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November 23, 2000, Thursday QUEENS EDITION

**SECTION:** NEWS; Page A18

**LENGTH:** 418 words

**HEADLINE:** JUDGE REVOKES BAIL IN TRIAL OF EX-UNION CHIEF

**BYLINE:** By William Murphy. STAFF WRITER

**BODY:**

A former top city labor official had his \$125,000 bail revoked yesterday after a court-appointed psychiatrist found he was not mentally fit to be tried on charges of stealing more than \$1 million from his union.

Al Diop, 67, who had been in an in-patient program at Lenox Hill Hospital, was ordered transferred to a jail ward at Bellevue Hospital by State Supreme Court Justice William Leibovitz.

The judge set Dec. 8 for a court hearing at which the Manhattan district attorney's office can challenge the finding of the court-ordered evaluation.

The embezzlement trial would be Diop's second in connection with prosecutors' probe into widespread fraud at District Council 37, an umbrella organization representing 125,000 municipal workers. Diop was previously convicted of fraud for rigging a vote to ratify a controversial five-year contract that gave city workers no raise for the first two years.

Prosecutors and defense attorney Ramon Pagan said it was unlikely Diop would be sentenced as scheduled next week on his conviction over the contract vote.

An investigation by the Manhattan district attorney's office had found that top union leaders stuffed ballot boxes, opened ballot envelopes and misreported votes.

Diop had been president of Local 1549, representing 22,000 city clerical workers, and was a member of the DC 37 executive board.

The vote fraud led to a deeper investigation that resulted in convictions for a variety of charges, including a scheme that inflated the price of holiday turkeys given to union members, with the supplier kicking back a percentage of the inflated bills to union leaders.

Diop's attorney said the finding by the court-appointed psychiatrist was consistent with what private psychiatrists at Lenox Hill had found.

"The court has not yet made a determination on his fitness to proceed or his mental competency," Pagan said, adding that all reports so far were recommendations to the court, not legal findings.

"The prosecution will now have an opportunity to challenge the finding of the court-appointed forensic psychiatrist," Pagan said.

Diop faces up to four years in prison for his conviction in the vote fraud.

His three codefendants in the case involving the theft of money pleaded guilty last month. One agreed to a sentence of probation; two accepted pleas calling for prison terms of 1 1/2 to 4 1/2 years in prison and 2 to 6 years in prison.

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## Councilman charged with vote tampering

Friday, November 11, 2005

ASSOCIATED PRESS

NS

TRENTON - The state Attorney General's Office on Thursday announced the indictment of an Atlantic City councilman on charges of tampering with absentee ballots before the city's June 7 primary election for mayor and city council.

Marty L. Small, 31, has been charged with 10 counts of tampering with public records and one count of hindering or preventing voting. An arraignment is expected in the coming weeks in state Superior Court in Atlantic County.

"The integrity of the ballot is paramount to our democracy, and we will prosecute those individuals who attempt to tamper with any citizen's vote," Attorney General Peter C. Harvey said in a news release.

Small is accused of filing absentee ballot applications for 10 people. He represented himself as their "authorized messenger," when he had no such designation from the voters.

A registered voter in New Jersey has the option of having a person pick up their absentee ballot if they are unable to file for the ballot themselves.

Small faces up to 5½ years in prison and \$160,000 in fines if convicted, though incarceration is considered unlikely.

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**Borderland** Thursday, February 12, 2004

## Sunland Park voting machine seized by state

*Steve Ramirez  
Las Cruces Sun-News*

SUNLAND PARK -- A voting machine at the Sunland Park Municipal Building allegedly used for absentee voting was confiscated Wednesday by New Mexico State Police.

Dofia Ana County District Attorney Susana Martinez said 111 votes had been registered on the voting machine from Feb. 4 until 2 p.m. Wednesday.

State elections supervisor Larry Dominguez said the voting machine and a registry of absentee voters in Sunland Park were seized after officials with the New Mexico Bureau of Elections, a division of the New Mexico Secretary of State Office, found out that the voting machine was apparently used before the use was allowable.

The voting was for Sunland Park's March 2 municipal elections. Registered voters in the city will elect a mayor, three city council members and a municipal judge. Dominguez said that until Wednesday absentee voting should have been conducted on paper ballots, sealed in envelopes and placed in a locked box that will not be opened by city officials until after polls close.

*Steve Ramirez may be reached at [sramirez@lcsun-news.com](mailto:sramirez@lcsun-news.com)*

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Posted by: George Metaxas, 12/9/03, 4:34 p.m.  
**Judge throws out election fraud case**

TN

By George Brown

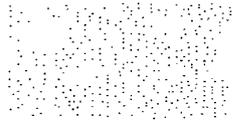
A judge threw out a court case over an election controversy Tuesday. But the man who filed the lawsuit still insists someone may have tampered with election results. John Willingham alleges fraud and uncounted votes. He was in court Tuesday asking a judge to force the election commission to turn over raw data from each voting machine. But after two hours in court, the problem lay in the proof. And the judge said Willingham had none.

The allegations center around the recent city mayoral election. Willingham says there were indications of fraud and voting machines that malfunctioned, perhaps playing a part in his 45,000 vote loss to mayor Willie Herenton. Willingham said, "It caused me a great deal of concern. It actually caused me to go into hibernation for a day or two." Willingham says exit polls at one precinct showed he got 43 votes, but only 12 were officially tallied. Asked if he thought there could be a conspiracy to fix elections, he said he wouldn't rule it out. "There is a lot of money and power invested by constituents of insiders in this city who want not want to see a change."

Willingham's attorney said he might be able to prove their allegations if the election commission would turn over data it has withheld. The election commission however said the requests were too broad and some information confidential. Attorney Robert Spence said, "It's one thing to sit around the coffee table and make wild allegations. It's another to file a lawsuit in a court of law."

Willingham said his suit was not meant to benefit him, but to clear the air over elections. "It's for the people of Memphis-Shelby County if there is a wrong we need to know it and if there is a hole in the dike we need to plug it." Chancery Judge Walter Evans however felt there was no proof of fraud and threw the case out.

In the hall outside the courtroom, Willingham told me he feels part of the problem is voters don't get a receipt of how they voted. That will change however in two years when federal laws will require such receipts.



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Monday December 15, 2003

Local News

Monday, December 8, 2003 11:07 pm

Keeping it Legal - - Authorities confiscate ballots from Alamo election

By Ryan Gabrielson
Monitor Staff Writer
rgabrielson@themonitor.com

ALAMO - The Hidalgo County Elections Division and District Attorney's Office impounded ballots and other records from Alamo City Hall Monday amid allegations that voting in the run-off election was tampered with. Much of the concerns centered on mail-in, or early, votes. Commissioner Diana Martinez defeated Alamo attorney Veronica Moncivais by nearly a two-to-one margin for Place 2 on the Alamo City Commission Saturday. The runoff was required because neither Martinez nor Moncivais received 50 percent of the vote in the Nov. 4 general election. Moncivais and one of her supporters, Joey Lopez, filed complaints with Hidalgo County District Attorney Rene Guerra on Monday about city officials' actions during the voting and ballot counting. Teresa Navarro, Hidalgo County elections administrator, with an order from Judge Aida Flores of the 398th district court, removed a box of mail-in and regular ballots. The materials will be examined as part of a criminal investigation, Navarro said. An elections clerk and Hidalgo County Sheriff's deputy also participated in the seizure. Throughout the runoff there have repeatedly been complaints called in to the elections division, Navarro said. The seizure Monday was triggered by several concerns. "If there is just the slightest indication that an election is compromised," an investigation is warranted, Navarro said. "The city of Alamo has found itself in an unfortunate situation." Last Thursday the election's presiding judge, who oversees voting, resigned after it was discovered he had authored and distributed a flier supporting Martinez. Among the complaints issued by Moncivais were that early, mailed in, ballots may have been opened before official counting began and that Alamo Mayor Rudy Villarreal had access to parts of city hall where voting was taking place. Both Villarreal, who has openly supported Martinez, and Alamo City Secretary Margot Saenz have denied any wrong doing. "On (Dec.) 5, 2003, while in the city secretary's office, I noticed an open early mail-in ballot, and when I questioned Margot Saenz about the open envelope, she informed me that the main man had delivered the said ballot open," Moncivais said in a sworn affidavit. "As we were talking to her, one of the city's mail men, (Commissioner) Robert de la Garza, arrived at her office and I asked him if they had delivered any open main-in ballots. Mr. De la Garza then informed me that no mail-in ballots had been delivered open," the candidate's affidavit said. General voting for the commission runoff was Dec. 6. Saenz did not immediately return a call for comment from The Monitor on Monday. De la Garza was reelected to the city commission in November; four years ago



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he shared a campaign ticket with Villarreal and Martinez. Some of the allegations focus on Villarreal's visit to city hall late Saturday afternoon as residents continued to vote and ballot counting had begun. The mayor and city secretary said he came in to fill out a Texas Municipal League conference registration form, which was already a day past the early registration deadline, and to check his mail. Lopez said in his affidavit that he saw Villarreal in Saenz's office going over a list of Alamo residents that showed who had voted and that there were open mail-in ballots beneath the mayor's right arm. "When I questioned what he was doing, I was told by the city secretary, 'He's the mayor, he can be here if he wants to.'"

"Oh, he's lying," Villarreal said. "There was no list of voters."

Lopez had also said Saturday night that Villarreal left without any mail, a point the mayor denies.

"If that's the biggest complaint they have got, they've got nothing. If there was anything going on I think I would have locked the door," Villarreal said. Additionally, Villarreal's car was parked Saturday in the city hall's lot. Too close, Moncivais said, for the elected official. When the concern was brought to Saenz, the city secretary went outside and moved the mayor's car.

"My complaint to her and the police was that she should have been inside the building overseeing the election and the mail-in ballots and not being the mayor's personal servant," Moncivais' affidavit states. The mayor said Moncivais' complaints have more to do with the election's outcome than with anything he or Saenz are accused of doing. "She's a sore loser, when you lose by that many votes," Villarreal said. The investigation will be conducted by the District Attorney office and should be done quickly in about six weeks, Navarro said. "The residents of Alamo deserve that," she said. 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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WI

# No vote fraud plot found

## Inquiry leads to isolated cases, Biskupic says

By **STEVE SCHULTZE**  
[sschultze@journalsentinel.com](mailto:sschultze@journalsentinel.com)

F.B.E.A.

Posted: Dec. 5, 2005

The nearly yearlong investigation into voter fraud in 2004 has yielded no evidence of a broad conspiracy to try to steal an election, U.S. Attorney Steve Biskupic said Monday.

He predicted that perhaps "a couple of dozen" isolated cases of suspected fraud might be charged, and he said that sloppy recordkeeping by election officials was a key impediment to proving such cases.

Nothing in the cases that his office has examined has shown a plot to try to tip an election, Biskupic said during a meeting with Journal Sentinel editors and reporters.

Critics had raised such fears of partisan voter fraud schemes in the election aftermath. But Biskupic said, "I wouldn't say that at all."

He said, "We don't see a massive conspiracy to alter the election in Milwaukee, one way or another."

Biskupic, a Republican whom President Bush appointed in 2002, and Milwaukee County District Attorney E. Michael McCann, a Democrat, announced a joint effort to investigate allegations of illegal voting in January.

That followed Journal Sentinel stories on widespread problems in Milwaukee, including flawed voter counts, votes cast from invalid addresses, outdated poll lists and discrepancies between the number of ballots cast and voters listed at dozens of polling places.

The newspaper found similar problems elsewhere in the state.

Four of the 18 people accused of felonies in the investigation have been convicted, officials said Monday.

Here is the breakdown of cases:

- Federal prosecutors have charged 14 people: 10 felons with voting illegally and four people with double voting.

