.

During his regularly scheduled report at Monday night's commissioners meeting, Winterheimer, citing news reports about the voting probe, asked for an emergency meeting of the county Election Board to ensure that the investigation is being done legally. The commissioners do not have the legal authority to call for an Election Board meeting, but Democratic Commissioner Catherine Fanello said the move was meant to relay the commissioners' concern about the investigation. The two Democrats on the three-member commission voted to call for an emergency meeting if Winterheimer's concerns are not settled during a meeting today with Election Board Attorney Les Shively.

Shively said County Commissioners should not issue an "edict" that the Election Board should meet.

"This should be dealt with from an attorney-to-attorney standpoint," Shively said.

The three commissioners agreed that the two attorneys should meet. But Republican Commissioner Suzanne Crouch parted with Democrats David Mosby and Fanello to call for the emergency meeting of the Election Board.

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Winterheimer said his concerns include the fact that Abell was quoted as saying she ran the names of some people seeking absentee ballots through court records and found one person with multiple arrest warrants.

The fact that someone has warrants is irrelevant to his ability to legally vote, said Winterheimer.

Winterheimer said he spoke with a co-director of the Indiana secretary of state's Election Division, who described practices such as running would-be absentee voters through court records and giving irregular applications to police as "highly unusual."

Under state law, the Election Board, on which Abell serves, along with Republican Mark Foster and Democrat Don Vowels, is in charge of administering elections. Abell last week told the Election Board that she had discovered irregularities in absentee applications, and she made a motion that police and the county prosecutor's office investigate. The motion passed 3-0.

Winterheimer acknowledged that County Commissioners have no role in running elections, but he said he wants to make sure the right to cast an absentee ballot is being protected.

"This could put a chilling effect on the fundamental right to vote," Winterheimer said.

He also said that if someone sued over being denied an absentee ballot, the county could be liable.

Winterheimer's comments "generated heat but not much light," Shively said.

"No one is interested in doing anything that discourages people from voting in this very important election."

Abell said she's "not the least bit concerned" about Winterheimer's comments. She said everyone who is registered to vote and legally seeks an absentee ballot will get one.

"This is a political ploy," Abell said. "It's strictly political."

Evansville police say they have given high priority to their investigation of possible absentee voting fraud, and detectives are working on the case full-time. The deadline to receive an absentee ballot for the Nov. 4 elections is Monday.

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KY

Lexington Herald Leader (KY) - Posted on Mon, Nov. 04, 2002

**Eastern Ky. voting under scrutiny
HIGH NUMBER OF ABSENTEE BALLOTS RAISES CONCERN AMONG ELECTION
WATCHDOGS**

As usual, high numbers of absentee-ballot requests and complaints in some counties have attracted the attention of state and federal election watchdogs, who vowed in news conferences to watch for vote buying, voter intimidation and ballot forgery.

As of Friday, 278 of 47,418 registered voters in Pike County had cast absentee ballots -- a relatively low number compared to 572 in Martin County, where there are only 9,887 registered voters.

The state attorney general's office last week picked up copies of absentee ballot applications in Martin and Pike counties, officials said, but veteran political observers were not impressed.

"I call them 'paper tigers,'" said Gary Ball, editor of the weekly Mountain Citizen in Martin County.

"They're just paying lip service to the problem, coming on Election Day," Ball said. "If they were serious, they would have been in here six weeks ago."

Assistant U.S. Attorney Thomas L. Self, who last week was appointed election officer for the Eastern District of Kentucky, declined comment on Friday.

In Magoffin County, which Salyersville lawyer Gordon Long once described as "the vote-buying capital of the world," newspaper publisher David Prater decided to take the problem into his own hands.

The Salyersville Independent last week offered \$2,500 for information leading to a federal vote-buying indictment.

"We've outbid the buyers," said Prater, who estimated the selling price for votes in the current county election is \$75.

"We're already receiving tips."

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Local/Regional » News Item

Thursday, October 24, 2002

Clay County voting under investigation Federal agents subpoena records of May primary

By Alan Maimon
amaimon@courier-journal.com
The Courier-Journal

MANCHESTER, Ky. -- Federal prosecutors are investigating voter fraud in Clay County, five months after a primary campaign during which shots were fired at the county clerk, a supporter of his opponent was wounded and absentee voting was stopped twice.

The clerk, Jennings White, said federal authorities handdelivered a subpoena to his office on Monday asking that all records from the May 28 primary be turned over by this morning.

Barbara Hadley Smith, a spokeswoman for Kentucky Attorney General Ben Chandler, said Chandler's office was notified about the subpoena of election records by the U.S. attorney's office for the Eastern District of Kentucky.

Sheriff Edd Jordan, who twice suspended absentee voting leading up to the primary after long lines of unruly voters showed up at the polls, said he hoped the investigation would expose any vote buying that took place.

"This was no surprise. That election needs to be straightened up," Jordan said of the federal probe.

White lost the Republican primary in his bid for a third term as clerk to challenger Freddy Thompson, who got 59 percent of the vote. But White won the absentee vote count, 522-331.

In all, nearly 5.5 percent of Clay County voters cast their ballots early. Only four other Kentucky counties had a higher percentage of absentee voting, and the statewide average was 1.16 percent.

After the primary, Secretary of State John Y. Brown III said a high percentage of absentee voting is generally a sign of vote buying.

White said Tuesday that he wasn't concerned about the subpoena. "I have no problems with it. Why should they single me out? We're just the bookkeepers," he said.

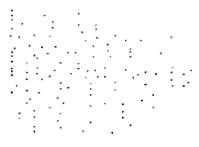
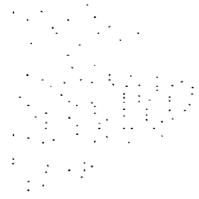
Thompson said he was confident the investigation would find no wrongdoing by his supporters.

Officials at the U.S. attorney's office declined to confirm that an

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investigation was under way. But federal authorities conducted a similar probe following a 1998 election in Wayne County in which 54 people admitted selling their votes. Four men who were subsequently indicted pleaded guilty to conspiracy to commit vote fraud.

The Clay County primary was marked by a number of unusual circumstances.

On the day of the primary, a Thompson supporter was removed from a voting precinct after he started campaigning for Thompson. At another precinct, more than a third of approximately 700 voters needed assistance reading the names of the candidates in the voting booth.

A week before the vote, White's vehicle was sprayed by gunfire while he was driving, forcing him to get out and flee over a hillside. Hours later, gunfire was reported at Thompson's house. It was unclear whether the shot came from inside or outside the house.

In a separate shooting incident, one of Thompson's supporters was wounded but was not seriously injured.

And four days before the primary, a lawsuit was filed by two election workers claiming that White selectively delayed telling a number of poll workers about mandatory training classes until it was too late for them to attend. A judge declined to intervene in the dispute.

Clay County Attorney Clay Bishop Jr. said he was concerned about the high number of absentee voters in the primary.

"I didn't want anything to do with that foolishness," Bishop said, referring to lines of several hundred people who stood in front of the clerk's office to vote absentee. "I kept my distance from it."

Jordan, the sheriff, said the only way to figure out who may have bought votes would be to subpoena every absentee voter and question them.

The subpoena comes two weeks after Chandler announced an effort to prevent voter fraud in the Nov. 5 election.

Chandler said investigators from his office would coordinate with Kentucky State Police and visit every county clerk before the election to identify potential problems. Chandler said his office would determine from those visits which counties would receive "concentrated monitoring" through Election Day.

The campaign in Clay County this fall has been quieter than the one preceding the primary, although Jordan said a Democratic poll watcher was arrested last week following a verbal attack on employees in the clerk's office.

Yesterday, only a handful of people were in the clerk's office to vote

absentee, and White said only about 25 people voted absentee in the first three days that such voting was available.

Winning the primary often amounts to winning the election in Clay County because most officeholders run as Republicans. Thompson, Jordan and Bishop all have no Democratic opponents.

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The Herald Bulletin Online Edition

Thursday, May 1, 2003, 2:08:32 PM

ISP investigating allegations of absentee voting fraud

Tuesday, April 29, 2003

IN

BY KEN de la BASTIDE

Senior Reporter

Indiana State Police are investigating allegations that Democratic primary absentee ballots were delivered to nursing home residents who traditionally voted for the Republican ticket.

Republican candidate Kevin Smith heard about the allegations. His campaign then turned it over to Madison County Prosecutor Rodney Cummings.

"My campaign filed the complaint," said Smith. "I was contacted about a questionable absentee ballot application. There was something amiss."

Cummings asked Indiana State Police to investigate.

"The investigation should be completed at any time," said Cummings. "The allegations are of felony crimes, depending on the report from the state police."

A worker for the Democratic Party allegedly went to a local nursing home and obtained signatures for two people to cast an absentee ballot.

The two people have always voted Republican. Their switch in parties was noted at the Voters Registration office. The two people said they have always voted Republican and one of them told investigators that if he voted Democrat his ballot was stolen.

Amanda Williams, Republican Party representative in the Voters Registration office, said people in a primary election have to request either a Democrat or Republican ballot.

"It was not proper for me to investigate what I found out as a candidate," Smith said. "There needed to be an independent investigation."

"This is exactly one of the major reasons why I decided to run for mayor," Smith said. "I want to restore honesty and integrity to city government. It is appalling that any person is denied the right to vote."

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JN

Absentee ballot requests seized; probe launched

By Vic Ryckaert

vic.ryckaert@indystar.com

November 01, 2002

The Marion County prosecutor's office seized dozens of suspicious absentee ballot applications Thursday as it launched a criminal probe into possible election fraud.

"If people are forging signatures on absentee ballots, that's a crime, and it is our job to investigate it," Prosecutor Scott Newman said in a written statement.

Workers in the Marion County clerk's office reported irregularities in 78 absentee ballot applications for Tuesday's election.

The problems include signatures on applications that do not match those on file with the voter registration board, applications in which the voter's name is misspelled, and correction fluid used to change voters' addresses.

The Marion County Election Board on Wednesday held an emergency hearing on those suspicious applications. It voted to send the ballots to those listed on the applications. But members of the board also made it clear that those absentee ballots will be scrutinized closely on Election Day.

Republican County Clerk Sarah M. Taylor, a member of the Election Board, welcomed the criminal investigation.

"Some violations of election law do cross into criminal matters and are punishable," Taylor said.

She said she found ballot requests for three different voters that appeared to be signed by the same individual. She said it is likely that someone who did not understand the law was trying to help senior citizens or a relatives cast legitimate votes.

"In some cases, people have misunderstandings about their ability to get an absentee ballot on somebody else's behalf," she said. "Until the appropriate people can review it, we're really not sure what we have on our hands."

Call Vic Ryckaert at 1-317-635-7592.

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Absentee voting in East St. Louis investigated

By Doug Moore
Of the Post-Dispatch
Wednesday, Jan. 05 2005

Mo

A second investigation into claims of voter fraud in East St. Louis during the election Nov. 2 has been launched, this time by St. Clair County State's Attorney Robert Haida.

Haida's investigation is limited to 13 absentee votes that were cast from a boardinghouse in East St. Louis. The federal government has declined to talk about its case, but a search warrant issued during an FBI raid at East St. Louis City Hall on Nov. 23 indicates that the reach is much greater.

"Our investigation is separate but not in conflict with the federal government," Haida said Wednesday.

Oliver Hamilton, a Democratic precinct committeeman, owns the boardinghouse, at 1232 Cleveland Avenue, targeted by the investigation.

Hamilton was not among the city's precinct committeemen who were called before a federal grand jury over the past two months. He could not be reached for comment Wednesday.

However, Haida has subpoenaed all those who voted absentee from the house in the election Nov. 2.

Haida would not say when the voters would have to appear before the grand jury, but he said it would not be on Friday, when the next jury meets.

At a news conference at East St. Louis' Election Board four days before the election, state Republicans referred to the house on Cleveland Avenue as one of the "potential instances of massive voter fraud" in East St. Louis.