Four of the felons accused of illegal voting were convicted, one was acquitted and five cases are pending, Assistant U.S. Attorney Rick Frohling said.

None of the four people charged with double voting has been convicted. Charges against one person were dismissed because of mental incompetence, one person was acquitted, one trial resulted in a hung jury, and one person who agreed initially to plead guilty now wants a trial, Frohling said.

Two of those charged with double voting were driven to several polling places in the same van, but the driver hasn't been identified, and no evidence of an organized conspiracy has been uncovered, Frohling said.

• McCann's office has charged four people with felonies in Milwaukee County Circuit Court. Two people affiliated with the Association of Community Organizations for Reform Now were charged with filing false voter registrations, and two felons were accused of illegal voting. None of those cases has been resolved.

Biskupic said he had hoped to complete his portion of the investigation this year to avoid dealing with such matters in 2006 - another election year.

**Voting Probe**

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 **Archive:** Previous coverage of the investigation into Milwaukee's Nov. 2, 2004 election

 **Section:** State politics

016883

12/6/2005

He said, however, that the investigation will likely spill over into next year, which will feature elections for governor, Congress and most of the state Legislature.

Biskupic declined to estimate when his part of the inquiry might be done.

Assistant District Attorney David Feiss said the district attorney's office also likely won't complete its inquiry this year.

Feiss, too, wouldn't say how much longer the investigation would last.

Biskupic said recordkeeping problems have been rampant.

He said that jurors interviewed after acquittals told prosecutors the record problems created doubt as to whether fraud had occurred.

"I don't know how you are going to prove a case when there is no paper trail," Biskupic said.

In addition, he said, it was "extremely difficult" to prove that felons ineligible to vote did so intentionally.

State law bars felons who haven't completed probation or parole from voting.

Defendants have argued that they didn't know they were barred from voting as felons, Biskupic said.

"Once people hear that argument can get them off in front of a jury, you tend to hear it more," he said.

## Partisan split

The 2004 vote problems took on added significance because of the close outcome of the presidential election in Wisconsin. Democrat John Kerry beat Bush by 11,000 votes, one of the closest margins in the country.

Republicans have argued that fraud appears to be rampant in Milwaukee and that stricter controls must be enacted.

Democrats have said that the main problem is clerical shortcomings, not fraud.

That only 18 voter fraud cases have been charged doesn't mean it's not a major problem in Wisconsin, state Republican Party Chairman Rick Graber said.

"For anyone to sit back and say our election system doesn't have problems, that is just blatantly false," Graber said. "The questions raised in 2004 still haven't been answered."

He criticized Democratic Gov. Jim Doyle for vetoing legislation that would have required photo identification at the polls.

Milwaukee Mayor Tom Barrett, a Democrat, said the results of the investigation confirm his view of a year ago, that there were only isolated instances of fraud.

"Initially, there were people painting this picture of some sort of conspiracy where there were bands (of scammers) getting together to try to defraud the system, and that obviously has not happened," Barrett said.

Barrett said he supports prosecution of lawbreakers and is critical of state officials, who said they're unlikely to complete a statewide voter list in time for April elections.

Biskupic said he worried that cases of voter fraud could spawn a partisan battle, in which the losing side perceives that the winner had some unfair advantage and becomes "more inclined to do something" illegal to even the score in the next election.

From the Dec. 6, 2005, editions of the Milwaukee Journal Sentinel  
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**Local Headlines**

Wednesday June 20 11:22 AM EDT

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# Man Charged With Changing Ballots To Bush

A Cleveland elections board employee has been charged with wrongly marking the ballots of five nursing home residents in favor of Geroge W. Bush in last year's presidential election.

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John V. Jackson, 79, of North Royalton, was indicted Tuesday on five felony counts of tampering with ballots and one count of misconduct.. Each count carries a possible 18-month prison term.

Jackson's lawyer denies that his client did anything wrong.

Bush beat Al Gore in Ohio by about 175,000 votes.

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PA

## 2 McKees Rocks council candidates charge Election Day cheating at polls

Tuesday, November 29, 2005

By Jim McKinnon, Pittsburgh Post-Gazette

Two African-American candidates for borough council in McKees Rocks filed a complaint yesterday, alleging that supporters of their opponent illegally entered voting booths to help voters write in their candidate's name.

Incumbent Democratic Councilwoman Wanda Jones Dixon and newcomer Renee Surgest have asked Common Pleas Court to declare them both winners of the two available council seats.

Though not all write-in ballots have been counted, it appeared yesterday that the write-in candidate, David Rugh, got the most votes with 148.

Mrs. Dixon retained her seat by coming in second. Ms. Surgest missed being elected because of the write-in campaign.

The two women had been among the Democrats' endorsed slate of candidates and both won the party's nomination in the primary election last spring.

Mrs. Dixon said in a letter to the Allegheny County Elections Division that she only learned of the write-in campaign on Election Day, Nov. 8, in a conversation with borough Councilman Keith Schwab.

Mrs. Dixon, in her letter of complaint, said that Mr. Schwab told her, "The Democratic Party is running a Mickey Mouse campaign against you and Ms. Surgest."

Ms. Surgest, in a separate letter, said that supporters of Mr. Rugh temporarily blocked her entrance to the polling place when she went there to vote.

She said that she witnessed a polling judge enter the voting booth with at least one voter.

County Elections Director Mark Wolosik said the petition, filed yesterday at the deadline to do so, is allowed when a candidate feels an irregularity affected the results of the election.

The two women's opponents have until Friday to respond to the petition.

The plaintiffs also charge racism, arguing that the borough's Democratic Party intentionally campaigned against them to prevent black candidates from being elected.

A hearing on the complaint had not been set yesterday.

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*(Jim McKinnon can be reached at [jmckinnon@post-gazette.com](mailto:jmckinnon@post-gazette.com) or 412-263-1939.)*

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**Today**

# Countywide recount may happen again

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## Straight-line ballots don't jibe, Dries says

**BY SHAWN A. HESSINGER**

*Tamaqua Bureau Chief*

[shessinger@republicanherald.com](mailto:shessinger@republicanherald.com)

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For the second election in a row, the numbers don't add up.

Whether the result of human error or a technical malfunction, a glitch in the results of the Nov. 6 general election in Schuylkill County will likely lead to a recount of all 43,069 ballots cast.

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At issue is a discrepancy in the number of party-line votes: Ballots are run through the optical-scanning machines at the STS building in Saint Clair twice, and the two reports didn't match, according to Elizabeth J. Dries, director of the county Election/Registration Bureau.

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Dries said she became aware of the problem Election Night when she noticed 271 party-line Republican ballots and 10 Democratic ones had been cast in Eldred Township; however, only 248 people voted.

There could have been at least two reasons for this, she said:

One, halfway through the night she noticed the technician from the county machines' supplier, Elections Systems & Software, Omaha, Neb., was hand-entering data contrary to procedures.

Two, the counting machines have to be reprogrammed for each precinct; perhaps that didn't happen, particularly since one of the county machines broke down and three of the other four malfunctioned at various points in the evening.

The county commissioners, sitting as the county Board of Elections, were planning to convene a special meeting at 8:30 a.m. Friday where they plan to approve the recount. A recount of all the ballots was also conducted in the May primary.

"We want to make sure everything is right," said commissioners Chairman Forrest L. Shadle.

Commissioners Jerome P. Knowles and Edward D. Barket concurred when contacted separately.

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All three said they doubted the glitch had effected the outcome of the election significantly, but Barket said in isolated incidences like the passage of an Act 50 referendum in the Blue Mountain School District by just seven votes, the recount could make a difference.

"What went wrong? We don't know," said Barket.

All three commissioners have discussed the need to improve the current vote-tallying situation, but disagree on solutions.

Knowles insists the problem has to do with the technical support being provided by Elections Systems & Software, pointing to the fact that for some time the county had no problems with its machines until the primaries in May when the company sent a subcontractor to provide technical support.

Though the current technician was an employee of the company, both Knowles and Barket expressed a lack of confidence in his performance.

Dries said she didn't stop the technician from hand-entering data because the machines were malfunctioning and she didn't think she had much choice but to proceed.

Barket said he would have to wait to see how the newly reprogrammed machines would handle the recount before deciding whether he believed the machines or the personnel were at fault.

The recount will probably be done Friday or Saturday and Elections Systems & Software has promised to supply two technicians and special reprogrammed boards for the vote tally machines, Barket said.

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**Local Headlines**

Wednesday April 04 01:22 AM EDT

# River Rouge Mayor Under Fire

MI

The mayor of a Downriver community is facing allegations that he coerced voters during a recent election.

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River Rouge Mayor Greg Joseph was to be sworn in Tuesday evening despite an investigation under way. Michigan State Police are in the midst of a voter fraud investigation.

State police are looking into allegations that Joseph's supporters passed out absentee ballots to residents of senior apartment building in the city and reportedly coerced them into voting for Joseph. Investigators are also looking into allegations that Joseph's supporters offered payments of up to \$25 for votes, Local 4 reported.

Joseph reportedly received about 700 absentee votes, about 10 times the amount that his opponent received, Local 4 reported.

The mayor denied the allegations and called claims made against him the comments of a sore loser. Joseph was to be sworn in on Tuesday evening for his fourth term.

Joseph is also being investigated by state police and the FBI in two other cases, Local 4 reports. No charges have been filed.

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# Ugly politics

Tuesday, November 6, 2001

Voter intimidation still persists in Passaic County. In recent days, some Hispanic and black residents of the city of Passaic have received postcards in the mail warning ominously of "armed law enforcement officers" at the polls and fines or prison for anyone violating voting laws.

The brightly colored postcards are printed in both Spanish and English and imply that voters must live at the address where they are registered in order to vote. That is incorrect. A voter can live at a different address within the county and still vote by provisional ballot on Election Day. The new address will be verified later.

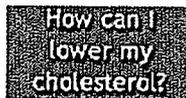
"Our motto is that no voter will be turned away at the polls," said Walter Timpone, the federal election monitor for Passaic County who called the postcards an "outrage."

Mr. Timpone is right. A history of allegations of voter discrimination against Latinos caused the U.S. Department of Justice to sue the county and the city of Passaic two years ago. The county's election system is now monitored under a subsequent settlement with the federal government, in which it agreed to make voting more accessible to Spanish-speaking residents.

The postcards are an obvious and ugly attempt to frighten and confuse minority voters and keep them away from the polls. It is not clear how many postcards were sent or who sent them. On Sunday, a press conference at Passaic City Hall drew Sen. Robert Torricelli, D-N.J., two members of Congress, and state and city officials, who denounced the postcards and urged all citizens to vote today. Reps. Robert Menendez, D-Union City, and William Pascrell Jr., D-Paterson, called the postcards an attempt at voter suppression, which is a federal crime. Mr. Pascrell said those who sent the postcards are "scoundrels and cowards and should go to jail."

The Democratic State Committee has asked federal officials to investigate the mailings for possible violation

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of federal law.

Mr. Timpone, the federal election monitor, has said recently that progress has been made in making the voting process in the county more accessible and welcoming to minority voters. But he is staying on until the end of this year to work out remaining problems.

What happens today at the polls should indicate whether Mr. Timpone's job is done, or whether he has even more work to do in Passaic County.

Voting is a sacred right, guaranteed and protected by the Constitution. No one should be afraid to vote, and those who would frighten American citizens who want to vote should be severely punished.

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Pérez-Peña (NYT)

**NEW JERSEY**

**JERSEY CITY: MAN PLEADS IN ARMS CASE** A Jersey City man arrested in a sting operation this month pleaded not guilty yesterday in West Palm Beach, Fla., to attempted exportation of illegal arms and money laundering. Diaa Mohsen and another man, Mohammed Malik, also of Jersey City, were charged last week with attempting to violate the federal Arms Export Control Act after they allegedly discussed the purchase of missiles and machine guns with an undercover agent and an informant. Tara Bahrapour (NYT)

**PATERSON: ELECTION TO BE SCRUTINIZED** The Justice Department said yesterday that it would send 28 election observers to watch for irregularities in today's Republican primary in Passaic County. The department's action comes after an announcement last week by a court-appointed election monitor that violations persisted in Passaic City's May 8 municipal election, including poll workers' refusal to provide provisional ballots, and intimidation of voters by representatives of candidates. A 1999 federal court decree followed complaints by Hispanic voters that they were disenfranchised, in violation of the Voting Rights Act. Steve Strunsky (NYT)

**CONNECTICUT**

**HARTFORD: HOUSE PASSES BUDGET** At the start of a three-day special session, the House of Representatives yesterday unanimously approved a two-year compromise state budget totaling \$26.4 billion. The 144-to-0 vote (with 7 House members absent) sends Connecticut's first late budget since 1991 to the State Senate, which is expected to approve it by today or tomorrow and pass it on to Gov. John G. Rowland, who could sign it into law by week's end. Paul Zielbauer (NYT)

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April 22, 2002 Monday  
Late Edition - Final

**SECTION:** Section B; Column 5; Metropolitan Desk; Pg. 4

**LENGTH:** 1096 words

**HEADLINE:** Public Hospital Workers Divided Over Union Vote

**BYLINE:** By STEVEN GREENHOUSE

**BODY:**

Just when District Council 37, New York City's largest municipal union, was starting to hold its head high again after a huge corruption scandal, along comes an election mess that seems stranger than the Florida recount after the 2000 election.

On Feb. 27, members of Local 420, one of the district council's largest locals, voted in the local's presidential election, but almost two months later, there is still no official victor.

A supposedly final vote count on March 11 showed that the challenger, Carmen Charles, a hospital technician on Roosevelt Island, won the race to head the local, which represents 7,500 workers at the city's public hospitals. That count gave Ms. Charles 580 votes and 526 to James Butler, who has run the local with a strong hand for three decades.

Mr. Butler appealed the results, ridiculing the voting process as unfair even though an election committee whose members he had appointed oversaw the balloting. After several hearings, that handpicked committee called for overturning Ms. Charles's apparent victory and holding a new election. The dispute is now before the district council's parent union.

"It's an absolute outrage," said Herman Benson, founder of the Association for Union Democracy, a Brooklyn-based group that fights union corruption. "Butler does everything possible to set it up so he can win, then he loses and then he has the election committee do his bidding. It's an atrocity."

The presidents of half of the 56 locals in District Council 37 were so upset that they wrote to the president of the parent union, the American Federation of State, County and Municipal Employees, saying: "The current situation regarding the election of Local 420's president is a disgrace. All members and every elected official in District Council 37 are having our reputations dragged through the mud."

This election mess comes after District Council 37 has struggled over the last four years to shed its image as a den of union iniquity. Since 1998, more than 20 council officials have been convicted of either rigging a contract-ratification vote or embezzling union money, with the leaders of the two largest locals found guilty of stealing more than \$1 million each. The rampant corruption led the council's parent union to put it under trusteeship for three years, a restriction lifted just two months ago.

Ms. Charles filed a formal appeal with the parent union, asking it to overturn the election committee's call for a new vote and declare her the winner. Gerald McEntee, president of the parent union, has ordered an expedited hearing next week to determine whether a new election is warranted.

"These are troubling allegations and they must be resolved immediately," said Mr. McEntee.

Mr. Butler's lawyer, Andrew Irving, argued that the election should be overturned on numerous grounds, including what many said was the intimidating atmosphere at the polling place, where the two sides angrily taunted each other. As a result, some union members left without voting.

Mr. Irving said, "The election on Feb. 27 was conducted in an atmosphere of chaos and intimidation and harassment,

with no real procedure to guarantee secrecy of the ballot."

In calling for a new vote, the election committee accepted that argument and an additional one — that the vote, in a union with many immigrants, was unfairly skewed by an article in a weekly newspaper, *The Chief*, that quoted Mr. Butler as calling his opponent "a stupid immigrant." Mr. Butler denies uttering such a slur about Ms. Charles, who is from Guyana.

The election committee also declared that some sample ballots had been placed in the ballot box even though Barbara Deinhardt, a lawyer who is District Council 37's ethical-practices compliance officer, had assured the committee that she had inspected all the ballots and had found no sample ballots mixed in.

Ms. Charles said that the intimidation at the voting place came from the Butler forces — a charge that Mr. Butler's supporters denied — and that the election committee did not do enough to stop it. "It's a disgrace," Ms. Charles said. "It's a total miscarriage of justice."

Under the parent union's constitution, when a local's election committee recommends overturning an election, the local's members must decide whether to uphold or reject that recommendation.

At a membership meeting on April 8, the chairman of the election committee asked for a vote but refused to finish counting the votes, several of Ms. Charles's supporters said, evidently because he saw that Ms. Charles had the votes to reject the committee's call for a new election. Nonetheless, the chairman, Alvin Mead, who declined to comment, ordered Local 420 to hold a new election.

Mr. Irving, who did not attend the meeting, said several of Mr. Butler's supporters told him that a full vote count was taken and that the majority backed overturning the election. Ms. Charles said that whoever maintained that the election committee had finished its vote count that night was dishonest or delusional.

Even before the election was held, Ms. Charles was accusing Mr. Butler of slanting procedures in his favor. He refused to hold the vote by mail, and, even though the union's members work in all five boroughs, he provided just one polling place, a community center near Harlem Hospital, his longtime power base.

In a brief telephone interview, Mr. Butler said: "The election's gone with the wind. I have no comment."

Although unwilling to discuss the election, he was eager to talk about Mayor Michael R. Bloomberg's proposed budget cuts. "It's a blood bath for the public hospitals, and we're not going to take it sitting down," he said. "We're going to take to the streets."

For decades, Mr. Butler has been one of the city's most colorful and militant union leaders. More than any other labor leader, he tangled with Mayor Rudolph W. Giuliani, often organizing rallies to protest proposed layoffs and hospital closings. Many New York radicals praised Mr. Butler for standing up to Mr. Giuliani when most union leaders seemed cowed by him.

Many union members talk of another side of Mr. Butler. Under him, members of Local 420 contributed several million dollars for a new union headquarters over the past five years, but the planned site is still an abandoned building. His salary is \$250,000 — almost 10 times the average pay of Local 420 members. After an accounting firm audited District Council 37's 56 locals after the corruption scandal, Mr. Butler allowed members to look at the report for just one hour each, and barred them from making copies.

URL: <http://www.nytimes.com>

**GRAPHIC:** Photos: Carmen Charles, above, won an election. James Butler, the incumbent, is challenging the results. (Frances Roberts for The New York Times); (Librado Romero/The New York Times)

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TX

## **New complaints plague election -- Some Hidalgo County voters claim harassment by campaign workers**

March 02, 2004  
Sarah Ovaska  
*The Monitor*

**EDINBURG** — With election day just eight days away, the list of questionable election practices in Hidalgo County grew to include complaints of harassment by three politiqueras, or paid campaign workers, against elderly voters who requested ballots by mail.

The complaints were filed against workers for several different campaigns, including Lloyd Doggett, who is running for the U.S. Congressional seat in District 25; both candidates for the 92nd state District Court judge's race, incumbent Edward Aparicio and challenger Eric Jarvis; Lupe Treviño, who is running for Hidalgo County sheriff; and Aaron Peña, the incumbent state representative in District 40.

Official complaints were filed at the Hidalgo County Elections Department against Elizabeth Bouleris of Weslaco, Elvira Rios of McAllen and Elvira Martinez of McAllen, said Teresa Navarro, the county's election administrator.

Rios denied any wrongdoing and said she has always been respectful of elderly voters. Martinez and Bouleris could not be reached for comment.

Because the six complaints against the three women all came from elderly voters who vote by mail, Navarro said she felt someone was using 2002 lists of voters who vote by mail. The lists were deemed not public by the Texas Legislature last year, but before that were considered public information.

Among the irregularities reported so far this year, last week someone requested a mail-in ballot for a dead voter; four people said their ballots were already sealed when they received them; and a Mercedes voter requested a mail-in ballot that was sent somewhere else.

Meanwhile, a group of 13 family members and friends who vote in Hidalgo County, but are temporarily living in Houston drove down to Hidalgo County to vote this weekend because they were afraid of their mail-in ballots being stolen, Navarro said.

"Because of all the publicity, they're afraid their ballot was intercepted," Navarro said.

An elderly Weslaco couple went to the elections department on Saturday claiming that Bouleris was telephoning them repeatedly and asking them to vote for Treviño and Aparicio with their mail-in ballots, according to Navarro.

The couple came in and turned in their ballots without voting because they were upset about being contacted repeatedly by Bouleris, Navarro said.

"They came in and turned in their ballots and said they're not voting," Navarro said.

The couple told her, "We don't want to vote because we've being harassed by an electioneer," she said

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Treviño said he hired Bouleris as a campaign worker to hand out literature about him. His campaign expenditure reports show he has paid Bouleris \$760 since Dec. 1.

"Of course I'm concerned about it, but I have a clear enough conscience to tell you that that is not the way I work," Treviño said.

He added that he has no control over what his campaign workers do.

"I'm not in direct supervision of anyone but myself," Treviño said.

Aparicio said he was shocked to hear about the complaint because Bouleris volunteered for his opponent, Jarvis.

"She's never helped me out in any campaign," Aparicio said. "She's working for the Eric Jarvis campaign."

Jarvis confirmed that Bouleris was a volunteer in the eastern part of the county for his campaign.

Three people from south McAllen filed complaints against Rios, claiming that she stopped by their houses repeatedly and tried to pressure them to vote for Treviño, Doggett and Jarvis.

Rios said she is respectful of elderly voters and that as a community leader in her south McAllen neighborhood, she tries to get people involved.

"That's not the way we work, we respect our senior citizens, we treat them with dignity," Rios said. "Whoever is trying to put my name in the dirt, I'm not going to let them."

Rios said some women have been going around her neighborhood claiming to be her, which may have led to the complaints.

All three candidates said they knew of no wrongdoing by Rios related to their campaigns.

"I haven't had to twist any arms to win votes here," Doggett said. "I don't want anyone associated with our campaign twisting arms."

Treviño also said the allegations were baseless, while Jarvis said he knows Rios as an involved volunteer.

"We hope that the people assisting us use their best judgment," Jarvis said. "I know for a fact that we're running a clean campaign."

In the third instance, an elderly woman from La Blanca came to the elections department and said a woman named Elvira Martinez came by her house and tried to convince her to vote for Peña, Navarro said.

"She (Martinez) went to her house and said, 'I have an application for you,'" Navarro said. "She (the elderly voter) was told, 'Don't complete the one you have, complete the one I have.'"

The La Blanca woman cast her vote in person this weekend after filing her complaint.

Martinez could not be reached for comment and Peña did not return several phone calls left for him. Peña's campaign indicated that they had no one named Elvira Martinez working for them.

Navarro said any voters afraid that their mail-in ballots have been tampered with could cancel their ballots by coming into a polling place and signing an affidavit. They can then vote in person.

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The AARP said seniors should be not be deterred from voting.

"It (mail-in voting) truly does assist people that can't vote on Election Day," said George Kelemen, director of advocacy for AARP's Texas chapter. "It is unfortunate that these opportunities are being manipulated or abused."

Keleman suggest that if a voter needs assistance, they ask someone they trust to help out.

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Sarah Ovaska covers courts and general assignments for The Monitor. You can reach her at (956) 683-4445.