At that time, Judy Baar Topinka, Illinois treasurer and chairwoman of the state's Republican Party, urged local prosecutors to take the steps to ensure "a free and fair election."

Haida, a Democrat, said Topinka's October visit had nothing to do with his office's decision to begin a vote-fraud investigation.

"We had information that came before, during and after the election that resulted in our action," Haida said.

Republican Party spokesman Jason Gerwig said it did not matter who or what precipitated the county investigation.

"We came down there because it was an issue of fairness, not partisan politics," Gerwig said. "We're pleased to see the state's attorney is moving on an issue worth looking into."

Haida said his office routinely checks absentee ballots after each election and, in this instance, found something that his office wanted to bring before a grand jury. He would not provide details. According to the East St. Louis Election Board, 566 of the 13,442 votes cast in the election Nov. 2 were absentee.

Eleven computer hard drives seized in the East St. Louis City Hall raid were returned on Monday. FBI agents said other items seized were being retained as the investigation continues. The federal government search warrants say the items were taken to help in the investigation of election fraud, mail fraud and "obstruction of an official proceeding by the destruction of records."

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ELECTIONotes

San Bernardino County, California recruiting Assistant Registrar of Voters. San Bernardino County, Cal. is seeking an Assistant Registrar of Voters to assist with the planning, organizing, implementing, evaluating, and directing the department's election activities. Required: bachelor's degree in business or public administration or a closely related field; three years of management experience, including one year in election work. County application required. An oral examination covering management and problem and issue resolution may be required. Recruitment is open until a sufficient number of qualified applicants have applied. Salary range: \$64,730 to \$82,805. For further information (909) 387-8304, or by e-mail at employment@hr.sbcounty.gov.

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Nevada legislative candidate indicted for absentee vote fraud. An unsuccessful primary election candidate for the Nevada state legislature was indicted this month on charges related to absentee vote fraud in the November, 2002 general election. According to press reports, the indictment charges Gary Lee Horrocks, a tavern owner, with 28 counts of felony voter fraud, 31 counts of forgery, two counts of misdemeanor conspiracy, and one count of burglary. The burglary charge is based on entering a county office with the intent to commit a felony -- deliver fraudulent absentee ballots. Horrocks wife Pam, who allegedly completed absentee ballots and delivered them, was named as an unindicted co-conspirator. Horrocks was one of several candidates in the Republican primary in the 37th Assembly district. The winner of that primary, Francis Allen, lost in November to Democrat Marcus Conklin by a margin of 134 votes.

New Jersey Election Officials get tips on activities for student poll workers. New Jersey election officials attending the 66th annual meeting of the Election Officials Association in Atlantic City recently got ten ideas on how to use student poll workers. The suggestions: set up and break down machinery; give demo on a dummy machine; show demo chart to those in line; help senior citizens move around; bilingual students as interpreters; smile and wear an "ask me" sign; instruct voters on how to get to their correct polling place; thank people after they have voted; before election day visit senior centers and give a demonstration; and, *get the donuts*. The suggestions were offered in material distributed by Freedom's Answer, a non-profit group designed to engage young people in the political process. Doug Bailey, co-founder of Freedom's Answer, spoke at the conference.

FEC continues disclosure exemption for Socialist Workers Party. The Federal Election Commission (FEC) last month voted to continue to exempt the Socialist Workers Party from disclosing campaign finance information through December 31, 2008. The Socialist Workers Party was granted an exemption from disclosure provisions of the campaign finance law by a federal court in 1979. The court later extended the exemptions to 1988. The FEC has granted the exemption since that time. The FEC based its decision on evidence suggesting a reasonable probability that contributors and vendors doing business with the party could face threats, harassment, or reprisals if their names and information about them was disclosed. The FEC renewed a provision that requires SWP committees to assign a code number to each individual contributor from whom it receives contributions in excess of \$200 during a calendar year. This allows the FEC to determine whether that contributor has exceeded the contribution limits of federal law.

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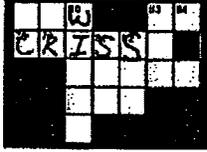
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Merlino, Beckett welcome FBI voter probe

By DOUG McMURDO and RICH THURLOW October 23, 2002



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County clerk believes investigation could last well beyond Nov. 5 general election

Eight FBI special agents armed with a subpoena rolled into Tonopah early Monday morning and confiscated roughly 60 banker boxes containing thousands of records regarding the 2000 general election and the Sept. 3 primary election. That was viewed as good news by District Attorney Bob Beckett and County Clerk Sam Merlino.

Special Agent Daron Borst had virtually nothing to say regarding what occurred at Tonopah, or why.

"I can't say anything on this due to Dept. of Justice guidelines and other federal laws," Borst said Monday afternoon. "I cannot provide any details on this investigation. Dept. of Justice guidelines are the ones I have to go by."

Borst said he could not comment on the number of agents reported to have gone to Tonopah or why that many might be required. He did offer that the FBI prefers to send as many agents as possible on an investigation in order to conduct it quickly.

Borst said the type of investigation being conducted would not allow for information to be released to the public prior to the conclusion of it, and, "I have no idea when that's going to be."

Nor would Borst say what the FBI was looking for. "It's forbidden for me to talk about that," he said.

Nye County Clerk Sam Merlino said the agents were equally tightlipped with her, though one of them told her the investigation "specifically" addressed allegations of voter fraud. The agents, she said, were precluded from informing Merlino who it was that contacted them.

Sources said Deputy Attorney General and Nye County District Attorney candidate Brian Kunzi contacted the FBI after he was presented with allegations of voter fraud. Kunzi was not available for comment by press time. At any rate, Kunzi reportedly told several people he was compelled to contact the FBI after he received the complaints due to his status as a state prosecutor.

"They took all records from the 2000 general and the 2002 primary elections," Merlino said. "I believe they want to sift

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primary elections, Merlino said. "Because they want to go through them to be sure the people who have requested absentee ballots actually exist."

Merlino said the agents arrived unannounced in four white sedans and left the county seat late Monday morning and headed back to the bureau's Las Vegas field office. The records seized included voter ballots, absentee ballots, poll books and registers, said Merlino, who was followed by all eight agents when she had to drive to the old Tonopah courthouse to retrieve records from the 2000 election that are kept in a vault.

"They were polite to us," she said. "They were all wearing black suits and driving white cars and they would not let me out of their sight. It was kind of intimidating, but there was no problem whatsoever."

While FBI officials are prohibited from talking about the investigation, Merlino indicated the inquest might not conclude anytime soon. "They said they would be back right after the (Nov. 5) general election to take those records," she said.

Merlino welcomes the FBI's involvement. "If this cleans it up and we're squeaky clean, that would be good. If they find something we'll deal with it as we're supposed to. If they don't find anything, that would be wonderful."

District Attorney Bob Beckett was also thankful the FBI has become involved. "We'll run our investigation parallel to theirs," said Beckett. "The federal government has many more resources than we do, and hopefully we'll be able to take advantage of those resources."

In the meantime, Beckett said his office has begun its investigation into allegations that Chuck Bondi and others committed perjury or entered into a conspiracy to commit perjury when they filed over 1,200 voter challenges earlier this month. Nearly 200 of those challenges were duplicates or triplicates of the same challenge.

At issue is the manner in which the challenge was mounted. The group, most who are members of Concerned Citizens for Fair Elections, signed their names to each of the written notices, swearing under penalty of perjury they physically inspected each residence they said was abandoned or otherwise not occupied by a registered voter.

More than 220 of the challenges were improper, and several of the signers testified in court last week they did not actually inspect the suspect voter residence.

Of decidedly more importance is the issue of the more than 850 voter registrations that were cancelled due to listing a PO box as the voter's physical address. Such listings are illegal in Nevada and last week Fifth District Judge Robert Lane ordered them expunged from the rolls until and if the voter corrects the defect in his or her registration.

While the figures continue to be studied, a preliminary count conducted by the district attorney's office concluded 232 of the 1,045 voters challenged (minus the 198 duplicates) participated in the Sept. 3 primary. Of those, 141 who voted were subsequently cancelled last week. Those 141 will be

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precluded from voting Nov. 5 if they fail to correct any defects listed on their voter registration. The method under which they voted, whether via absentee, early or on election day, has not been determined though those numbers would likely be crunched later this week.

Illegal registrations can be remedied in writing or by providing proof the voter has a physical address in Nye County when they go to the polls.

By 8 a.m. Tuesday, the second day of early voting, election board Chairwoman Kay Floyd said five voters who had been impacted had taken advantage of the opportunity to properly register.

In a Las Vegas Review-Journal article on the subject in Tuesday's edition, the writer quoted unnamed sources as saying they were upset with the results of the Sept. 3 primary. Specifically mentioned was the fact incumbent Sheriff Wade Lieseke was losing badly to challenger Tony DeMeo until absentee ballots were counted and those totals "swayed the race (Lieseke's) way."

Lieseke prevailed over challenger Doug Richards in a similar fashion in 1998. Not mentioned is the fact that Lieseke also pulled majority numbers in early voting in both races as well. DeMeo garnered 2,313 votes to Lieseke's 2,184 in the primary. During early voting held in late August, Lieseke received 779 votes to DeMeo's 565 and Lieseke earned nearly one hundred more votes in absentee voting, 223 to 128 cast for DeMeo.

On FOX 5 News on Tuesday morning, a newscaster said "dead" people were voting in Nye County. She did not mention the source of that information.

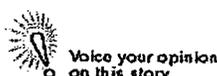
There is no evidence to support the allegation, said Merlino, adding, "This is getting out of hand."

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Debate bogs down absentee-ballot-fraud probe

By THOMAS BARLAS Staff Writer, (609) 272-7201, [E-Mail](#)

Efforts to get someone to investigate allegations of absentee-ballot fraud during the June primary in Atlantic County apparently are getting bogged down in a debate, waged by letter, over procedure.

It also is creating the unusual situation in which the county's Democratic leader is trying to prod Republican Atlantic County Superintendent of Elections Joanne Armbruster into investigating his own party.

Armbruster apparently is the key to any investigation. Both the state Attorney General's Office and the state Division of Elections contend she is the person to begin any investigation.

At issue is an absentee-ballot drive orchestrated by Atlantic City Council President Craig Callaway.

The Atlantic County Board of Elections formally requested an investigation into the absentee-ballot situation in a recent two-sentence letter to Armbruster.

"You are aware of allegations that have been made in the primary 2003 election," the letter reads. "The board asks that when you take control of the write-in absentee ballots, you take the action you deem appropriate."

However, Armbruster apparently has some problems not only with the letter, but also with election board proceedings, and won't take action until those problems are cleared up.

She contends the board "failed to identify what the allegations are and exactly in what phase of the process you would have this office take appropriate action," according to a letter sent to the election board.

Armbruster further appears to be chastising the election board in the letter for failing to properly review all absentee ballots, a process the board must take before she begins any investigation.

"It is incumbent upon the full board to exhaustively carry out their responsibilities in the processing of the absentee ballots," she writes.

Neither Armbruster nor Mark Stein, the election board chairman, were available for comment Tuesday.

However, Atlantic County Democratic Party Chairman Chuck Chiarello contends Armbruster is finding excuses for avoiding an investigation.

"She can pass the buck and say the Board of Elections didn't do what it should have done," Chiarello said. "She can say that she doesn't have the help she needs."



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"I believe big-time fraud was committed with the absentee ballots. She needs to really get moving on this," Chiarello continued.

"I've seen almost an entire month of buck passing from all the different players here," he said.

Callaway, who is a Democrat, and his supporters have run a series of absentee-ballot drives in recent years that have significantly influenced some election results.

Callaway said after the most recent primary that the absentee-ballot drive he orchestrated for Deon Garland was designed to reprimand Democratic 2nd District state Senate candidate Tom Swift for allegedly supporting Atlantic City Council candidates Stephenine Dixon and William Marsh.

Dixon ran against Callaway in the 4th Ward race, and Marsh didn't have Callaway's support.