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# Ex-Legislator Accused Of Vote Fraud

## Faces 7 Felony Counts Of Absentee Ballot Fraud

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By LYNNE TUOHY  
Courant Staff Writer

August 12 2003

Former Hartford state Rep. Barnaby Horton was arrested Monday and charged with seven counts of absentee ballot fraud - all felonies - in connection with his unsuccessful Democratic primary battle last fall against Kenneth R. Green.

The violations allegedly occurred at the Betty Knox apartment complex on Woodland Street in Hartford, where one resident, Silas Woodward, told investigators Horton sat at his kitchen table as Woodward completed the ballot, and pointed to his own name and that of state Sen. Eric Coleman, another Hartford Democrat, as the boxes to check.

"Against his wishes, Woodward checked the box, thereby casting a vote for Horton," the arrest warrant affidavit states. "Woodward stated he felt compelled to vote for Horton because of Horton's presence while Woodward completed the ballot."

Horton, 34, also was charged with making a false statement to the State Elections Enforcement Commission. In a sworn affidavit he supplied to the commission dated Sept. 6 - four days before the primary - Horton stated, "At no time did I handle or assist residents with any absentee ballots, nor did I leave with anyone's absentee ballot."

The arrest warrant affidavit alleges that not only did Horton leave the complex with ballots, but also brought along postage stamps and affixed them to the envelopes.

Horton, accompanied by his lawyer, Austin J. McGuigan, and several family members, turned himself in to the chief state's attorney's office in Rocky Hill Monday morning. He was released on his written promise to appear in Hartford Superior Court Aug. 25. Neither Horton nor McGuigan returned phone calls seeking comment.

Horton is perhaps best known as the lead plaintiff in the landmark Horton vs. Meskill lawsuit that led to the 1977 Supreme Court ruling that forced the state to better equalize school funding.

The chief state's attorney's office's recently formed public integrity bureau is handling the prosecution.

Hartford Democratic Chairman Noel F. McGregor said Horton's arrest "sends a message that you have to play by the rules."

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"I'm not the type of person to pour salt in a wound, but people have to understand that you can't break the law," McGregor said. "There're no shortcuts."

Horton, a lawyer, was serving his second term as state representative when redistricting forced him into a primary battle with four-term Democrat Green, of Bloomfield. Their respective districts were now one. It was Green who launched the elections enforcement commission investigation last October, with allegations that Horton was present when absentee ballots were being completed and that he also took possession of some absentee ballots. The residents interviewed by investigators bore out Green's allegations.

Frances Huckaby said she was in Woodward's apartment when Horton was there, and also filled out her ballot in his presence, though she shielded it so no one would see which boxes she checked. Horton took the sealed ballot form from her. Huckaby said she asked fellow resident Rosalind Sailor why she was taking Horton door to door. "Sailor reportedly responded that people let you in if you're with someone from the building," the affidavit states.

Another resident, Alma Daigle, told investigators that shortly before the primary, Horton knocked on her door and asked if she had received her absentee ballot. Daigle said she had, but needed help completing it because of her poor vision.

Daigle said Horton left, but returned about half an hour later with another resident. Horton then explained the ballot to Daigle, she said, and read the names of the candidates. Daigle told him she always voted for the white candidate, according to the affidavit. Horton, who is white, pointed to the candidate she wanted, and she checked the box. Horton also offered to mail the ballot and left Daigle's apartment with it, she told the investigators.

Sailor gave conflicting statements to investigators on different occasions, but repeatedly said she did not see Horton handle absentee ballots. When investigators contacted Sailor again in December, she refused to cooperate. "If you want to do something to Barnaby Horton, you'll have to do it on your own. I don't want to be bothered anymore," the affidavit quotes her as saying. She also said "it seems like a witch hunt."

Chief State's Attorney Christopher L. Morano begs to differ.

"The independence of the voter when they're making a decision is paramount in the way we conduct elections," he said Monday. "The thrust and intent of the law is to make sure the voter is making the decision of their own volition, and not with the sense that anyone is twisting their arm."

Green said he was not surprised by the arrest.

"These actions were really quite extensive and quite a violation," he said. "I think that these things need to be investigated and dealt with to the fullest extent. We need to have the public trust."

In September, according to the affidavit, Horton and his lawyer at that time, R. Bartley Halloran, both broached the subject of reaching a "settlement" with elections enforcement lawyers. Halloran told them Horton "could not unequivocally state that he was not present when a voter or voters were completing their absentee ballots," the affidavit states.

The state lawyers invited Halloran and Horton to provide the commission with an explanation or defense for Horton's conduct, but said they heard nothing back.

Morano said the investigation is ongoing, but that he doesn't anticipate additional arrests.

The charges include four counts of unlawful possession of another's absentee ballot and three counts of being present, as a candidate, when absentee ballots were being filled out. All seven counts are Class D felonies, each punishable by up to five years in prison and a \$5,000 fine. The false statement charge is a Class A misdemeanor, punishable by up to a year in jail and a \$1,000 fine.

It's not clear what impact, if any, a felony conviction would have on Horton's license to practice law in the state.

Horton's is the first major absentee ballot scandal to hit Hartford since the 1996 arrest of former 4th District state Rep. Edwin Garcia, D-Hartford, and six campaign workers. Garcia ultimately resigned his state office and from his job as a Hartford police sergeant. He was sentenced to a year of home confinement, which a judge lifted after five weeks, and two years' probation after pleading guilty to three felony counts.

Courant Staff Writer Oshrat Carmiel contributed to this story.

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December 17, 2000 Sunday TWO STAR EDITION

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**HEADLINE:** CHAPTER ONE;  
THE CAMPAIGN BEGINS

**BYLINE:** JAMES O'TOOLE, POLITICS EDITOR, POST-GAZETTE

**BODY:**

"I'm a uniter, not a divider," George W. Bush frequently reminded us.

After the longest, most expensive and, arguably, most unpredictable presidential campaign in history, the Texas governor, and, at long last, president-elect, will have ample opportunity to prove that.

He will take the oath of office to preside over an electorate divided evenly between its preference for him and his chief opponent. His ascension follows an election that reflected the nation's sharp divisions along lines of race, gender and geography.

It was an election waged in the context of a decade-long economic boom that seemed to have anesthetized most of the country to the toxic partisanship and bitterness that had consumed the political classes of Washington through impeachment and government shutdowns.

One of the prime arguments for the candidacy of the affable Texan was his vow to shift the tone in Washington, to discourage the scorched-earth tactics that seemed to make every Washington political dispute degenerate into litigation.

It will not be easy, as Bush takes office after a post-balloting brawl replete with mutual charges of intimidation, illegitimacy and election theft. The path to confirmation of his crucial Florida victory became a full-employment program for lawyers.

But at least the equipoise that propelled this election from the ballot boxes to the courts was not the product of passionate ideological battles or deeply polarizing personalities. Policy differences were confined to a relatively narrow slice near the center of the political spectrum.

Bush proclaimed himself a conservative, but a "compassionate" one, and he avoided the ideological militancy that had sent Newt Gingrich's negative numbers soaring. Gore relied on populist rhetoric, but, to the occasional frustration of more liberal members of his party, advanced the policies of a centrist New Democrat.

From the perspective of arithmetic, the division in Election 2000 is clear. The new president captured the White House with a bare majority of 271 electoral votes, while losing the popular vote by a small margin. He will work with a Congress similarly split down the middle: a 50-50 Senate; and a House in which his own party is clinging by its fingernails to a five-seat advantage.

The stage for that shaky victory was set by a one-vote margin at the U.S. Supreme Court, overruling a one-vote decision by Florida's high court.

But all this division may be more of a matter of numbers than of conflicting beliefs. In the face of the major parties' ideological evolution and the competition by two relatively uncharismatic candidates trying to appeal to the middle, many voters simply seemed to have a hard time making up their minds.

### The campaign begins

President Clinton ousted the father of the Texas governor in 1992, but the 1990s brought plenty of good news to the GOP, as well. Republicans took over the Congress for the first time in 40 years in the midterm election of 1994. GOP strength grew in state legislatures across the country. Nearly two-thirds of Americans lived in states with Republican governors.

But as the decade wore on, most of the good news for the party came from outside Washington. In 1995, the Gingrich-led GOP partisans, emboldened by their victory the previous year, shut the federal government down in a budget face-off with Clinton. They blinked before the president did, and they paid for it at the ballot box.

In 1996, Clinton coasted to re-election, and the strength of the economy that would boom on through his second administration was a big plus for Gore.

The downside of Gore's Clinton ties was just coming into view in the last weeks of the 1996 campaign, with charges of fund-raising abuses by the Democrats.

Still to surface were names such as Monica Lewinsky, Linda Tripp and Kenneth Starr. The impeachment scandal would tarnish Clinton's place in history and serve as a drag on Gore's chances to succeed him. But the issue was a double-edged sword, as congressional Republicans found when they lost seats in 1998 as their efforts to campaign on the scandal turned off many voters.

To many members of the Republican establishment outside Washington, Texas Gov. George W. Bush was seen as the antidote to that politically poisoned atmosphere. The Texas governor didn't have the longest resume in GOP politics. But he had cultivated a reputation for attracting Democratic support on the way to his landslide election to a second term. As the son of the former president he had instant name recognition.

Through 1999, Bush continued to attract support from party leaders, notably his fellow governors and the deep pockets of the GOP's big contributors. He was well on his way to amassing the war chest that would allow him to decline federal matching funds for the primary season. That, in turn, enabled him to confront his competition unfettered by the state-by-state limits on primary spending that are imposed on candidates who accept the federal campaign aid.

### The Iowa edge

Over the last three decades, Iowa has become the starting blocks for the presidential race.

In 1972, the first year of the early February Iowa caucus schedule, the returns were received without fanfare in a back room behind the Democratic Party's downtown Des Moines office.

Since then, the caucuses have grown into a gargantuan production attracting millions of dollars, hundreds of reporters, and candidate pilgrimages that start more than a year in advance.

That's the process that gave former President George Bush what he described as "big mo" in 1980 — and just short of 20 years later, the younger Bush moved quickly to set up the most extensive, sophisticated organization the state had ever seen.

The Iowa caucus process has long been controversial. Why, its critics ask, should this atypical homogenous state have such an outsized influence on the selection of the president? But the caucuses are the epitome of fairness and rationality compared with an even earlier Iowa event — the straw poll — that assumed a crucial role in winnowing the GOP field for 2000.

In the summer of 1999, Bush's high poll numbers and financial advantages were clear, but he had yet to be tested by voters outside his state. Many observers still saw the GOP contest as relatively fluid — so wide open, in fact, that it had attracted a dozen formal or informal candidates. They included the millionaire Steve Forbes; Pat Buchanan, the conservative who had been a force in the previous two GOP nomination battles; Elizabeth Dole, the former transportation secretary and spouse of the party's last nominee; and, in a gift to political cartoonists and late-night comics everywhere, former Vice President Dan Quayle.

As a fund-raising and party-building tool, the Iowa GOP appropriated the state fairgrounds in August 1999 for a presidential straw poll. Any Iowa Republican could vote so long as he or she bought a \$25 ticket.

Bush won big.

Buchanan would soon migrate to the Reform Party. Quayle and former Tennessee Gov. Lamar Alexander, both of whom had banked on grass-roots organizations in Iowa, dropped out as well. Dole, her campaign starved for funds, would soon follow. The straw poll went a long way toward performing the winnowing chore that the caucuses themselves had performed in previous years. Before a single official vote was cast, the potential GOP field was cut in half.

Gore goes populist

Gore's supporters had started his Iowa groundwork even earlier.

He had skipped the caucuses during his abortive presidential run in 1988. But he devoted plenty of attention to them this time round. Throughout his vice presidential tenure, Gore cultivated the state's activists, raised money for its Democratic legislators, sent Christmas cards all over the state.

Several Democrats had made noises about running for the Democratic nomination. But in the end, the only one to challenge Clinton's heir apparent was former Sen. Bill Bradley of New Jersey. In the Senate, Bradley had compiled a mainstream centrist record. But in some respects, he ran against Gore from the left, particularly in his call for a system of tax credits to allow universal health care coverage.

Bradley criticized the Clinton-Gore health care record. He mocked Gore's wonkish immersion in the details of policies across the range of government. Instead, Bradley promised to concentrate his presidency on a few Big Ideas, such as improved race relations and universal health care.

Despite Gore's long cultivation of the state, Bradley clearly thought he could sneak up on the vice president in the caucuses.

Gore, meanwhile, had suffered continual criticism of his campaign organization and persona throughout the summer of 1999.

He tried to reinvent his campaign by moving his headquarters from the lobbyist lairs of Washington back to his former political base in Nashville.

This symbolic return to his roots would not be requited in electoral votes there the following fall, but it seemed to pay off in the short term. On the stump, Gore became a more aggressive, effective candidate.

Gore made subtle adjustments in his apparel to complement his new sleeves-rolled-up campaign style. Mixed with the Washington uniform of blue suits and white shirts were fashion-forward earth-toned suits along with khakis and jeans.

Meanwhile, Bradley proved a surprisingly maladroit candidate. In a Des Moines debate just three weeks before the caucuses, Gore attacked his challenger for voting against rural flood relief. Bradley wasn't able to rebut the criticism, even though Gore had seized on Bradley's vote against a single amendment to an overall relief bill that Bradley had supported.

Days before the Iowa election on which he had waged so large a bet, Bradley's attempts to get his message out were obscured by reports that he had suffered a recurrence of an irregular heart beat. The condition was not life-threatening physically, but it was nearly fatal politically.

Gore, buoyed by newfound energy — along with the backing of the union and Democratic Party establishments — surged ahead.

Enter John McCain

As the caucuses and primaries drew closer, Bush's evident strength had allowed him, at least for the time being, to avoid stepping on one of the traditional land mines of the nominating process. Former President Richard Nixon's widely noted advice to Republican candidates was to run to the right during the primaries and tack back to the center in the general election. Bush resisted the temptation to cater to the right.

Through the wintry early weeks of 2000, Bush projected a big-tent version of Republicanism. At one of the final Iowa debates, he shrugged off the taunts of conservative candidate Gary Bauer, who demanded that Bush pledge to make

opposition to abortion a litmus test for Supreme Court nominees.

Bush's sense of political security was due for a reality check.

The same weekend as that debate, Joe Andrew, chairman of the Democratic Committee, was in Des Moines staging a bit of political theater. He led a gaggle of reporters and television cameras across a restaurant parking lot to witness a steamroller labeled, "Bush Tax Cut," steered by a Democrat in a George Bush mask, rolling over a tool box labeled, "Social Security Lock Box."

On its second try, the steamroller managed to shatter the box.

One of Gore's key Iowa organizers shook his head when the scene was described to him. He faulted the skit not for its sophomoric tone, but for its target.

"I think those DNC guys are making a mistake attacking Bush," he said. "I'd be more worried about running against the other guy."

The other guy was Sen. John McCain. Citing a lack of resources, the Vietnam War hero and former POW decided to skip the Iowa competition and instead concentrate on New Hampshire, which would vote a week later.

New Hampshire, like several of the early Republican primaries, permitted crossover voting by independents and Democrats. The Arizona senator had compiled a strongly conservative record, but his appeal crossed party lines.

Some analysts noted that as Bradley's Iowa weakness became increasingly apparent, some of his New Hampshire support from independents migrated not to Gore but to McCain.

That phenomenon proved an omen for the general election. Gore and Bush secured their respective party bases in both New Hampshire and Iowa, as they would in the general election. But for many independents and swing voters, the more attractive candidates were Bradley and McCain.

Gore and Bush came out of Iowa buoyed by landslide victories. Gore would beat Bradley again in New Hampshire, although not by as large a margin. But Bush barely had time to savor his Iowa victory.

#### Crack in the facade

McCain had spent virtually all his time in New Hampshire. He had carpet-bombed the state with inspirational biographical videotapes. And it paid off. Buttressed by the support of many independents and Democrats, his campaign notched a decisive 18-point victory.

A winning personality and a big-tent philosophy had been among the most powerful engines of Bush's candidacy. Money was another. But until New Hampshire, Bush also had drawn crucial momentum from a sense of inevitability.

For one tense and increasingly bitter month, McCain changed that.

Democratic rules barred any state, except for the traditional gatekeepers of Iowa and New Hampshire, from choosing delegates before March 7. There were no similar restrictions on the Republican side, where several states would choose delegates in the weeks between New Hampshire and Super Tuesday.

The result was that the political and media spotlight temporarily shifted almost exclusively to the GOP side.

Delaware held a little-noticed GOP primary the week after New Hampshire, but the prime focus for the campaigns and the media was South Carolina, where Bush and McCain would face off on Feb 19. By then, every other candidate except Alan Keyes had dropped out of the Republican field.

A chastened Bush now found it necessary to heed Nixon's advice. His campaign shifted to the right in South Carolina. Almost his first stop in the state was Bob Jones University, a citadel of Christian fundamentalism where interracial dating was banned and where a former university president had condemned Roman Catholicism as a cult.

McCain, proclaiming himself a champion of reform, charged around the state giving interview after interview on his campaign bus, the "Straight Talk Express."

Rebounding from New Hampshire, the Bush campaign tried to preempt the challenger's rhetoric as well as his

stagecraft. Bush rallies now took place in front of a giant banner sporting his new campaign slogan, "A Reformer with Results." He rode a bus called the "Victory Express." He suddenly embraced the town meeting format that had brought success to both McCain and Gore.

Bare knuckles show

Through the winter, the Republican race had remained fairly civil.

South Carolina changed that. Things got rough fast.

Bush professed outrage at a McCain ad comparing his veracity to Clinton's. McCain was the brunt of e-mail and whispering campaigns charging that he was wavering in his opposition to abortion.

It was the most expensive, hardest-fought primary in the state's history. In the end, Bush rose from the canvas of his New Hampshire defeat to deliver a body blow to McCain's insurgent candidacy. The senator conceded in a remarkably bitter speech, full of indignation and invective at Bush's tactics. It seemed his colorful campaign had run out of gas.

But three days later, Michigan's Republican Party had another primary. Bush's forces felt secure there, in part because of his support from the state's energetic governor, John Engler. But Michigan, like New Hampshire and South Carolina, allowed crossover voting by independents and Democrats.

Since there was no Democratic contest competing for their attention that day, many chose to vote in the GOP primary, most of them for McCain.

It was another sharp-elbowed contest. In a controversial speech, McCain denounced Christian conservative icons Pat Robertson and Jerry Falwell as voices of intolerance. Robertson, himself a former GOP presidential candidate, repaid the favor with thousands of recorded phone calls critical of McCain. McCain's supporters filled the phone lines with calls reminding Catholic voters of Bush's appearance at Bob Jones University.

McCain shocked just about everyone and won Michigan — along with a same-day victory in his home state of Arizona. Recrimination and doubt returned to the Bush campaign.

They would be exorcised by Bush's commanding showing two weeks later.

Until March 7, the nomination fights had been rewarded chiefly in the currencies of momentum and publicity. On March 7, Super Tuesday, the real prize, convention delegates, came to the fore. Sixteen states conducted primaries or caucuses for both parties that day.

The balloting fell on Mardi Gras, and was a fat Tuesday indeed for the well-financed frontrunners who could fight on many fronts simultaneously.

Bush and Gore swept the table. On that day, both parties' nominations were effectively decided.

#### NOTES:

ONE NATION DIVIDED HOW THE ELECTION OF 2000 UNFOLDED, AND WHAT IT MIGHT MEAN TO AMERICA'S FUTURE

**GRAPHIC: PHOTO:** Eric Draper/Associated Press: ON THE MOVE/TEXAS GOV. GEORGE W. BUSH ENTERED THE CAMPAIGN FLUSH WITH CASH FROM A GOP ESTABLISHMENT THAT SAW HIM AS A PERSONALBE CANDIDATE UNTAINTED BY THE POISONED POLITICAL ATMOSPHERE IN WASHINGTON. HERE HE DISPLAYS SOME BODY LANGUAGE WHILE BOWLING IN NASHUA, N.H.

**PHOTO:** Charles Krupa/Associated Press: HEIR APPARENT/VICE PRESIDENT AL GORE FIGURED HIS LONG EXPERIENCE AND ECONOMIC PROSPERITY WOULD PROPEL HIM EFFORTLESSLY TO THE DEMOCRATIC NOMINATION. BILL BRADLEY PUT UP A SPIRITED FIGHT, BUT FADED FAST.

**PHOTO:** Charles Rex Arbogast/Associated Press: FULL COURT PRESS/FORMER KNICKS BASKETBALL STAR AND NEW JERSEY SEN. BILL BRADLEY RAN AGAINST GORE FROM THE LEFT, PUSHING "BIG IDEAS" LIKE UNIVERSAL HEALTH CARE COVERAGE. GORE PICKED THEM APART; BRADLEY FOLDED.

**PHOTO:** : Steve Mellon/Post-Gazette: MUGGING MCCAIN / ARIZONA SEN. JOHN MCCAIN, RIDING HIS "STRAIGHT TALK EXPRESS" CAMPAIGN BUS AND PROMOTING POLITICAL REFORM, GAVE

FRONTRUNNER GEORGE W. BUSH FITS IN THE EARLY PRIMARIES. BUSH FINALLY CRUSHED THE POPULAR FORMER POW ON SUPER TUESDAY, THANKS TO HIS OVERWHELMING FINANCIAL ADVANTAGE. THEY PATCHED THINGS UP IN PITTSBURGH, ABOVE.

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## Money & Politics Report

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News  
News

KY

### Kentucky

#### State Supreme Court Overturns Law Barring Employer Coercion in Voting

The Kentucky Supreme Court in a split decision has overturned that state's law forbidding an employer from coercing or directing an employee to vote for a candidate (*Kentucky Registry of Election Finance v. Blevins*, Ky., 1999-SC-0890-DG, 9/27/01).

The court's 4-3 majority said the state law forbidding employer coercion with regard to voting violates the First Amendment.

The state law says an employer may not "give out or circulate any statement or report that employees are expected to or have been requested or directed by the employer ... to vote for any person."

The law was challenged in a case involving Fayette County Clerk Don Blevins, who in 1994 sent a letter to his employees saying that a candidate for the state Senate, Don Todd, was a "good personal friend." The brief letter concluded: "I'd very much appreciate your vote and support for him."

A complaint was filed with the Kentucky Registry of Election Finance against Blevins by the Fayette County Republican Party chairman. The state agency and a three-judge panel found that Blevins had violated the state law. Blevins appealed and a state appeals court ruled that the law forbidding employer coercion regarding elections was unconstitutional. That decision was appealed to the state Supreme Court, which affirmed the appeals court ruling.

#### Subjective Line

"The line between persuasion and coercion is drawn subjectively and depends on one's point of view," said the majority opinion, written by Justice Bill Graves. "Consequently, a penal prosecution cannot proceed based on the perceptions of the recipient of a letter."

Graves added that the state law "is inconsistent with the First Amendment and patronizes the employee because it assumes the employee lacks a free will when voting a secret ballot. ... Blevins letter did not cross the threshold of persuasion or impair the important governmental interest of ensuring free elections and assuring the people that the voting process is fair."

A dissenting opinion by Justice Martin Johnstone, joined by two other justices, said the majority ruling "sets back Kentucky's compelling state interest in preventing employer coercion of state employees during partisan campaigns to the political dark ages."