Another Callaway-orchestrated absentee-ballot drive helped Callaway's brother, Maurice, unseat a popular incumbent in Pleasantville.

Election board members are mixed as to whether many of the write-in candidates' names appear to have been written on the absentee ballots by only a few people.

To e-mail Thomas Barlas at The Press:

TBarlas@pressofac.com

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King event becomes 'march on Board of Elections'

By DEREK HARPER Staff Writer, (609) 272-7203

ATLANTIC CITY - It all started with just a simple flag-raising in tribute to an American civil-rights leader.

But by the end, the police were called and some participants, claiming bias and abuse when they were stopped from protesting alleged voter fraud in the county Board of Elections, promised litigation.

At about noon, more than two dozen people gathered between City Hall and the Atlantic County Building to raise a flag with the image of the Rev. Martin Luther King Jr. in honor of the 40th anniversary of the civil-rights march on Washington.

"We thought it was very good to raise this," said Pleasantville resident Davine W. Reid, 57, who worked for several days to secure city permission for the flag-raising. "We are still not free as a people," said Reid, who is black.

After a short service, Reid said that to her surprise, people were asked to form a line. When they did, they were led around, then inside the county building.

Once inside, the group, which included former NAACP President Pierre Hollingsworth, independent 3rd Ward City Council candidate Willie Norwood and Atlantic County Democratic state Senate candidate Tom Swift, tried to go into the Board of Elections office.

They wanted to protest potential voter fraud issues raised by the use of absentee ballots in the last Atlantic City Council election.

"We want an investigation and we want it now," Hollingsworth said. "We're calling on the attorney general and the county prosecutor. We're just asking for help."

When building security stopped them and called police, the group demanded to see Superintendent of Elections Joanne S. Armbruster and then sang "We Shall Overcome" in the hallway. After some angry speeches, the group broke up and left.

Afterward, building supervisor Wayne Mills said he offered the group a large room nearby to use, but they refused. He said the elections office was too small for the group: "The fire marshal comes up there, he's kicking everybody out."

"Then they start singing 'We Shall Overcome,'" he said. "What are you trying to overcome?"

Outside the elections office, the King flag flew between the U.S. and New



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Jersey flags. Reid still was perplexed about how her peaceful flag-raising turned into a protest.

"I guess this will be known as the march on the Board of Elections," she said.

To e-mail Derek Harper at *The Press*:

DHarper@pressofac.com

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PITTSBURGH TRIBUNE-REVIEW

PA

Ruling ends vote practice

By Glenn May
TRIBUNE-REVIEW
Wednesday, March 10, 2004

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Able-bodied voters casting absentee ballots either must hand-deliver or mail the ballots themselves, the state Supreme Court has ruled.

The decision Monday ends a longtime Allegheny County practice of allowing third parties to gather and deliver the ballots to elections officers.

Disabled or handicapped voters still can have third parties deliver their ballots.

The ruling doesn't change the outcome of the Nov. 4 whisker-thin loss by Westmoreland County Common Pleas Judge John Driscoll for state Superior Court. In fact, the decision took votes away from Driscoll, a Democrat.

The state's highest court invalidated 56 absentee ballot votes cast in Allegheny County in the Nov. 4 election. The 6-0 decision issued Monday unlikely will reverse the outcome of any other races here, officials said.

Several Democrats said the Supreme Court's decision could erect hurdles to voting. Republican officials said the 6-0 ruling closes a potential avenue for election fraud.

"It's a break with tradition that will have effects far beyond this decision," said Lawrence Tabas, the lawyer for state Superior Court Judge Susan P. Gantman, who defeated Driscoll in November. Gantman, a Republican, is a party in the case.

Supreme Court Justice Ronald D. Castille wrote in the court's decision that state election law clearly requires absentee voters to either hand-deliver their own ballots or to mail them to elections officials.

"Our precedent is clear," Castille wrote. "We cannot simply ignore substantive provisions of the elections code."

Allegheny County Elections Director Mark Wolosik did not return telephone calls for comment yesterday.

The dispute stems from an Oct. 27 decision by the Allegheny County Board of Elections to continue to allow third parties to deliver absentee ballots for the Nov. 4 general election.

Before the election, John Pierce and Thomas Stepnick -- last fall's GOP candidates for county treasurer and register of wills -- asked the U.S. District Court in Pittsburgh to halt the practice. U.S. District Judge Joy Flowers Conti determined that the issue should be decided in a state court.



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Allegheny County elections officials eventually determined that 56 absentee ballots in the November election had been delivered by third parties.

Pierce and Stepnick filed a lawsuit after the election, asking the Allegheny County Court of Common Pleas to review the validity of the absentee ballot-delivery system. Gantman later joined in the lawsuit.

Allegheny County Judge Joseph James upheld the practice, and Pennsylvania Commonwealth Court affirmed his decision. Pierce, Stepnick and Gantman appealed to the state's top court.

Although the Allegheny County Elections Board might have wanted to encourage more people to vote by allowing third-party deliveries, Castille wrote, the practice is "more likely to invite, rather to remedy, fraud."

Clifford Levine, lawyer for the Democratic State Committee, said no allegations of fraud ever were made over the 56 ballots.

He said the third-party delivery system in Allegheny County had made it easier for people to vote.

"We think it's best for democracy when eligible voters are allowed to vote," Levine said.

Richard Stampahar, chairman of the Republican Committee of Allegheny County, said it used to be common to see Democrat activists carrying bundles of ballots for delivery at election time. He said the practice encouraged fraud.

Stampahar said the Supreme Court decision means Allegheny County will end a tradition long since abandoned in other counties in the state.

Tom Flaherty, chairman of the Allegheny County Democratic Committee, said third-party delivery has been used since before he became politically active more than 25 years ago. He said the deliveries were handled by self-motivated activists and were not party strategy.

Flaherty said it is hard to understand why a voter can mail a ballot but isn't allowed to have someone else deliver it. Still, he said, the local party will abide by the ruling.

Ken Snyder, spokesman for Democratic State Committee Chairman T.J. Rooney, and Dan Hayward, executive director of the Republican State Committee, both said their parties mail absentee ballots to voters, but voters are told to mail or deliver them personally to county elections offices.

Flaherty said the number of ballots delivered by third parties is usually too small to change the outcomes of races.

Gantman defeated Driscoll by 28 votes for the state Superior Court seat.

Tabas said most of the 56 challenged ballots favored Driscoll. Since the Supreme Court invalidated the 56 ballots, Gantman's 1,125,543 to 1,125,515 margin of victory will grow slightly.

Pierce lost by about 65,000 votes; Stepnick lost his race by more than 75,000 votes.

An author on a book about Pennsylvania election law, Tabas said the ruling is another step toward ensuring election practices do not differ from county to county.

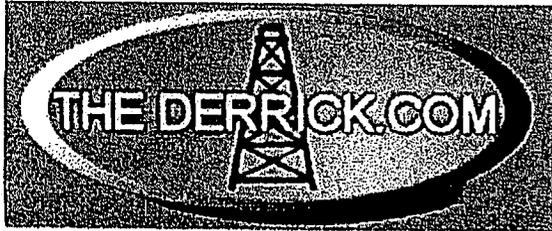
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"A court sitting in Westmoreland County may not interpret a statute differently than a court in Dauphin County," he said.

The decision voids the absentee ballots of some prominent Allegheny County residents, including U.S. Attorney Mary Beth Buchanan; U.S. Rep. Melissa Hart, R-Bradford Woods; and Elsie Hillman, a prominent GOP power broker.

Glenn May can be reached at gmay@tribweb.com or (412) 320-7844.

016723



Tuesday, December 23, 2003

The Derrick & NewsHerald

016726

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Judge to hear arguments in election case

PA

Top Stories

A HEARING IS SCHEDULED MONDAY REGARDING THE CLARION COUNTY DISTRICT JUSTICE CONTEST BETWEEN NANCY KADUNCE AND DUANE QUINN.

Sports

News-Herald

CLARION - A visiting judge will hear arguments Monday concerning legal challenges in the election involving a Clarion County district justice position.

Clarion-News

Good Times

Judge Carson Brown has been appointed to preside over a 9 a.m. hearing scheduled in response to motions filed by Nancy Kadunce and Duane Quinn.

Local Classifieds

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Quinn, the Republican candidate who currently holds the office, was declared the winner by eight votes over Democratic opponent Nancy Kadunce in the Nov. 4 general election.

Contact Information

Kadunce has requested a recount of all ballot boxes in the district as well as the disqualification of more than 100 absentee ballots.

She claims in court papers there is a substantial risk of absentee ballot fraud due to the election board's practice of allowing third-party delivery of the ballots.

Quinn has filed documents asking the judge to dismiss Kadunce's

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requests.

The election board's certified results showed Quinn with 1,508 votes to Kadunce's 1,500.

Clarion County Judge James Arner and Senior Judge Charles R. Alexander had recused themselves from the matter.

Quinn, of Fisher, has served as district justice since his appointment in 2001. The post serves Sligo Borough and Farmington, Highland, Knox, Millcreek, Monroe, Paint, Piney and Washington townships.

Kadunce, a resident of Highland Township, served as judicial administrative assistant for the district justice office from 1976 until her resignation earlier this year in order to run for the post.

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September 25, 2004 Saturday SOONER EDITION

SECTION: LIFESTYLE, Pg.A-9

LENGTH: 755 words

HEADLINE: FAX-THE-VOTE PLAN BRINGS MANY UNHAPPY RETURNS

BODY:

Somewhere en route to becoming the villain of the week, Pat Williams put out a bid to collect and transmit the votes of Americans overseas — primarily members of the military, but also citizens living abroad in places the mails don't always reach. Think of Antarctica, Afghanistan and the sands of Iraq.

The idea was simple enough: military and other overseas voters from Missouri and North Dakota could send their requests for absentee ballots either by e-mail, or more likely fax, to Williams' Omega Technologies, in Alexandria, Va. Omega would, in turn, fax those requests to elections offices in those two states, with which it has contracts.

The elections offices would ship the ballots to the voters, who would fill them out and scan them into an e-mail or a paperless fax that would go to Omega's computers. Omega would check the cover sheet and route the ballots in the form of faxes to the elections offices and, it is to be hoped, democracy would be served.

In the spring, Missouri received 22 ballots in this fashion. The rest came by regular mail.

Since that time, Williams has been painted as a Republican operative and a general threat to the republic. She has been accused of subverting the secret ballot and opening the door to election theft on the scale of a Ferdinand Marcos.

"I'm a citizen as well," Williams protested. "I'm a veteran as well." These claims are, of course, a thin defense in an age when veterans put up TV ads attacking one another's service in combat. But Williams, whose own e-mail account recently filled up with hate mail, would like the world to know that she has no plans to steal the election.

Her problems began when the suspicious noticed that Williams had donated more than \$6,000 to the Republican Congressional Campaign Committee — not a terribly impolitic move for a business that bids on government contracts in a town run by Tom DeLay. Initial accounts overlooked the fact that she had also worked as a volunteer and donor in the presidential campaign of Democrat Wesley Clark.

A graduate of Tuskegee Institute, Williams joined the Army straight out of school, worked her way up the ranks into an Army think tank, then retired in 1996 after arthritis overtook her.

"I resent it to my soul when people say I would commit a felony to manipulate the vote," she said.

Such alarms went off because the service members who send their ballots this way must sign a form waiving their rights to a secret ballot, because a faxed ballot is signed to prevent fraud, and someone has to check that signature. The most likely viewer will be the person at the end of the fax machine in Missouri, said Terri Durdaller, a spokeswoman for the elections department there.

She also notes that Article 8, Section 3 of the Missouri Constitution requires that elections workers be sworn not to disclose how any voter voted.

The outcry against Williams also ignores the fact that under the current system, all 50 states will take faxed ballots that also must be signed and witnessed. It just happens that two — Missouri and North Dakota — work directly with Omega to process the ballot requests.