Johnstone cited a series of U.S. Supreme Court decisions, which he said established that the state "has broad power to place even-handed restrictions on the partisan activities of public employees like Blevins. Indeed, such restrictions are deemed necessary in order to ensure that public service is determined by merit and not by patronage."

washingtonpost.com

## Allegations Of Fraud, Intimidation In Md. Race

Townsend, Ehrlich Get Ready for Tight Finish

MD

By Lori Montgomery  
Washington Post Staff Writer  
Tuesday, November 5, 2002; Page B01

Maryland's fiercely contested race for governor spawned a flurry of allegations of election fraud and voter intimidation yesterday as Democrat Kathleen Kennedy Townsend and Republican Robert L. Ehrlich Jr. approached today's election locked in a statistical dead heat.

In Baltimore, the Democratic National Committee filed a lawsuit seeking to prevent the Ehrlich campaign from using off-duty police officers as poll workers. That plan, the suit alleged, could have the "effect of intimidating, threatening and coercing African-American citizens from exercising their right to vote."

But Democrats later agreed to drop the action after Ehrlich agreed that the officers would not wear uniforms, badges or sidearms or identify themselves as police officers.

Meanwhile, the Maryland attorney general approved a Democratic plan to pay more than 1,000 people \$100 each to coax voters to the polls today, as evidence emerged that Republicans, too, considered employing the controversial get-out-the-vote tactic they had decried as a violation of state election laws.

A Democratic campaign worker spotted a poster on a bulletin board at Bowie State University advertising "paid work" on Election Day. The poster offers \$125 and a "free T-shirt" for a full day's work, and assures applicants that the job could help fulfill "community-service" requirements ordered by a court.

The poster directs applicants to call Rep. Ehrlich's Prince George's County headquarters. A woman who answered the phone and identified herself as "Laura at the Bob Ehrlich for governor office" said: "Uh, actually, we've discontinued that program."

The practice of paying people on Election Day to distribute campaign literature and lobby for candidates is a long tradition in Maryland, but it was banned by the General Assembly in the late 1970s. Last week, Maryland Republicans cried foul when they spotted fliers being distributed at the lieutenant governor's campaign rallies that offered people as much as \$110 to help get out the vote.

Maryland Democrats responded by saying that they intended to exploit what they described as a loophole in the law that allowed them to hire people to get out the vote on a nonpartisan basis without advocating any candidate or party.

Attorney General J. Joseph Curran Jr., a Democrat, promptly vowed to study the matter but cautioned Sunday that paying even nonpartisan workers "may not be a very good idea," if technically legal.

In an opinion issued yesterday, Curran's office said it is illegal to pay people for "walk-around services," such as distributing campaign literature or coaxing people to vote, while the polls are open. But it is not illegal, the opinion says, to pay "an individual who simply urge[s] a voter to perform his or her civic duty . . . in a neutral manner," as long as the person does not say or do or wear anything that expresses "support for a particular candidate."

Maryland Democrats said the opinion allows them to proceed with plans to hire more than 1,000 people, primarily in heavily Democratic precincts in Baltimore and Montgomery and Prince George's counties, to

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knock on doors and lure people to the polls.

"They're going to have stickers to urge people to go vote. All their literature and door hangers will be all about getting out and voting," said Democratic Party spokesman David Paulson.

GOP spokesman Dan Ronayne called Curran's opinion "one more example of the arrogance of this monopoly" of Democrats who rule Annapolis. "Bob Ehrlich will have an army of volunteers out working on his behalf on Election Day. The difference between his and Kathleen Townsend's will be that his didn't require a hundred-dollar bill to go out and show their support," Ronayne said.

At a rally in Arbutus, Ehrlich blasted the Democrats, saying, "They know it's against the law, but they're going to do it anyway."

When asked about Ehrlich's plan to pay poll workers an even higher price than the Democrats are paying, Schurick said he would make sure the campaign's Prince George's operation does not follow through on the poster's promises.

"No one is being paid out of this office on Election Day," Schurick said.

Meanwhile, a national watchdog group called on the Internal Revenue Service to investigate a Prince George's church for its efforts on Townsend's behalf. Americans United for Separation of Church and State accused the Rev. John A. Cherry, a pastor at From the Heart Church Ministries, of urging his congregation to vote Democratic in violation of the church's tax-exempt status.

The incident occurred Sunday, the group said, when Townsend appeared before Cherry's 24,000-member congregation during a campaign swing through the county.

Citing a report in The Washington Post, the group said Cherry "urged the congregation to follow a partisan course in the election." Mimicking a flip of voting lever, Cherry said, "I don't care what your persuasion is, you need to pull out your Democratic finger."

"If it sounds like I'm endorsing," he added, "take it as you want to."

As the charges and countercharges mounted, state prosecutor Stephen Montanarelli said he will be taking "certain steps to monitor" today's election, including asking local police to look into allegations of election fraud.

Meanwhile, both parties lined up scores of lawyers and poll watchers to monitor the election in anticipation of further allegations -- or election returns so close that they require a recount, as happened in 1994.

*Staff writer Steve Vogel contributed to this report.*

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FL

## WH woman accused of voting fraud

In an investigation by the State Attorney's Office, Amber Moye, of Winter Haven, was found to have "cast a fraudulent ballot."

According to a complaint affidavit, Moye " knowingly voted a fraudulent ballot in the November 2003 election held in the town of Dundee after being advised by the Polk County Supervisor of Elections that it was a felony violation to vote if she was not a resident of Dundee."

The Polk County Supervisor of Elections Office had received a telephone request for an absentee ballot for Moye, who reportedly had a Dundee address. The ballot material was sent and then returned reflecting a Winter Haven forwarding address.

Barbara Osthoff, assistant supervisor of elections, advised that she contacted the clerks office for Winter Haven in an attempt to confirm the Winter Haven address of Moye. Based on the new address being outside of the Dundee city limits, the ballot was "rejected as illegal."

Moye stated, in the investigation, that she voted because that was where she was registered ad she never changed the registration because she was only temporarily living in Winter Haven. Moye said that she would be moving back to Dundee within 30 days.

Voting fraud is a third-degree felony, punishable of up to five years in jail, according to Assistant State Attorney Chip Thullberry. In this instance Moye will not serve jail time but will instead have a pre-trial intervention that if she completes charges will not be filed against her.

According to Thullberry the pre-trial intervention is a diversion program that generally lasts 18 months and is a contract saying that the person, in violation of the law, agrees to a contract that they will stay out of trouble.

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March 11, 2004

**Firefighter Arrested, Released for Illegally Voting**

IN

**VOTER FRAUD CHARGES**



**Ronny Douglas**

A firefighter accused of illegally voting was released on bond Thursday. Police say 58-year-old Ronny Douglas voted from an Anderson address while actually living 7 miles away in Pendleton.

Authorities say Douglas registered under the address of his rental property in Anderson. His wife told investigators that they've lived in Pendleton since their 1992 wedding.



Madison County Voters Registration Records show Douglas using the Anderson address for voting since 1984. He also allegedly filed fraudulent applications for absentee ballots in the 2000 and 2002 elections.

Douglas faces perjury charges.

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Today | This Week

## Health district member faces vote-fraud charges

Christina Leonard  
The Arizona Republic  
Jan. 4, 2005 12:00 AM

AZ

A Maricopa County grand jury has indicted a member of the county's new special health care district on a dozen charges related to election fraud.

James J. Chavez, 50, faces felony charges ranging from fraudulent schemes to false voter registration. He is scheduled to appear in court for his arraignment Jan. 12.

In November, Chavez narrowly beat out three competitors for the District 5 seat of the Maricopa County Special Health District board. District 5 encompasses the southwest Valley.

Chavez said Monday that the accusations are false. And he said he is confident that justice will prevail.

"We'll have to let this play out," he said. "This is politically motivated. Unfortunately, I got more votes than anyone else."

County officials declined comment Monday.

The indictment, returned Dec. 29, alleges that Chavez provided nominating documents knowing they contained false information and improperly voted in several elections, among other charges.

Campaign opponent Sylvia Moreno challenged Chavez's standing by claiming that he did not live within the proper district boundaries in the southwest Valley and that he provided health care services through his organization.

A Maricopa County Superior Court judge in December dismissed the civil suit against Chavez because there wasn't enough evidence to move forward with the case.

Chavez said the latest allegations revolve around the same issues, and he hopes "the same thing happens here."

Chavez is former president and chief executive officer of Corazon de Oro Community Services.

He said people should know the other side of the story: "People voted for me because they know I've served the community of District 5 with my heart and soul."

Reach the reporter at [christina.leonard@arizonarepublic.com](mailto:christina.leonard@arizonarepublic.com) or (602) 444-4845.

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# Desert Dispatch

CA

Thursday, November 3, 2005

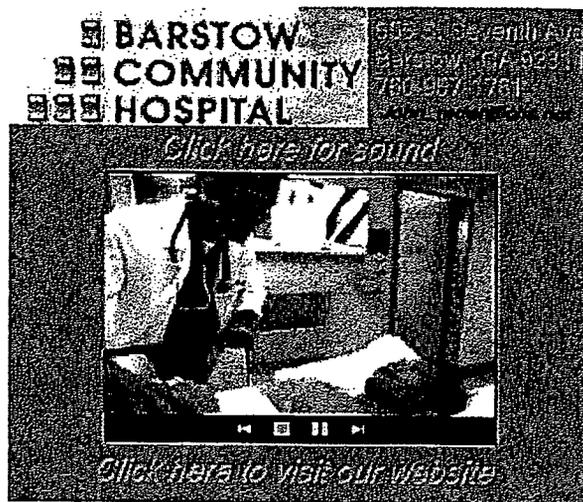
## Voting rolls go unchecked in San Bernardino County

By KATHLEEN STINSON

Staff Writer

County elections officials have no idea how many non-U.S. citizens may be voting because no one checks voter registration for proof of citizenship.

The main way elections officials discover non-citizens who vote is through tips from citizens, said Chief Deputy Registrar Donna Manning.



When filling out the voter registration form, each voter signs a declaration, under penalty of a felony conviction, that he/she is a U.S. citizen, 18 years of age or older on or before the next election and not in prison or on parole. The citizenship information is only checked randomly.

Once a year the registrar of voters office "bumps" its registration files up against the jury service forms filled out by people called for jury duty, Manning said. The two forms are compared for citizenship discrepancies.

"Out of a thousand forms, you get a very small percentage -- one or two -- about a handful a year that don't match," Manning said, adding some say they are not citizens to get out of jury duty.

Assemblywoman Sharon Runner, R-Antelope Valley, said she "absolutely believes" voters should have to provide proof of citizenship when registering to vote. With people being paid to register voters, this leaves open the potential for voter fraud, Runner said.

The issue of voter fraud was prominent in the 1996 congressional race between Rep. Robert Dornan and Loretta Sanchez in Orange County. An investigation by Secretary of State Bill Jones revealed that Hermandad Mexicana Nacional had registered 490 documented non-citizens to vote, 303 of which voted in the election.

Assemblyman Mark Wyland, R-Escondido, introduced a bill in the past legislative session to require voters to provide proof of citizenship when registering to vote. Assembly Bill 934 failed to pass in the 2005 Legislative

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session but is expected to come up again in the upcoming session, Runner said.

The Registrar of Voters office also checks for duplicate voter registrations within the county and against a 57-county statewide list maintained by the Secretary of State's office when the registration form is initially entered into the system.

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## **Man charged with vote fraud**

CA

**By ERIC STERN  
BEE CAPITOL BUREAU**

SACRAMENTO — A Tracy man faces five felony counts of forging voter registration cards for the November 2004 election, the California secretary of state's office said Wednesday.