"It is always suggested first and foremost — mail your ballot. The government has never said, 'We want you to send your ballot through this program,'" Williams said.

Of the 22 service members who sent their ballots through the Williams program this spring, Williams saw none of them.

"The process is completely electronic. I don't get any hard copy. It is computer-to-computer, talking, receiving the information," Williams said.

Elections can, of course, be stolen. Legend has it that many years ago, in Westmoreland County, some ballot boxes had false bottoms and unfriendly votes simply fell into a basement room for immediate replacement. In other places, boards have been known to simply issue a fraudulent count. Doubtless some unease over the spectacle in Florida four years ago, where the head of the Bush campaign was also the person who conveniently certified the disputed Palm Beach count, has a few folks nervous.

Then again, technology is often scary to people who easily forget that the same outlet that can electrocute someone can also provide current to a heart-lung machine. It's a matter of how we use it. That's what Pat Williams was thinking.

"It was simple. It was secure. It was practical," she said.

It was also new, and that's why her e-mail is filling up with stuff she'd rather not count just now.

NOTES:

Dennis Roddy can be reached at droddy@post-gazette.com or 412-263-1965.

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DA says jury out on probe of voting

Albany-- Clyne awaiting final tally before deciding whether to launch investigation of allegations

By CATHY WOODRUFF, Staff writer
First published: Wednesday, March 10, 2004

Albany County District Attorney Paul Clyne is weighing whether to investigate alleged voting irregularities in last week's special primaries for the County Legislature but won't decide until all the ballots are counted.

"At this point, I don't have a specific complaint," Clyne said. "So, I'm going to wait until the dust settles at the Board of Elections," Clyne said.

County elections officials are scheduled to begin counting hundreds of controversial absentee ballots today.

Concerns about the handling of absentee ballots in some legislative districts emerged a few days before the March 2 voting when it was revealed that Third Ward Democratic Leader Jamie Gilkey had filled in more than 140 signed absentee ballot applications with instructions that the ballots be released to him.

In one case, Gilkey acknowledged crossing out the mailing address written in by one voter and replacing it with his own. He said he was worried about proper delivery and handling of the ballots by the elections board staff.

More concerns were raised on primary day, when elections officials found that at least 40 voters had been assigned to the wrong legislative district and polling place. As a result, as many as 10 people apparently cast votes in the wrong legislative contest.

The state Board of Elections has begun investigating one complaint related to Albany's Democratic primaries, said a spokesman for the board, who declined to reveal the specific allegations or the person who submitted the complaint.

Albany County Legislator Wanda Willingham is the Democratic incumbent for District 3 in Albany's Arbor Hill, where many of the alleged irregularities occurred. She is locked in a close race with challenger Jestin Williams, who has Gilkey's support.

Willingham said she expects to submit complaints to both Clyne and the state Board of Elections regarding the primary, but she will wait for more counting to be done.

"We're just working on making sure we file the right papers and make the complaint as complete as possible," she said.

Albany County's election commissioners and their staff began canvassing machines used in last week's voting, which also included a Democratic presidential primary, on Monday.

Willingham and two other candidates -- Ward DeWitt in District 4 and Lucille McKnight in District 2 -- secured a court order Friday impounding all the voting machines and paper ballots used by voters in

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their districts.

Willingham was slightly ahead of Williams in the first machine tally, while McKnight, an incumbent, trailed challenger Marilyn Hammond. In District 4, incumbent Virginia Maffia-Tobler is ahead of challenger DeWitt.

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Ballot count may end, but not fight

Albany-- Possible losers in county primaries vow to stay in general election

By MICHELE MORGAN BOLTON, Staff reports
First published: Friday, March 12, 2004

Incumbent Wanda Willingham was 15 votes ahead of challenger Jestin Williams Thursday as elections officials pored over absentee ballots from the County Legislature's controversial primary.

But the final tally is still unclear in the District 3 race, where ballots have been plagued by missing signatures, bad addresses and what some consider a questionable effort by Third Ward leader Jamie Gilkey to have 140 of them set aside for personal distribution.

Albany County Board of Elections commissioners Michael Monescalchi and John Graziano Sr. will examine an additional 117 contested District 3 ballots at 3 p.m. today

After they rule on whether the ballots should be opened, a state Supreme Court judge will decide on those that remain in dispute.

Willingham said the number of irregularities could be an indicator that "something went on."

"That remains to be seen in the end," she said. "Will it cost me the primary? It's quite possible, but not the general election."

She was temporarily ahead at 228 votes to Williams' 213 votes.

Paul DerOhannesian, who represents Willingham, said some District 3 residents received ballots with the wrong candidates listed.

Other ballots were sent to people who had never registered to vote. And on and on, he said.

"Every voter in this district should be concerned," he said, indicating that Gilkey seemed to be involved in many of the irregularities.

"What we have here is an effort to keep people from being able to vote because they think they'll lose the election," Gilkey replied, denying any wrongdoing.

"I'm not judge and jury," Williams added. "But now is the time to protect the senior citizens' right to vote."

Williams' attorney, Joshua Ehrlich, called the objections an effort to exclude elderly and disabled people.

On Wednesday, it appeared that Marilyn Hammond had defeated incumbent Lucille McKnight in the Democratic primary for a South End seat, but McKnight vowed to keep running on another ballot line.

With 20 absentee ballots for District 2 still sealed due to objections by McKnight, Hammond is ahead

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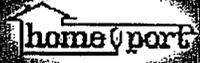
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by 29 votes, 243 to 214.

District 4 ballots, which were discussed late Thursday, involved incumbent Virginia Maffia-Tobler and challenger Ward DeWitt.

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Ballot dispute heads into court

Albany-- Justice to hear testimony on disputed Democratic primaries

By CATHY WOODRUFF, Staff writer
First published: Wednesday, March 17, 2004

A hearing on scores of disputed absentee ballots that could expose operations at the Albany County Board of Elections to intense public scrutiny is scheduled to begin this morning before state Supreme Court Justice Joseph Teresi.

Teresi is being asked to decide whether some 162 absentee ballots cast in three Albany Democratic primaries for County Legislature should be opened and counted -- or whether their distribution and completion was so flawed that they should be thrown out.

Democratic Elections Commissioner Michael Monescalchi and voters who have complained about the handling of their ballots are among the witnesses expected to testify.

Allegations of irregularities abound concerning absentee ballots issued for the March 2 primary. Most of the objections center on ballot applications and ballots distributed by 3rd Ward Democratic Leader Jamie Gilkey and two associates.

One complaint already made public is from a voter whose ballot application was altered by Gilkey, who replaced her mailing address with instructions that her ballot be given to him. After receiving a complaint from the woman, the board issued a new ballot for her.

In another case, a voter whose ballot was released to Gilkey said a man brought both an application and a ballot to his home at the same time. The board is supposed to issue a ballot only after receiving a valid application.

In his complaint, the voter also said the man tried to leave with his signed ballot envelope without allowing him to vote.

Allegations concerning the ballots Teresi now is being asked to decide include:

Reasons listed for needing the ballots were insufficient and weren't properly scrutinized by the board. Among the reasons given were: "senior citizen, not mobile," and "single mother with child."

There are no applications on file for some ballots returned.

Signatures on ballot envelopes or applications don't match others on file with the board.

Ballot envelopes with signatures of people who say they did not vote.

A proposed settlement that could have averted a hearing and called a new election in District 3 between incumbent Wanda Willingham and Jestin Williams fell apart Tuesday, according to sources close to the candidates and their attorneys.

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Williams wants the 115 unopened ballots counted. The current vote totals show Willingham leading by 15 votes over Williams, 228-213.

Joshua Ehrlich, the attorney for Williams and leading candidates Marilyn Hammond in District 2 and Virginia Maffia-Tobler in District 4, said he will ask the judge today to accept the results as they stand in Districts 2 and 4 without the disputed absentees.

There are not enough uncounted ballots in those districts to change the results.

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Jurist hears of ballot handoff

Albany-- Democratic ward leader, candidate testify about absentee voting arrangements

By CATHY WOODRUFF, Staff writer
First published: Thursday, March 18, 2004

Third Ward Democratic Leader Jamie Gilkey testified Wednesday that he was the point man for a network of campaign workers who channeled absentee voting applications and ballots for the March 2 Albany County Legislature primary through him to the Board of Elections.

Gilkey said his responsibilities included filling in reasons why voters could not get to the polls and writing instructions that the ballots be released to him by the elections board staff.

He was unable to say, however, whether the voters knew in all cases that he was completing their applications or that their ballots had been designated for pickup by him.

"They were told that, if they were all right with it, we could get the ballots for them," Gilkey said. The option for voters to have the ballots mailed to them "did come up sometimes, but it was not a part of the usual conversation," he added.

Gilkey and Jestin Williams, who is challenging incumbent District 3 Legislator Wanda Willingham, outlined the system during testimony before state Supreme Court Justice Joseph Teresi. The judge is being asked to determine whether some 162 disputed absentee ballots in three Democratic primaries for the Albany County Legislature should be counted.

Testimony is expected to continue today, with lawyers saying it may be necessary for proceedings to move to the homes of some disabled absentee voters to obtain their testimony.

In his testimony Wednesday, Gilkey said that when he did not collect applications personally he relied on oral reports from those who visited the voters and on notes placed on the forms to determine the reasons why absentee ballots were needed.

Williams said he and supporters, including Common Council Member Michael Brown and Gilkey, agreed on the absentee ballot process during a campaign meeting. He and Gilkey have described the strategy as an effort to counteract what they allege were forgeries of ballots in a race against Willingham just over four years ago.

"Mr. Gilkey wanted the ballots to come back to him, because we were talking about trying to protect people's rights to the absentee ballot box," Williams testified. "The absentees I received, I trusted Mr. Gilkey and his honesty. We agreed that the ward leader would be responsible."

Wednesday's testimony was the latest twist in a hotly contested special election ordered by federal courts earlier this year to correct district lines that shortchanged minority voters.

The District 3 race, where Willingham now leads Williams by 15 votes -- with 115 disputed absentee ballots still unopened -- is the closest and most fiercely fought race. But testimony Wednesday pointing to widespread voting irregularities also could also call into question the integrity of balloting in

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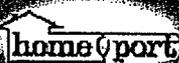
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Districts 2 and 4.

Albany County Democratic Elections Commissioner Michael Monescalchi testified the board has no formal policies for evaluating applications and determining whether ballots should be issued.

"Any employee working in the front office is authorized to review an application for an absentee ballot and issue a ballot if they believe it complies with New York State Election Law," he said.

When asked by attorney Paul DerOhannesian whether he considered some reasons given on applications to be legally sufficient, he said: "The staff made a decision to issue the ballot and I stand by it."

Also on Wednesday, voters Bernard Bryan and Lasone Garland-Bryan testified that they learned after voting that they had been directed to the wrong polling place and voted in the wrong primary.

A poll watcher for the Willingham campaign testified that one machine at School 20 was improperly set up, listing candidates from two different districts.

Second Street resident Ashley Perez testified he was persuaded to vote by absentee for the sake of convenience by a group of visitors that included Williams and said he later regretted the decision.

He also said the reason listed on his application for needing a ballot -- "working during the hours the polls are open" -- was not written by him and is inaccurate. "I am unemployed," he said.

Perez said the application, ballot envelope and ballot all were produced during the same visit. That account raises another issue for Teresi to consider because the Board of Elections is not supposed to issue absentee ballots without an approved application.

Williams later testified that he has never met Perez and did not visit his apartment.

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Court hits road in voting dispute

Albany-- Justice Teresi to visit homebound residents for testimony on contested absentee ballots

By CATHY WOODRUFF, Staff writer
First published: Friday, March 19, 2004

State Supreme Court Justice Joseph Teresi is scheduled to bring his court to the kitchens and living rooms of homebound voters today hear their testimony about how and why they cast absentee ballots in the March 2 Democratic primary for Albany County Legislature.

Stops are planned for this afternoon at one home in Albany's South End and three in Arbor Hill to help Teresi determine whether some 162 absentee ballots cast in three Albany Democratic primaries for County Legislature should be opened and counted.

Three candidates -- incumbents Wanda Willingham and Lucille McKnight and Ward DeWitt -- are contesting the ballots, many of which were distributed by Third Ward Democratic leader Jamie Gilkey and associates including city Common Council President Pro Tempore Michael Brown.

Gilkey has acknowledged filling in much of the information written on scores of ballot applications after they were signed by the voters, including instructions that the ballots be released to him.

Candidate Jestin Williams, a political ally of Gilkey who trails Willingham in District 3 by 15 votes, is adamant that the 115 unopened ballots in that district should be opened and counted.

Several voters called to testify on Thursday were unclear about how their ballot applications were filled out after they signed them and other details about their ballots. And in his own testimony, Gilkey acknowledged that, in several instances, he did not have authorization from the voters to pick up their ballots.

He described the absentee voter application drive that he and others with the Williams campaign conceived as the most ambitious effort he's been involved in in several years as a ward leader.

He said the idea was to counteract potential delays at the county Board of Elections and to prevent ballots traditionally entrusted to 12th Ward Leader Joe Jennings, the brother of Mayor Jerry Jennings, from being "flipped" by an opposing campaign.

Phillip Moore, proprietor of the Silver Slipper tavern on Henry Johnson Boulevard, testified that he signed an absentee ballot application after he was approached by Brown, the council leader, because he's busy and he had a dental appointment on March 2.

Despite instructions on his application that the ballot be released to Gilkey, Moore said he never asked for that.

Another voter testified that she recalled signing an application brought to her by Williams and recognized her signature on an absentee ballot envelope, but does not remember marking a ballot.

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Another voter said he and his relatives all filled out absentee applications when Gilkey and Brown came to their house, but it was unclear whether the reasons written on the forms for needing absentees were sufficient to meet legal standards.

While the absentee plan was formulated by the Williams campaign team in District 3, Gilkey said the strategy also was used to a lesser degree in District 2, where Marilyn Hammond is running against incumbent legislator Lucille McKnight. Gilkey is the campaign manager for both Williams and Hammond.

He said he expressed doubts about the board's ability to deal with absentee ballots when he visited Deborah Williams-Muhammad, a longtime absentee voter who already had a permanent application on file with the Board of Elections.

"We knew she was on the (permanent absentee) list, and we wanted to see if we could expedite getting that ballot to her," he testified. "We said we did not know how things were going to work with the special election, so she might want to fill out another application to make sure she would get her ballot."

Gilkey acknowledged that he crossed out Williams-Muhammad's mailing instructions without her permission and, instead, wrote his own name and address because "we were not certain how the Board of Elections was going to handle people whose absentee ballots were normally mailed."

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NY

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Vote to end ballot crisis

Albany -- Judge orders new District 3 primary after election dispute

By CATHY WOODRUFF, Staff writer
First published: Saturday, March 20, 2004

It will take a special election to settle a dispute over a special election for the Albany County Legislature.

Two candidates who vied in a March 2 special Democratic primary in District 3, which covers parts of Arbor Hill, downtown and North Albany, will face off again on April 8.

Under the settlement reached Friday by the candidates in three Democratic primaries, in which scores of contested absentee ballots remain unopened, the current leaders in two other legislative districts will be certified as winners without counting the absentee ballots.

The agreement came as state Supreme Court Justice Joseph Teresi was about to hear a third day of testimony that would have taken him to the residences of four homebound voters. They were to testify about their absentee ballot experiences in the weeks leading up to the March 2 special primary.

The deal also came after hours of testimony embarrassing to the city Democratic organization. The testimony linked city party leaders, including Common Council President Pro Tempore Michael Brown, to a campaign that diverted almost 150 signed absentee ballot applications to 3rd Ward Leader Jamie Gilkey. He would then complete and submit them to the Board of Elections.

Under the agreement outlined by attorneys for the candidates and approved by Teresi, there will be a new District 3 primary between incumbent Wanda Willingham and challenger Jestin Williams. Willingham led Williams 228-213 and had challenged about 115 absentee ballots collected by Gilkey and others involved in Williams' campaign.

The primary will be run with enhanced security, including sheriff's deputies at each of nine polling places, and strict limits on the use of absentee ballots.

The settlement lets stand the results in District 2, where challenger Marilyn Hammond defeated incumbent Lucille McKnight, 244-215, and in District 4, where incumbent Virginia Maffia-Tobler won over Ward DeWitt, 218-168.

McKnight and DeWitt had challenged several absentee ballots, but there were not enough unopened ballots in either election to change the results.

But the candidates in Districts 2 and 4 will meet again in a special election on April 27 for all 39 seats in the County Legislature. McKnight is running on the Working Families Party line, and DeWitt has the Republican line.

Williams and Willingham both said they were satisfied with Friday's settlement, even though it will put them through yet another compressed primary campaign and election.

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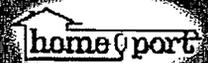


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Willingham said it was worth letting go of her potentially winning lead in the March 2 primary count to reveal such a systematic abuse of absentee ballots.

"The exposure of the absentee ballot process was critical for my community," she said. "That was an age-old process. Never again."

Williams, who had been adamant that he wanted the challenged absentee ballots counted, said he's reassured by the agreement to have a police presence at all the polling places and limits on the number of poll watchers to help keep order. Tensions between the two campaigns boiled over at one polling place during voting March 2.

"I think it's for the common good of the community," he said of the settlement.

Attorneys Joshua Ehrlich -- who represented Williams, Maffia-Tobler and Hammond -- and Paul DerOhannesian -- who represented Willingham, DeWitt and McKnight -- spent much of Friday morning in settlement talks.

The settlement is the latest chapter in the hotly contested special election in new districts created after the 2000 census. Last November's election was postponed amid a court battle over the original district lines drawn by the Albany County Legislature, which shortchanged minority voters. Federal judges ordered the special March primary and special election next month based on a new map.

DerOhannesian, who also represents two civil rights groups that sued the county in the redistricting case, called the revelations in the absentee balloting dispute "further proof of what was proven in federal court. This county has a history of violating minority rights and the rights of all voters."

He described the March 2 primary as "contaminated, corrupted and compromised," undermining the gains in minority voting strength that the redistricting was intended to achieve.

It is unclear whether Gilkey and others involved in the absentee ballot irregularities will face criminal charges as a result of their actions. District Attorney Paul Clyne, who previously said he would wait for the issues to be cleared at the Board of Elections, was unavailable for comment.

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TX

Posted on Thu, Feb. 12, 2004

Arrest follows irregularities in water board voting

Associated Press

EL PASO, Texas - West Texas law officers have arrested a precinct chairwoman in connection with an investigation into bogus mail-in ballot requests during recent water board elections.

Patricia "Patty" Lee Pinon was arrested Tuesday on charges of four counts of tampering with government records, each of which is a second-degree felony, El Paso County sheriff's spokesman Rick Glancey said.

Authorities said three of the counts are related to Saturday's El Paso County Water Improvement District No. 1 board elections, while the fourth relates to last year's mayoral election.

Pinon, a Democratic chairwoman of Precinct 81, was free on \$5,000 bond.

"She's been a very involved precinct chair for the longest time, and once she gets behind her candidate, she's a hard worker," county Democratic Party Chairman Rick Melendrez told the El Paso Times in Thursday's editions.

In the early-voting period for the water improvement district's election, the district received about 50 suspicious applications for mail-in ballots that appeared to have been filled out by the same person.

The county Elections Department found that four of those applications were in the names of people who had been removed from the voter rolls because they were dead, said Jesus "Chuy" Reyes, the district's interim general manager.

Glancey could not say whether the charges against Pinon are related to those ballot applications or to others.

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Borderland Friday, February 13, 2004

Arrested Demo implicates others

David Crowder
El Paso Times

Patricia "Pattie" Lee Piñon, who was charged in connection with a voting fraud scheme this week, implicated other unnamed Democratic Party precinct chairpersons in an interview with an investigator, according to the investigator's arrest warrant affidavit.

Piñon

Sheriff's deputies on Tuesday arrested Piñon, the Democratic Party chairwoman for Precinct 81, on four charges of tampering with government records in connection with requests for mail-in ballots from deceased voters.

Three charges were in connection with Saturday's El Paso County Water Improvement District No. 1 election, and the fourth involved last year's El Paso mayoral election.

Sheriff's spokesman Rick Glancey said, "We are pleased with the direction of our investigation, and by no means is it over by virtue of this arrest."

Sheriff's Detective Neil Baker, in his affidavits to obtain three arrest warrants, said Piñon admitted in an interview with him that a year ago she had voters sign numerous blank applications for mail-in ballots that would be used in future elections.

"The defendant Pattie Lee Piñon then admitted that she did not get anyone's permission to send in the application for mail-in ballots (and) that other Democratic Party precinct chairs also did the same," according to one of Baker's affidavits.

Piñon, in the affidavit, said she didn't know the dead voters had died when she sent in applications for early mail-in ballots using their names.

Piñon could not be reached for comment, nor could County Democratic Party Chairman Rick Melendrez. But the previous party chairwoman, Enriqueta "Queta" Fierro, said Thursday that she was aware that some party leaders went after mail-in ballots in elections but she "wasn't close to anybody doing it."

"I didn't know they made copies like that," she said.

Such activities are highly questionable, she conceded, and when asked whether the party needs to deal with the issue, she said, "It probably does, and it probably

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will in light of what's happened."

In the affidavit to support the fourth arrest warrant involving last year's mayoral election, sheriff's Detective Regan Conner refers to an earlier investigation that looked into 29 applications for mail-in ballots that the County Elections Department received in one envelope last April.

Among them was one in the name of Verda Ponce, who died in 2002. Baker's affidavit states that Piñon took responsibility for the mail-in ballot applications from dead voters in the water board election, one of whom was Ponce.

Before her arrest Tuesday, Piñon telephoned the interim general manager of the water improvement district, Jesus "Chuy" Reyes, and told him of her involvement, according to Baker's affidavit. Reyes, in turn, called the Sheriff's Department, which led to Piñon's arrest after she voluntarily submitted to an interview.

The four counts of tampering with a government record that Piñon faces are second-degree felonies, each punishable by two to 20 years in prison and a \$10,000 fine.

David Crowder may be reached at dcrowder@elpasotimes.com; 546-6194.

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The Monitor

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Print

TX

Ballot-tampering probe requested -- Secretary of state appeals to attorney general

February 26, 2004

Alma Walzer and Ryan Gabrielson

The Monitor

EDINBURG — Texas Secretary of State Geoffrey Connor wants an investigation into the ballot-tampering claims made by four Hidalgo County voters earlier this week.

Connor requested the assistance of Texas Attorney General Greg Abbott to look into complaints filed by four county residents that at least four mail ballots were tampered with.

"We're drafting a letter to the attorney general's office that will be sent today," said Jennifer Waisath, director of communication for the secretary of state. "The matter in Hidalgo County over the mail ballot issue is now in the hands of the A.G.'s office for a full investigation."

The letter sent by Connor to the attorney general, and obtained by The Monitor, indicates that Connor believes several criminal election offenses may have occurred.

"If these allegations are true, several criminal election offenses may have occurred including unlawful assistance, unlawfully influencing a voter and illegal voting," Connor wrote. "I have enclosed a courtesy copy of a newspaper article from the McAllen Monitor, dated Feb. 25, 2004, detailing the alleged criminal conduct.

"In accordance with the recently adopted policy between our offices with respect to alleged criminal election law violations, we are hereby referring these allegations to your office for investigation," Connor wrote.

Hidalgo County Elections Administrator Teresa Navarro hopes the state investigation will be fully under way shortly.

"It could be — the attorney general moves quite quickly," Navarro said. "They are swift and they don't just send one person down, they send two or three."

Two voters from Weslaco and two from the North McAllen/South Edinburg area contacted Navarro on Tuesday, claiming their mail ballots had been tampered with.