It was the second time prosecutors have filed registration-fraud charges related to last year's election in San Joaquin County, where the Democratic and Republican parties invested tens of thousands of dollars to increase voter rolls.

The effort was tied to the hotly contested state Senate race between Democratic Sen. Mike Machado of Linden, who edged out Republican challenger Gary Podesto, the former mayor of Stockton.

"This past election was really rampant" with suspicious voter registrations, said Deborah Hench, the top election official in San Joaquin County.

She alerted state election-fraud investigators about her concerns last year as 30,000 new voters were registered between the June primary and the November general election.

Authorities said they don't believe that any faked voter-registration cards led to fraudulent votes, but orchestrating phony voter registrations is a crime.

Political parties or their contractors generally pay between \$5 and \$8 for each registration card filled out.

Hench said her office flags registration cards that don't match addresses, birth dates and other information.

"As long as parties pay for registration, we get some made up," Hench said.

Mathew Cross, 20, of Tracy, could face more than five years in prison, said Scott Fichtner, chief deputy district attorney in San Joaquin County. Cross is scheduled to be arraigned June 23.

In interviews with state investigators, Cross said soliciting citizens to register was hard work and that forging cards increased his commissions, according to a news release from Secretary of State Bruce McPherson's office.

Cross did not return a phone call seeking comment. He is on probation after pleading guilty last year to felony marijuana possession, the district attorney's office said.

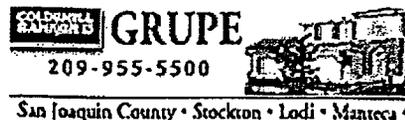
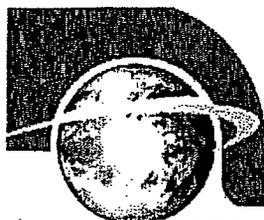
Bonnie Fetters, 47, of Stockton pleaded guilty in October to voter registration fraud. She was sentenced to 30 days in jail and three years of probation, the district attorney's office said.

**Bee Capitol Bureau reporter Eric Stern can be reached at 916-326-5544 or [estern@modbee.com](mailto:estern@modbee.com).**

*Posted on 06/16/05 00:00:00*

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# Voter cards suspect

## County thinks some registrations are fake

CA

**By David Siders**  
Record Staff Writer  
Published Wednesday, March 24, 2004

San Joaquin County has warned the state it is examining 1,500 voter-registration cards and suspects several are fraudulent, Registrar of Voters Deborah Hench said Tuesday.

Hench said the cards are being examined after elections officials discovered a new registration card with an incorrect address for someone who already had correctly registered to vote.

And several registration cards in the batch have signatures that look similar, Hench said.

The cards were received after the deadline for voting in the March 2 primary and therefore did not affect that election, she said.

The number of registration cards sent to the state Elections Fraud Investigations Unit could be much fewer than 1,500. Hench said her office will determine which ones to send.

The review comes as elections officials continue counting provisional ballots cast March 2.

"It just causes more work for us," Hench said.

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Meanwhile, in a separate fraud investigation, a Stockton woman pleaded guilty Tuesday to a misdemeanor charge of forging six registration cards in 2001.

Rhonda Kenya Felix, 29, was paid \$4 for each Republican voter she registered, according to court documents. Felix and five others in 2001 were the subject of a fraud



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investigation into the registering of Republicans in San Joaquin County.

In the case, David Vance, the owner of the company that hired Felix, said Felix was paid \$633 for one batch of registration cards but was not paid for a second batch, because it appeared she forged the cards, court documents said.

Felix declined to discuss the case.

"I don't want my name in the paper," she said.

Vance said his company, Vance Petition Circulators of Stockton, pays workers to register voters, often outside grocery and department stores. The completed forms are then given to the office of the registrar of voters.

The company hasn't had fraudulent registration cards returned to it since Felix did so in 2001, he said.

"Some of the people that have gone to jail for this have done it for, like, 10 bucks," he said.

Hench said paying collectors per registration encourages fraud. The practice, however, is legal.

"I think (Vance) hires people that are not always on the up and up," she said.

Vance said he hires collectors by word of mouth. Most collectors want to get accurate names on registrations, not collect more money, he said.

"You've got to give everybody a shot, as long as they've got some kind of intelligence," he said.

Felix was sentenced in San Joaquin County Superior Court to 30 days in jail.

\* To reach reporter David Siders, phone (209) 943-8580 or e-mail [dsiders@recordnet.com](mailto:dsiders@recordnet.com)

"It just causes more work for us."

-- Deborah Hench,

San Joaquin County

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NEWS  RELEASE  
*California Secretary of State Bill Jones*

CA

BJ00:36

FOR IMMEDIATE RELEASE  
Thursday, March 9, 2000

Contact: Shad Balch  
Beth Miller

**Secretary of State Investigation Nabs Husband and Wife  
for Elections Fraud**

*Couple Charged With Submitting Forged Voter Registration Cards*

STOCKTON --- Investigators with Secretary of State Bill Jones' Elections Fraud Investigations Unit (EFIU) and prosecutors from the San Joaquin County District Attorney's office today arrested Daniel Williams, Sr. and Carolyn Williams, husband and wife, on charges of submitting fraudulent voter registration cards to the San Joaquin County Registrar of Voters.

The couple, who worked for Green Petition Management and Campaign Services, allegedly submitted eight voter registration cards containing forged signatures to the San Joaquin County Registrar of Voters. After examining the cards, the county registrar suspected fraud and requested that Secretary of State Bill Jones' EFIU open an investigation.

"100 percent participation with zero tolerance for fraud – that's been my message consistently for the last five years," said Secretary of State Bill Jones. "People think that in a state as large as California, it might be easy to get away with a small-scale criminal violation of elections law. But my message can't be more clear: every single allegation of elections misconduct will be investigated and prosecuted to the fullest extent of the law," added Jones.

The secretary of state EFIU investigators and prosecutors with the district attorney's office arrested Daniel and Carolyn Williams this morning on charges of violating Elections Code Section 1801 and Penal Code Sections 115a and 470, submitting a false affidavit and forging signatures. The pair will be held in custody until their arraignment tomorrow at the San Joaquin County Courthouse at 1:30 p.m.

Since established by Secretary Jones in 1995, nearly 200 cases of elections fraud have been referred by the secretary of state's EFIU to county district attorney's for prosecution, and in 1999, 61 percent of cases referred have resulted in convictions.



## American Center for Voting Rights Refers Voter Fraud Investigation to Department of Justice, Congressional Oversight Panel

**U.S. Newswire**  
*MediaLink Worldwide*

1 hour, 52 minutes ago

To: State Desk

Contact: Jim Dyke for American Center for Voting Rights, 843-722-9670

COLUMBUS, Ohio, March 21 /U.S. Newswire/ – Today the American Center for Voting Rights (ACVR) referred a compendium of preliminary findings of registration fraud, intimidation, vote fraud and litigation to the U.S. Department of Justice ([news - web sites](#)). The report was previously made available to the House Administration Committee who will hold a field hearing on election fraud in Columbus today.

A report focused on similar fraudulent activity in Florida will be made available to the public in the coming weeks. Among the Florida report's findings were a box of 180 ACORN voter registrations surfacing just one week before election day that prompted a statewide investigation into the group's practices.

The Ohio report states, "Third party organizations, especially ACT, ACORN and NAACP engaged in a coordinated "Get Out the Vote" effort. A significant component of this effort appears to be registering individuals who would cast ballots for the candidate supported by these organizations. This voter registration effort was not limited to the registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do so but were, in at least one instance, paid in crack cocaine."

After giving the report to the Department of Justice ([news - web sites](#)), ACVR General Counsel Thor Heame stated in testimony prepared for delivery before the House Administration Committee, "there can be no doubt that election safeguards are critical to protecting our elections. When Dick Tracy's fraudulent vote is counted, an honest Ohio voter is disenfranchised. So I find it is beyond the pale that the same organizations who unsuccessfully sought to remove election safeguards by judicial fiat during the election are once again seeking to eliminate these safeguards by state and federal legislation while continuing their battle in the courts." Hearne will testify on this issue today before the House Administration Committee.

ACVR is a non-partisan 501(c)(3) legal and education center committed to defending the rights of voters and working to increase public confidence in the fairness and outcome of elections. The group is compiling similar reports for the states of Pennsylvania and Wisconsin which will be released in the coming weeks. To download a copy of the report or for more information on ACVR, please visit <http://www.ac4vr.com>

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# N.Y. man fights illegal-voting conviction

The Boston Globe

## Political activist seeks vindication as ruling nears

NY

By Darryl McGrath, Globe Correspondent, 1/8/2004

ALBANY, N.Y. -- A disbarred Wall Street lawyer, convicted of the almost unheard-of felony charge of illegal voting, is seeking vindication through a last-ditch appeal to the US Supreme Court.

The appellant is John Kennedy O'Hara, a longtime Brooklyn political activist who ran several insurgent campaigns against the Brooklyn Democratic machine until 1996, when he was convicted of voting using an address that was not his permanent residence. He says party bosses targeted him for prosecution to silence him.

The Supreme Court is scheduled to decide tomorrow whether it will accept the appeal. The case has wended through state and federal courts, an odyssey that has included a conviction, a reversal on appeal, a hung jury in a second trial, and then another conviction. A state appeals court in Albany upheld the second conviction.

O'Hara has made a full-time pursuit out of seeking an overturn of his conviction and reinstating his right to vote and his ability to practice law. He faced up to 28 years in prison on seven charges of illegal voting, but instead was sentenced to 1,500 hours of community service. He has spent that time picking up garbage in Brooklyn parks. His appeals have cost him tens of thousands of dollars, but he said he has persevered on behalf of other activists who might be intimidated by fears of similar prosecutions.

"If you're going to start prosecuting people for voting, there's not much left after that," he said. "You don't have much choice when you're a convicted felon and a disbarred attorney, because you're wrecked."

He said Brooklyn District Attorney Charles Hynes, backed by the Brooklyn Democratic Party, selectively prosecuted him for voting using the address he shared for a year with his then-girlfriend, even as he maintained his longtime apartment 14 blocks away in Brooklyn.

O'Hara practiced at a Wall Street law firm while also following his political passions. He thinks mainstream Democrats wanted to silence him because of his habit of running for office and also running the campaigns of insurgent candidates.

In 1996, O'Hara was among several people who filed a federal lawsuit seeking new primaries in elections for legislative offices and judgeships. In such races in Brooklyn and much of New York City, the primaries almost always decide the winner. O'Hara, an unsuccessful candidate for a state Assembly seat that year, was charged with illegal voting a few weeks later. The elections from which the criminal charges stemmed had occurred four years earlier.

A spokesman for Hynes dismissed O'Hara's accusation of selective prosecution.

"Mr. O'Hara has had a day and a half in court, and the district attorney's position has been consistently upheld," spokesman Jerry Schmetterer said. "We've been commenting on this for a long time, and going to the Supreme Court -- he's certainly entitled to do it, but this case has already been adjudicated three times."

O'Hara is the first person convicted of illegal voting in New York since Susan B. Anthony, who voted in a federal election in Rochester in 1872, when only men had the right, said O'Hara's attorney, Barry Fallick. Others have noted the rarity of O'Hara's conviction.

"Usually cases like this aren't prosecuted," said Lee Daghljan, a spokesman for the New York State Board of Elections. "They're not high on most DAs' lists, this sort of thing."

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Illegal voting was seldom prosecuted in New York City even when it was a blatant part of politics, said Dan Lorello, a state archivist. "Illegal voting happened all the time in New York City in the 19th century. You voted early and often. Dead people, ballot stuffing -- it was like Chicago. But nobody really got convicted."