Navarro said the voters should have received a blank ballot to fill out that they would then place in an envelope, sign the back of the sealed envelope and mail to the elections department.

Instead, the four voters said they received a sealed envelope with a ballot already inside, along with a note asking them to simply sign the envelope and mail it.

Navarro contacted the secretary of state's office Tuesday afternoon and asked for assistance. An official from the A.G.'s office contacted her on Wednesday and told her that an investigation had been opened, she said.

The A.G.'s office would not comment on the matter.

Tom Kelly, spokesman for Texas Attorney General Greg Abbott, said once they officially receive a letter requesting assistance from the secretary of state, they will "exercise their independence and

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latitude" to determine whether they pursue the investigation.

The four voters have been cleared by the elections department and can vote in person on their own, Navarro said. The mail ballots in question remain sealed and are being held under lock and key until the investigators arrive, she said.

Also on Wednesday, a fifth voter came forward about a problem with his mail ballot.

"A mail ballot was returned to the elections department, which is unusual for the post office, for them to mark it as 'moved,'" Navarro said. "The voter said he was told by a politiquera that the ballot was going to be mailed to his home. And he assumed that is what she would do."

A politiquera is a paid representative of a political candidate. The fifth voter claimed the politiquera to whom he referred sent his mail ballot to an address other than his home.

The address on the voter's registration card and the address to which the ballot was mailed do not match, Navarro said.

"We don't know the name of the politiquera, but we're in the process of trying to obtain that information," Navarro said.

All five voters who complained of problems with their mail ballots are older than 65. State law protects their identities, Navarro said.

"I'm disappointed because I don't know how I can prevent someone from going to a voter and tampering with their (mail) ballot," Navarro said.

Anyone caught tampering or stealing mail could face some pretty stiff penalties.

"The crime would be considered mail theft," said Vanessa Kimbrough, a U.S. postal inspector. "It's a felony that carries penalties of up to five years in prison and \$5,000 in fines per piece of stolen mail."

Kimbrough said mail carriers aware of stolen mail are supposed to report it to the postal inspection service.

"If anyone has information about these cases, they should call the inspection service in Houston at (713) 238-4400," Kimbrough said.

Alma Walzer covers Hidalgo County government and general assignments for The Monitor. You can reach her at (956) 683-4422.

Ryan Gabrielson covers Pharr, San Juan, Alamo and general assignments for The Monitor. You can reach him at (956) 683-4462.

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SD

Vote drive worker charged in forgery

By DAVID KRANZ
Argus Leader

published: 10/19/2002

A Rapid City man working for a Native American voter registration drive has been charged with five counts of forgery related to documents submitted under the program.

Lyle Nichols, 45, was arrested Friday and probably will be arraigned Monday, said De Glasgow, chief deputy sheriff for Pennington County.

This is the first arrest arising from recent allegations of voter fraud in and around Native American reservations in South Dakota. Auditors in several West River counties have reported suspicious cases in which documents were submitted in the names of people who were deceased or too young to vote.

Most of the suspected misdeeds focus on a Flandreau woman who formerly worked as an independent contractor for a registration program backed by the Democratic Party.

The Native American Voter Education and Registration Project paid Nichols \$3 for each completed registration. He allegedly forged some names, Glasgow said.

Officials said Nichols turned in 226 registration cards, most of which were fraudulent.

Workers at the Pennington County Auditor's office called the sheriff's department after noticing discrepancies in several forms. In one case, they received a voter registration form for a man who had already registered. But the signature and other information on the new form did not match the old one.

"It looks like what he was doing was pulling names out of the phone book or newspaper," said Pennington County Sheriff Don Holloway. "There were at least two people that were deceased."

Nichols also had worked briefly for the state Democratic Party as an independent contractor, according to its spokeswoman, Sarah Feinberg.

"I am told he worked four hours with the South Dakota Democratic Party in September," she said. "He passed out literature and registered four new voters. We paid him \$46. Those registrations are not the ones that are in question."

Two of the registrations Nichols submitted to the Democrats were duplicates that were not sent to the auditor or turned over to authorities.

"We found it in our system that they were already registered. It is not uncommon to have someone think they are not registered and then register again," Feinberg said.

Nichols' brother also was questioned in connection with the situation, but there was no indication of wrongdoing, officials said.

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The South Dakota Republican Party issued a statement late Friday applauding the charges in Pennington County.

The statement, which was not attributed to an individual Republican official, said voter fraud needs to be investigated thoroughly in the state.

“Those found responsible should be prosecuted to the fullest extent of the law,” the statement said.

The attorney general’s office is working in conjunction with federal law enforcement officials to determine the extent of the problem.

The Flandreau woman, Becky Red Earth-Villeda, also known by her Dakota name, Maka Duta, is suspected of falsifying voter-registration and absentee-ballot documents. She has denied any wrongdoing.

Attorney General Mark Barnett has said Democratic Party officials have cooperated with the investigation into Red Earth-Villeda’s case. The party terminated its relationship with Red Earth-Villeda and is not implicated in the case.

The Native American Voter Education and Registration Project is an effort by the United Sioux Tribes. It began in late August with the help of a \$200,000 grant from the Bauman Foundation in Washington, D.C.

Clarence Skye, executive director of United Sioux Tribes, estimates there are 28,000 Native Americans of voting age in South Dakota.

Twenty-one people are part of the effort, canvassing both reservations and off-reservation communities, Skye said. He said workers have registered 5,166 new voters in Rapid City alone, where the last census showed 15,000 Indians.

The Native American Voter Education and Registration Project also is encouraging county officials to provide more polling places on reservations, Skye said. Many Indians do not vote because they cannot get to polls that often are 30 to 40 miles away, he said.

“A lot of our Indian people on the reservations don’t have vehicles. We don’t have good voter turnout because of distances and lack of transportation,” Skye said.

Plans are in the works to hire people to drive Indian voters to the polls, Skye said. A California foundation is being asked to help fund that effort, he said. Some Indians don’t vote because they prefer to remain anonymous, Skye said.

“Many people on the reservations feel that if they register to vote, then the government’s going to be after them for something. It’s kind of a paranoia.

They’re afraid the Internal Revenue Service or somebody else will show up at their door and harass them,” he said.

Skye insists it is not apathy that keeps many Indians from voting.

“I haven’t seen where they don’t care,” he said.

The Associated Press contributed to this story. Reach reporter David Kranz at dkranz@argusleader.com or 331-2302.

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**Some S.D. counties list more voters than adults
Dewey, Ziebach among 26 counties showing surplus**

By Carson Walker
Associated Press Writer

SIOUX FALLS - Most South Dakota counties have more adults than registered voters.

But in 26 counties - more than a third of the state's 66 - the voters outnumber people 18 and over, according to a comparison of 2001 census estimates and the latest voter registration numbers.

"People who move away but still use that as a residence to vote - that explains some of the difference," said Kea Warne, election supervisor in the Secretary of State's office.

Of all counties, big or small, Dewey County shows 470 more registered voters than adults. The census estimates its population in 2001 as 3,696. Its voter registration list as of Thursday was 4,166.

Ziebach County also has 226 more registered voters than people 18 and older, according to the numbers.

Dewey and Ziebach are two of several counties where state and federal investigators are looking into allegations of voter registration and absentee ballot fraud.

But several other counties without large American Indian populations also appear to have more voters than people, according to the numbers.

Some counties might appear to lose registered voters because auditors can now more easily eliminate duplicate names, Warne said.

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Fraud cases cloud S.D. elections

By DAVID KRANZ, CORRINE OLSON and PETER HARRIMAN
Argus Leader

published: 10/20/2002

10 counties review questionable voter records; observers speculate about effect on Nov. 5

When Harding County Auditor Kathy Glines sifts through voter registration cards each election year, she usually can tell when something isn't right.

She knows, for instance, that among the 17 new registrations her office has received this year are several high school seniors who will vote for the first time next month in this ranching area in northwest South Dakota.

"I would say I know 100 percent of the people here," Glines said.

Familiarity is the first defense against voter registration fraud in South Dakota's rural counties. Auditors, many of whom have lived in the communities for decades, recognize misspelled names, unfamiliar addresses or forms filed by a person who has left town or died.

But this year, in a South Dakota election that has drawn the attention of the nation because it could determine the congressional power structure, the task of verifying voter registrations in places such as Gann Valley and Timber Lake has become more difficult. Thousands of new applications have poured into county auditors' offices as political parties and other advocacy groups conduct extensive registration drives, primarily on the state's Indian reservations. Requests for absentee ballots are running far ahead of typical election years in many counties. And with the stakes so high, every inconsistency and questionable voting document is being scrutinized.

One man has been charged with submitting fraudulent voter registration cards, and a woman who worked as a private contractor with the state Democratic Party is being investigated for falsifying registration cards.

More than 16,700 names have been added to South Dakota voter registration lists since the June primary. More than 4,100 of the registrations - about 25 percent - were filed in

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counties near or on Indian reservations.

Argus Leader reporters surveyed South Dakota county auditors, finding:

- Auditors in 10 counties, all but one adjoining a reservation, have forwarded questionable registration forms or absentee ballot requests to the sheriff or state's attorney for investigation.
- Of the nearly 400 questionable documents discovered by the auditors, 338 came from Shannon and Pennington counties, where the two investigations into possible voter fraud are under way.
- Sixteen questionable registration forms have been turned over by Ziebach County officials. Twelve documents in Todd County and at least 10 in Bennett County were forwarded to investigators, according to the survey.

Media coverage of the fraud investigations has put the state's voter registration and absentee ballot system under the microscope. But Attorney General Mark Barnett bristles at the categorization of the two investigations as evidence of widespread voter fraud.

"I'm still only aware of two cases where criminal law may have been violated, and you've heard about those," said Barnett. "I just don't want the suggestion out there that there is widespread fraud when we don't have any evidence of that."

Two investigations

Concerns about possible voter fraud surfaced in South Dakota earlier this month. On Oct. 3, Dewey County Auditor Adele Enright alerted Democratic Party officials to possible irregularities with four absentee ballot applications in her county. According to the party, those documents were submitted by Becky Red Earth-Villeda of Flandreau - also known by her Dakota name Maka Duta - an independent contractor working through the Coordinated Campaign, a get-out-the-vote program organized by the Democratic Party.

Democratic Party lawyers said they contacted the four people named on the absentee ballot applications in question and determined that two of the applications contained signatures not made by the person purporting to make them.

Red Earth-Villeda was terminated as a contractor, according to Sarah Feinberg, a spokeswoman for the Democratic Party and the Coordinated Campaign. Feinberg said Red Earth-Villeda was responsible for a large number of registrations from around the state, and so far the rest of them have checked out.

Federal Election Commission reports show the South Dakota Democratic Party paid Red Earth-Villeda \$12,867 since the beginning of her contract work in mid-June. The money included reimbursement for travel costs and making copies.

Barnett and FBI officials then acknowledged that an investigation, led by federal authorities, was under way.

No charges have been filed. A woman identifying herself as Red Earth-Villeda called a public radio program last week saying she was innocent. Repeated attempts to contact her have been unsuccessful.

On Friday, in a separate case, a Rapid City man, 45-year-old Lyle Nichols, was charged with forgery for allegedly submitting five fraudulent voter registration cards. Workers at the Pennington County auditor's office called the sheriff's department after noticing irregularities in several registration forms.

In one case, the office received a voter registration form for a man who had already registered. But the signature and other information on the new form did not match the old one.

The Native American Voter Education and Registration Project paid Nichols \$3 for every form he returned. That registration effort is a United Sioux Tribes project funded by a grant from the Washington, D.C.-based Bauman Foundation.

Officials said Nichols turned in 226 registration cards, most of which were fraudulent.

If convicted, he faces up to 25 years in prison.

Registration process

Each state determines voter registration and absentee ballot procedures, and those processes vary greatly.

South Dakota law requires eligible voters to register and sets a deadline - 15 days before the election - for registration forms to be filed with county auditors.

In contrast, Minnesota voters can register at the polls on Election Day. North Dakotans are not even required to register to vote. They simply show identification at the polls. In Iowa, voter registration forms are printed in telephone books.

In South Dakota, once a registration is received, the county auditor's office sends a confirmation card to the person who registered. When the voter returns that card, the signature is compared to the original registration.

If the confirmation card is not returned, the voter's name is put on an inactive list, and in order to vote on Election Day,

the person is required to show a picture identification card.

Several auditors surveyed say they aren't familiar with many residents of the state's Indian reservations, and that makes it more difficult for them to verify the validity of those registrations. In addition, many of those new voters list a general delivery mail address, meaning they pick up their mail at a post office.

It's hard for officials to place those residents in a precinct because the auditor doesn't know exactly where they live. Other new reservation voters don't have telephones, so officials cannot call to verify registration information.

Still, the auditors say, many of the irregularities found among registration forms are simple mistakes.

"Two or three people sent in two or three absentee applications, and we caught it," said Lisa Schieffer, Meade County auditor. "I contacted one of the persons, and he explained to me he just wanted to be sure he got a ballot, so he sent one for his post office box, for his work address and for his home address."

In Brookings County, some South Dakota State University students requested absentee ballots, not realizing that they have to make that request in the counties in which they are registered.

Enright, the Dewey County auditor who discovered some questionable absentee ballot requests, said it's not surprising to find irregularities considering the number of new people being registered.

"With a voter registration drive, you have those mistakes every time, and you have a voter drive every time there's an election," she said.

The county voter registration lists are not exact directories, either. Sometimes, residents move to a new address, or out of a county, and don't retract their old registration. Other times, the resident maintains his old voting address in order to vote in that county or city.

The lists are periodically examined and updated to remove names of those who have died or moved, but the registration records still can contain duplications and inaccuracies.

For example, 26 South Dakota counties, including many reservation counties, have more registered voters than their adult population, according to an Associated Press analysis.

But several counties that do not have large Native American populations also appear to have more voters than people, according to those numbers.

Minnehaha County Auditor Sue Roust said those registration numbers may include inactive voters - those who have not

voted in at least four years. If those voters go to the polls on Election Day, they will have to fill out a new voter registration card before being allowed to vote and should not be included in the count of registered voters.

As of Oct. 19, Minnehaha County had 87,221 registered voters, according to Roust. There are also 11,386 inactive voters.

Effect uncertain

Registration efforts are important in the state this election year because the battle for the U.S. Senate between Democratic incumbent Tim Johnson and Republican Rep. John Thune is considered a dead heat. A few thousand votes could determine the outcome, and ultimately the decision could sway the makeup of the Senate over which South Dakota Sen. Tom Daschle now serves as majority leader.

Many of the potential new voters live on Indian reservations where registration numbers and Election Day turnouts are notoriously low but where Democrats are traditionally the favored candidates.

In 1968, just before Bobby Kennedy spoke to Los Angeles supporters in the hotel where he later would be assassinated, he placed a call to South Dakota. He had just won the presidential primary here and wanted to know how he had fared on the Indian reservations. His supporters told Kennedy that he had scored a landslide victory on the Pine Ridge reservation, receiving 878 votes. Eugene McCarthy had earned only nine votes and Lyndon Johnson, 2.

Thirty-four years later, some Native Americans say reservation voters still look to Democrats in national elections.

"The vast majority are voting the Democratic ticket. They probably have no idea who the Democratic candidates are. They don't know who Stephanie Herseth is. But they know who gives them problems," said Herbert Hoover, University of South Dakota history professor and author of several publications on Indian-white relations.

The questions of voter fraud this year, however, probably will hurt the Democratic candidates, said former Republican legislator Lola Schrieber of Gettysburg.

"If there is fraud, it will affect the Democrats. They were the ones who hired the persons to get the registrations," she said.

Bob McCaughey, who ran Republican Sen. Karl Mundt's campaigns, agrees.

"I say that at the coffee group mixed with Republicans and Democrats, and I get a pretty unanimous agreement on that," he said.

Some analysts believe the voter fraud investigations may turn Native Americans away from the polls on Election Day. Some may be fearful of being involved in a controversy, and others could be disillusioned with the entire process.

But Hoover says the issue could play out the opposite way as well.

"When tribal people feel put upon, they will react with greater resolve," he said. "They are no different from any other group. If they are falsely accused, they rally. It could backfire."

Bob Burns, political science professor at South Dakota State University, said it is difficult to predict whether news of the registration investigations will interfere with the fortunes of Sen. Tim Johnson, who heads the Democratic Party ticket in the state.

If the election is decided by a small margin, the loser also may decide to challenge the outcome in court because of fraud concerns.

Past controversy

This is not the first time there has been election-time controversy surrounding attempts to get reservation voters to the polls.

In 1980, Democratic Sen. George McGovern's re-election campaign planned to give away a free television on a reservation.

"It (the television) was in the building next door to the polling place. You came in, looked at the TV, and they had brochures. Winning it didn't require you to vote," said George Cunningham, McGovern's top aide at the time .

Attorney General Mark Meierhenry heard about the giveaway and told the McGovern campaign what they were doing was illegal. The raffle ended immediately, and the television was removed.

"We probably lost some Native American votes because a lot of them never came back. They were scared away. But we weren't the only ones involved in something like that. There were a lot of places giving free food, and nothing was said," Cunningham said.

In the past, buses traveled through the reservations taking people to the polls, and giveaways, including free cigarettes, were used to attract voters.

Cunningham says the current controversy surrounding reservation voter registration forms is likely to hurt the Democrats on Nov. 5.

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"It is hardly a positive thing," he said.

Are changes needed?

Voter registration investigations in South Dakota generate national interest because of the nature of the races this election year. But the issue also is newsworthy because South Dakota has such a good election record, said Burns. The state traditionally has among the highest voting turnouts in the country.

"South Dakota has no history of voter fraud. We really have a history of clean politics," Burns said. "That really explains the splash this has made. Even the hint of fraud generates a major stir in South Dakota."

Concerns about the process have caused some to speculate that changes should be made, tightening requirements for registration and absentee balloting.

Barnett said he is generally satisfied with the state's election laws but said the Legislature may want to look at the rules concerning absentee balloting.

In Barnett's view, there is a potential for problem in the fact that voters can register and cast an absentee ballot without ever being seen in the auditor's office.

But Kea Warne, elections supervisor for the secretary of state, said the state's election laws already provide adequate protection against voter fraud.

"Just by seeing what's happening now shows the system is working because county auditors are catching the problems," she said.

Burns said some have suggested the state outlaw the practice of hiring people to collect new registrations.

But Roust questions the wisdom of that move.

"When we have groups who are vastly underrepresented - and we know a lot of people on the reservations aren't registered - it's a big job to get those people involved, and I don't know if you can do that with volunteers," she said.

Burns agrees. "I don't really think the law needs to change. Volunteers can be overzealous as much as workers."

Burns said the potential fraud cases being investigated suggest the people involved were trying to defraud their employers in order to make more money rather than deliberately attempting to defraud the election process.

He wishes people would look at the registration drives from another side.

"All of South Dakota should celebrate the fact that 17,000

(people) previously not registered are going to participate in the election," he said. "That's democracy."

Registration Investigation

- Nearly 17,000 people have registered to vote in South Dakota since the June primary. There are 523,063 potential voters.
- County auditors have turned over to law enforcement nearly 400 voting registration cards or absentee ballot applications because of discrepancies ranging from misspelled names to ballot requests from deceased residents.
- A Rapid City man has been charged with forgery for allegedly submitting fraudulent registration cards.
- The Minnehaha County Auditor's Office has processed more than 4,800 absentee ballot requests. One was questionable and was sent to the state's attorney's office.

The Associated Press contributed to this report.

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**Suspicious voter registrations found
Attorney general denies widespread fraud**
THE ASSOCIATED PRESS

SIOUX FALLS - Auditors in 10 South Dakota counties have turned over nearly 400 questionable voter registration forms to investigators.

All but one of the 10 counties adjoin an American Indian reservation, the Sioux Falls Argus Leader reported Sunday.

Officials in Ziebach County have turned over 16 suspicious voter registration forms to investigators. Twelve documents have been turned over in Todd County and at least 10 in Bennett County.

One man in Pennington County has been charged with submitting fraudulent voter registration cards. And a woman who worked as a private contractor for the state Democratic Party is being investigated for falsifying voter registration documents.

But South Dakota Attorney General Mark Barnett bristles at the idea that the two investigations are evidence of widespread voter fraud in the state.

"I'm still only aware of two cases where criminal law may have been violated and you've heard about those," Barnett said. "I just don't want the suggestion out there that there is widespread fraud when we don't have any evidence of that."

Verifying voter registrations has become more difficult in

this year's election, which has drawn the attention of the nation because it could determine control of the Senate.

Thousands of new applications have poured into county auditors' offices as political parties and other advocacy groups conduct extensive voter registration drives. The state's Indian reservations have been the main focus of those registration drives.

Of the 16,700 new voter registrations in the state, 4,100 of them - about 25 percent - were filed in counties on or near Indian reservations.

Many counties are also seeing a spike in requests for absentee ballots.

Several auditors surveyed by the Argus Leader said they are not familiar with many residents of the state's Indian reservations and that makes it harder for them to verify the validity of those registrations. In addition, many of those new voters list a general delivery mail address, meaning they pick up their mail at a post office.

Still, many of the irregularities found among registration forms are simple mistakes, auditors say.

"Two or three people sent in two or three absentee applications, and we caught it," said Meade County Auditor Lisa Schieffer. "I contacted one of the persons, and he explained to me he just wanted to be sure he got a ballot, so he sent one for his post office box, for his work address and for his home address."

In Brookings County, some South Dakota State University students requested absentee ballots, not realizing that they have to make that request in the counties in which they are registered.

Adele Enright, the Dewey County auditor who discovered some questionable absentee ballot requests, said it is not surprising to find irregularities considering the number of new people being registered.

"With a voter registration drive, you have those mistakes every time, and you have a voter drive every time there's an election," Enright said.

Each state determines voter registration and absentee ballot procedures, and those processes vary from state to state.

South Dakota law requires eligible voters to register and sets a deadline of 15 days before the election for registration forms to be filed with county auditors.

But Minnesota voters can register at the polls on Election Day. North Dakotans are not even required to register to vote. They simply show identification at the polls.

In South Dakota, once a voter registration form is received, the county auditor's office sends a confirmation card to the person who registered. When the voter returns that card, the signature is compared to the original registration.

If the confirmation card is not returned, the voter's name is put on an inactive list, and to vote on Election Day, the person is required to show a picture identification card.

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15 false absentee ballot applications found

David Kranz
Argus Leader

published: 10/25/2002

A voter-fraud investigation has turned up 15 bogus absentee ballot applications in South Dakota so far, and more may be coming, Attorney General Mark Barnett said late Thursday.

State and federal agents targeted 25 South Dakota counties after allegations of misconduct surfaced earlier this month, Barnett said.

In each case, signatures were forged on the applications that a person uses to obtain a ballot, he said.

All the alleged instances of ballot fraud discovered so far are tied to Becky Red Earth-Villeda, Barnett said. Red Earth-Villeda - also known by her Dakota name, Maka Duta - was an independent contractor in the Democratic Party's efforts to increase Native American participation in the election.

Investigators believe Red Earth-Villeda, whose contract was terminated by the Democratic Party, may be linked to as many as 1,750 absentee ballot applications in the state, Barnett said.

"I have no idea how many of those might be false," he said.

Also Thursday, the Fall River state's attorney said the names of two women there were used to forge voter registrations in Codington and Minnehaha counties.

The discoveries are the latest development in a controversy over voter registration and absentee ballot discrepancies. The FBI also is investigating allegations that documents were filed on behalf of dead people and children, particularly in and around Native American reservations.

The allegations have raised political tension in South Dakota with 12 days left until the Nov. 5 election, which features particularly tight contests for U.S. Senate and House.

Barnett, a Republican, said charges will be forthcoming. At this point, the activities of Red Earth-Villeda remain the sole

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focus of the investigation, he said.

"We have 15 cases that we believe were forged absentee ballot applications, and at the end of the day we expect she will be charged," he said.

The Democratic Party initiated an aggressive get-out-the-vote campaign, particularly around reservations, in preparation for the November elections. While both parties traditionally pay staffers to sign up new voters and pursue possible absentee ballot possibilities, the Democrats this year also initiated a program of paying independent contractors on a per-piece basis.

Sarah Feinberg, spokeswoman for the South Dakota Democratic Party, reiterated that the party initiated an investigation on its own when problems first surfaced in early October and notified Dewey County officials of two questionable ballot applications.

The Democratic Party has zero tolerance to anything less than full compliance with state and federal election regulations, she said.

"It is still about one person's activities, and we think it is important that it be resolved before Election Day," she said. "There is no evidence to suggest that one ballot has been affected."

Last week, a Rapid City man who was working under a separate program, sponsored by the United Sioux Tribes, was charged with forging signatures on five registration cards.

On Election Day, it will be up to individual county auditors to determine whether they are comfortable with a signature before they put the ballot in the box, Barnett said.

He would not say how authorities determined which counties Red Earth-Villeda was involved in. The list of counties where the 15 applications were found was not available.

In each case, the investigator tracks down the person whose name is on the application to verify the signature.

"We have interviewed 15 people so far who said, 'That is not my signature.' You have to go out and grind it," Barnett said.

During the probe, one signature was found to be legitimate, and a few people were not sure about theirs, he said.

"We have to go to the bottom and do as many (of 1,750) as we can," Barnett said. "Federal and state agents feel reasonably confident in saying an arrest is likely, but first we want to nail down as much of the facts as we can."

A routine check by the secretary of state's office discovered

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at least two more cases of possible forgery on voter registration cards under the names of women in Fall River County, in the southwest corner of the state.

The cards were filled out in July in Minnehaha and Codington counties. But the two Fall River women say they didn't file the registrations, said State's Attorney Lance Russell.

"This is the first time we've had anything regarding Fall River County," Russell, a Republican, said Thursday.

The duplications were discovered after a routine records purge by the secretary of state's office. Using a computer check first initiated in January, the office compares voter registrations from across the state in order to eliminate multiple registrations by the same person.

A duplicate registration isn't necessarily a cause for suspicion, however. More than 9,000 such cases have been discovered since January, said Chris Nelson of the secretary of state's office. But most of the names come up because people move and re-register without telling the first county they have left.

That's not the case with the two Fall River women.

Lynn Putnam received a card in the mail about a month ago, asking her to confirm her registration information. The 27 year-old Edgemont woman - who is Russell's administrative assistant - brought the card with her to work and dropped it off at the auditor's office.

Auditor Sherrill Dryden told Putnam she received a lot of the cards because of the statewide purge.

"She said it's a coincidence that there is a Lynn Putnam in Watertown with your exact same birth date," she said. "She thought it was kind of suspicious because the person in Watertown had registered at the end of July."

Dryden and Russell did some research and discovered there wasn't anybody by that name living in Codington County.

"I don't know who would do it," said Putnam. "I've never lived there."

She didn't think much of it when she received the verification card in the mail.

"I guess, honestly, I thought maybe they sent those cards to anybody," she said. "I thought maybe it was kind of an update thing, that it was standard before the election."

Russell declined to identify the second woman, who was registered in Minnehaha County, citing confidentiality.

Minnehaha County Auditor Sue Roust said Dryden contacted her about a problem after the secretary of state sent out a

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list Monday showing duplicate registrations.

"The Fall River County auditor recognized her and talked to her. She said she doesn't live in Minnehaha County and doesn't plan to vote here," Roust said.

When Roust's office was contacted about the possible duplication, she checked the two registrations and found that the signatures on the cards were radically different. Surprisingly, the birth date of the woman was correct on the bogus registration, she said.

In both of the Fall River cases, Republican women were registered as Democrat.

Roust said the registration in Minnehaha County was done in July and was part a voter registration drive. A code is required on the cards which indicates it is part of a drive. It does not tell the auditor which program it was a part of or who registered the person.

The suspected registration in Codington County also was a part of a registration drive, according to Auditor Cindy Brugman.

Both Brugman and Roust said an absentee ballot was not requested for the people who were registered in their counties.

State Editor Patrick Lalley contributed to this article. Reach reporter Corrine Olson at colson@argusleader.com or 331-2311.

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Will possible fraud cases shake voters?

Terry Woster
Argus Leader

published: 10/27/2002

Observers debate long-term effect

PIERRE - Elections are fairly fragile institutions.

They are, after all, organized and policed by the same political organizations that compete for the gift of power.

In South Dakota, this social contract has emerged largely unscathed through more than 100 years of electing public servants. But the investigation of possible fraudulent filings of voter registrations and absentee ballot applications - currently under way and focused on two people working under separate voter drives - has prompted discussions of the impact on the Nov. 5 general election.

Officials are quick to point out that the irregularities discovered thus far have not manifested in even one fraudulent vote. But is it possible that in a small state such as South Dakota, where campaign shenanigans are as rare as ballot chads, one bad event could have a disproportional impact on the psyche of the electorate?

The investigation might make headlines and coffee-shop talk, but it should have little impact on public confidence in the state's election system, says a Harvard University government professor with ties to the state.

Thomas Patterson, author of several books about elections and politics in the United States, said drawn-out campaigns and attack advertising are more likely to shake voters' confidence in the election system than will reports of voter registration problems, especially if the possible fraud isn't found to be an extensive and ongoing condition.

"I'm not surprised that this would be a big story there, which it probably wouldn't be in New Jersey, for example," Patterson said. "According to our surveys, voters seem much more likely to be discouraged by the way campaigns are conducted, the endless campaigns. I don't know that they lose trust in the system itself as much as become disenchanting with the way it is run."

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Patterson - who has recently published "The Vanishing Voter," a study of voter involvement in elections and campaigns - is with the Kennedy School of Government at Harvard. He did undergraduate study at South Dakota State University.

State and federal authorities in South Dakota are looking into allegations that a woman working as an independent contractor with the Democratic Party forged signatures on registration cards and absentee ballot applications.

Attorney General Mark Barnett said last week that agents have focused on 25 counties and found 15 apparent cases of forgery on ballot applications. More than 1,700 applications have been linked to the worker - Becky Red Earth-Villeda of Flandreau, also known by her Dakota name Maka Duta - and agents are tracking down each of the applicants to verify their signatures. Charges are probable against Red Earth-Villeda, but the Democratic Party has not been implicated, Barnett said.

A Rapid City man who was working for a voter drive program organized by the United Sioux Tribes has been charged with five counts of forgery in Pennington County for submitting false registrations.

It's unusual to have reports of fraud focusing on individuals in the voter-registration process, as is the case in South Dakota, Patterson said.

"Where the shenanigans usually take place is with those who control the process, not an individual," he said. "What you're facing seems pretty rare."

It's rare enough that Alice Kundert of Mound City can remember nothing quite like it in her four decades as a county official, state auditor, secretary of state and Republican legislator. Unlike Patterson, though, Kundert thinks that just the possibility of wrongdoing in the voting process erodes public confidence and could cause people to shy away from the polls.

"What shakes you about this kind of thing is that the whole system is built on trust, and I'm just sick about this," she said. "It has blemished our image of ourselves. I don't care what other states think. I'm sad that we may think less of ourselves. We should have a lot of pride and confidence in our system of government and in elections. The vote is sacred. If we lose confidence in that, maybe it means some people don't bother to vote who might otherwise take the time."

Mary Ann Bear Heels Cowan of Pierre tends to side with Patterson and sees the investigation as a way to make people understand how important it is to register and vote.

"It bothers us, in a way, when we first hear the news, but as

we listen and read, we see that this really is a problem with perhaps two individuals, not the whole system," said Bear Heels Cowan, a Lakota rights advocate with the group First Voices. "The focus is kind of high right now on it, but I believe the trust is still there, and most people will be responsible."

Merle Lofgren, longtime newspaper publisher in McLaughlin, blames the practice of paying for registrations.

"It's prostituting the vote, and how can you expect people to trust the system after that?" he asked. "Yes, people are going to lose confidence in the system. Maybe it's a big case, and maybe it's small, but no matter how extensive this thing is, how are you going to know if your votes are all real and equal? Democracy shouldn't be paid for with money, not any part of it."

The news that the name of a woman who had died three weeks earlier in a car wreck appeared on a registration card is especially offensive to Lofgren.

"They used to say the biggest voting precinct in Chicago was the cemetery, and now it looks like the littlest precinct in South Dakota is the cemetery in Dewey County," he said.

Kundert said her only personal experience with money in voting was when she campaigned once for a term as auditor and asked for a vote in a small convenience store in a western town.

"The man said, 'How much will you pay me?' I said, 'You just lost it. I don't need your vote,' " she said. "That kind of stuff just

doesn't happen in South Dakota."

That's probably a typical reaction to the news of the investigation, Patterson said. When the Florida voting system came into the national spotlight during the protracted counting of the presidential ballots two years ago, many states believed their own systems were safe from that kind of problem, he said.

"The idea was, this is Florida's problem; this isn't the way we operate," he said.

While he doesn't think one election cycle with questions about voter registration will cause people to lose confidence in the system, Patterson does see the possibility of doubts accumulating over time.

"All of these things are kind of shots at the system, and they could be additive in a way," he said. "If people are already disenchanted with campaigns, and you add this, it possibly could have some effect."

Bear Heels Cowan said the effect may be to encourage

Native Americans and whites to work together on voter registration and voting drives.

"These kinds of things happen for a reason," she said. "It's kind of a push-pull thing: Go vote, make sure you're registered, and now we have a few problems. I believe the people have done a good job overall of getting registrations, and perhaps these questions being raised now will make us all more aware of how much the system relies on trust, maybe even to the point that we'll all work together."

Kundert said South Dakota seldom experiences the pressures of big-time campaigning the way it has this year with the U.S. Senate race between Democrat Tim Johnson and Republican John Thune carrying the potential of deciding political control of that body.

"I don't remember anything like this," she said. "So, you get these reports something might be wrong, and 99 percent of you says real voter fraud couldn't happen here. But 1 percent of you says, gosh, I never thought there'd be any cases of false registrations like this, either. So you start to doubt your trust in the whole thing. And that's pretty sad."

Reach Terry Woster at 605-224-2760 or twoster@midco.net.

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Suspect in voter fraud threatens suit

By DAVID KRANZ
Argus Leader

published: 10/29/2002

Flandreau woman says she's the victim of conspiracy

The Flandreau woman suspected by federal, state and Republican Party officials of being linked to possible voter fraud in several South Dakota counties is fighting back, saying she is a victim of a conspiracy to keep Native Americans from voting.

Becky Red Earth-Villeda, also known by her Dakota name, Maka Duta, said in a statement distributed to news media that she is innocent of any links to the forging of absentee ballot applications, voter registration cards and other wrongdoing in the election process.

She also is contemplating charges of her own against those who accuse her.

Attorney General Mark Barnett expects to file charges against her in the near future, saying at least 15 absentee ballot applications handled by her were found to be irregular.

Red Earth-Villeda, 49, accuses officials of a collective conspiracy against her. They continue to "conspire as Republicans to single out my voter registration and absentee ballot application work product for their explanation to the end of charging only me with violations of state and federal law," she said.

The sole purpose of their probe and threats of charges against her is to increase vote totals for Republican candidates in the Nov. 5 election in South Dakota under "color of law," she said.

Barnett has said he has investigators in 25 counties looking for discrepancies in absentee ballot applications.

So far, there is evidence that she handled more than 1,700 such documents. Of those inspected so far, 15 have been found to be invalid. That process is determined by finding the person who has his name on the application. The person then tells investigators whether it has his actual signature.

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