Given that history, and the brutal style of Brooklyn politics, the prosecution of O'Hara has raised some eyebrows. The David-vs.-Goliath nature of O'Hara's battle against the Brooklyn District Attorney's office also has won O'Hara the support from the editorial pages of several New York newspapers.

"From the Brooklyn DA's perspective, it's proven to be a mistake to have prosecuted the case, even though he won, because he's gotten so much bad publicity over it," said Erik Engquist, a political columnist for Courier Life Publications, a group of Brooklyn community newspapers.

"The suggestion that it wasn't politically motivated is just absurd. Brooklyn politics is not for the fainthearted. There is retribution, there is recrimination if you cross certain lines. John O'Hara did cross those lines, but on the other hand, he was never important enough to justify the response he got. He has suffered greatly from this experience. And he is clutching to the thinnest thread of legal hope."

The New York State Court of Appeals in Albany upheld O'Hara's conviction in a 5-to-2 vote in 2001. The Second Circuit Court of Appeals subsequently refused to grant him an appeal.

O'Hara, who participated in his first political campaign at age 12 by handing out fliers for George McGovern, said waiting for the Supreme Court's decision is relatively easier because he has suffered many defeats. "You have to hang in there," he said. "You have to give it a shot."

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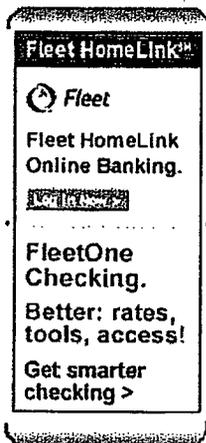


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# Fake Votes From Rikers?

## Sources say bosses used inmate IDs



By Dan Janison  
STAFF WRITER

June 23, 2003

Probers in the widening city Correction Department political scandal have been told of alleged efforts by Rikers Island supervisors to falsify voter registrations and absentee ballots, Newsday has learned.

The Bronx district attorney's office and a grand jury investigating the case have interviewed jail supervisors and officers who allegedly did campaign work on city time last year, Rikers sources said.

A key figure in the probe is Anthony Serra, the former three-star Rikers chief with Republican Party ties who is already facing grand-larceny and false-filing charges related to allegedly diverting correction personnel and equipment for work on his suburban home.

One theory under investigation, sources say, is that the registrations were made in the name of inmates to help election candidates favored by bosses - either with or without the inmates' knowledge.

Inmates are not barred from voting unless serving time for felony convictions. Most city jail inmates - a constantly churning population of as many as 14,000 at a time - are detainees awaiting trial.

City voting scandals of the past have involved the use of absentee ballots to cast phantom votes, such as nursing-home officials who filled in clients' ballots.

Correction Department spokesman Tom Antenen said that in all of last year's election cycle, there were 48 requests from city inmates for absentee ballots.

"We pick up the ballots at the Board of Elections and deliver them to inmates requesting them," he said. "When they fill them out, we deliver them to the Board of Elections."

Of the 48 delivered to the board in the last election, however, 16 were certified, meaning accepted as valid by the board, according to the department.

"The rest were not certified," Antenen said. "Either they failed to sign the form or they were not registered, that type of stuff."

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Antenen said he had no knowledge of a vote probe. The city Department of Investigation declined to comment. Board of Elections officials had no comment.

After months of scandals in the city's massive jail system, no criminal charges have been filed regarding the campaign operations.

When Serra was indicted in February, Bronx prosecutors said the counts of grand larceny, defrauding the government and falsifying business records filed against him involved his personal use of jail personnel and resources to run errands and work on his Putnam County house.

Most of the indictment's 89 counts strictly hold Serra responsible for false sign-in sheets and overtime reports filed on behalf of an aide. These counts cite allegedly false department reports filed bi-weekly between June 2002 until October 2002.

One key period was omitted from the charges: Aug. 31 to Sept. 16. That's the period surrounding the statewide party primaries, which were Sept. 10. At the time, Serra was a "security consultant" by the state GOP to help Gov. George Pataki win a second ballot line, the Independence Party nomination.

Officers were surreptitiously videotaped, reportedly doing campaign work, on that day, as shown weeks later on WABC-TV. Serra, dropped as a consultant, has pleaded not guilty to the charges. He has resigned from the department.

A key question is whether prosecutors will account for the missing 17-day period by adding charges involving the campaign operations allegedly conducted from Rikers Island.

"During that period, people under Serra's control were rolling their eyes and grumbling that they had to pick up campaign and election-related items," said an official who declined to be identified, recalling September's primary effort.

"They were talking about having to pick up absentee ballots and voter registration forms," the official said. "Apparently they needed to get people registered to vote in the Independence primary."

Sources said Serra conducted campaign business out of the trailer on Rikers that served as his office at the time. Two wardens under Serra's command allegedly directed submission of voter-registration cards, informants said.

The review has arisen along with other allegations of partisan abuse within the department. Deputy Warden Lionel Lorquet stated in court papers that he found an official of the department's investigations unit videotaping his house, where he was to host a mayoral campaign fund-raiser for Democrat Mark Green in 2001.

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Posted on Wed, Dec. 07, 2005

## **Barberton couple subject of voting probe**

**Elections board refers case of questionable New Franklin address to sheriff**

**By Lisa A. Abraham**

**Beacon Journal staff writer**

The Summit County Board of Elections has asked for a criminal investigation into a Barberton couple who allegedly falsified in New Franklin last month.

Charles I. Worrell Jr. and Jerolyn Worrell of Vanderhoof Road did not attend a hearing Tuesday before the board to answer voter registration.

The board voted unanimously to refer the case to the county sheriff and prosecutor for investigation.

Board Deputy Director Marijean Donofrio said she spoke with Jerolyn Worrell, who said her husband was disabled and they attending the hearing. The Worrells did not return a phone call seeking comment Tuesday.

The board's investigation began after Mark Kochheiser, New Franklin zoning inspector, questioned why the Worrells voted i their address -- 2751 Vanderhoof -- is actually in Barberton.

Board staff searched records and found that Charles Worrell registered to vote in June at 2751 Vanderhoof Road, but in Oct voting address to 2571 Vanderhoof. In June, Jerolyn Worrell registered to vote at 2571 Vanderhoof.

The board's investigation determined that there is no such address as 2571 Vanderhoof Road. Staff also found documentati Worrells live at 2751 Vanderhoof in Barberton, including a flier calling for the replacement of Al Bollas as mayor of New Fra bottom of the flier states: ``Bollas for 4 more years? Now is the time for change," and lists ``Geri Worrell, 2751 Vanderhc Ohio" as the distributor.

Bollas beat challenger Harry Gehm by about 400 votes.

Elections Board Director Bryan Williams said it appears the pair did not move, but changed addresses with the board to ind moved to a part of the road that is in New Franklin, not Barberton.

``We don't know why they did what they did. We just know what they did," Williams said.

Falsification of voter registration is a felony.

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*Lisa A. Abraham can be reached at 330-996-3737 or [labraham@thebeaconjournal.com](mailto:labraham@thebeaconjournal.com)*



LA

## 6 face voting-related charges

By BRUCE SCHULTZ

Acadiana bureau

LAFAYETTE -- A federal grand jury has accused St. Martinville City Councilwoman Pamela Champagne Thibodeaux of conspiracy and submitting false information for voter registration, while St. Martin Parish authorities have charged five people with voter irregularities.

The four-count federal indictment, returned last week but unsealed Tuesday, accuses Thibodeaux of conspiracy and three counts of submitting false information to register to vote during her 2002 re-election campaign for the District 3 seat on the St. Martinville City Council.

"It's never going to end," she said Tuesday morning before referring any questions to attorney Gerald Block of Lafayette.

Block declined to comment.

Under state law, Thibodeaux will not have to step down from office unless she is convicted of any of the four felony charges.

In state court, Assistant District Attorney Chester Cedars said he has charged Lillian Bernard, Thibodeaux's brother Burton Champagne, Albert Decuir, Reid Foti and Hardy "Joey" Theriot, former St. Martinville Section 8 housing administrator. Cedars said more people will be charged, but he would not say who they will be.

The federal indictment claims Thibodeaux persuaded three people, Stacy Richard, Carrie Fruge and Decuir, to fill out voter registration cards on March 5, 2002.

"It was part of the conspiracy that, in order to increase the likelihood of being elected to the City Council ... Thibodeaux would ask persons living in the St. Martinville, Louisiana, area but not in her district to agree to falsely register in her district," the indictment reads.

She brought voter registration cards to the co-conspirators and asked them to fill out the cards with everything but their address, the indictment indicates, and Thibodeaux wrote the address of 320 Oliver St. in St. Martinville for Richard, Fruge and Decuir. None of the three are charged in the federal case, which has been assigned to U.S. District Judge Richard Haik.

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Cedars said Bernard is charged with two misdemeanors for voting on April 6, 2002, and on May 4, 2002, knowing she was unqualified to vote in the District 3 race.

Decuir and Champagne are each accused of a felony for filing their voter registration cards with an address within District 3, and two misdemeanors for voting in the primary and runoff with improper registrations, Cedars said.

Foti, an electrician for the city of St. Martinville, is accused of two felony counts of filing two false voter registrations, one for himself and one for Bernard, the prosecutor said, and two misdemeanors for voting in the two District 3 elections based on those improper registrations.

Theriot, former director of the St. Martinville Housing Authority, is accused of a misdemeanor for voting absentee in March 2002, knowing he was not qualified to vote in the municipal election.

Cedars said the cases will be vigorously prosecuted.

"It's going to be addressed with the severity of the offenses," he said.

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08/20/2005

RI

## Four local residents are charged with election fraud

Times Staff

**EAST PROVIDENCE** – A father and son duo and a Seekonk husband and wife have been charged with election fraud stemming from last fall's primary race in East Providence, the state Attorney General's Office announced Friday. C. Richard Costa, 77, of Bristol, his son Keith Costa, 45, of East Providence; and Antonio Arruda, 51 and Aida Arruda, 50, both of Seekonk, are accused of fraudulently casting or attempting to cast ballots in a voting district other than where they lived in the Sept. 14 East Providence Primary.

The four individuals reportedly face a total of 15 counts, both felonies and misdemeanors, according to published reports.

Last fall, Thomas Reilly, a member of the East Providence Board of Canvassers, filed a complaint alleging voter fraud, and the Rhode Island State Police conducted an investigation. Both the Costas and the Arrudas were originally charged last October with voting illegally.

According to police, the Costas are alleged to have registered for the East Providence Democratic Primary using the business address of Keith Costa's auto body shop, James Auto Body, 175 Taunton Ave., East Providence.

Police also allege the Arrudas used the address of a Dunkin Donuts that they own in East Providence when they registered to vote in the primary.

All of the defendants are scheduled for a pre-arraignment conference in Providence County Superior Court on Aug. 30.

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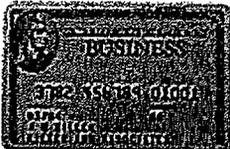
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**The New York Times**  
ON THE WEB

March 4, 2001

MD

## St. Louis Sees Specter of Vote Fraud

By B. DRUMMOND AYRES Jr.

**S**T. LOUIS, March 3 — When it comes to American cities with a notorious history of election fraud, St. Louis can hold its own. Its political past is replete with instances in which people no longer alive got to vote, not to mention people who never lived.

In last November's presidential election, some voters filed a lawsuit midway through Election Day demanding that voting hours be extended. They said that election officials had permitted polling places to become chaotically crowded, possibly in a deliberate effort to depress the city's heavy black vote.

The hours were extended, then it was discovered that the chief plaintiff in the lawsuit had been dead the better part of a year.

Come Tuesday, the people of St. Louis will head to the polls again, this time to nominate candidates for the April 3 mayoral election. And once again the integrity of the city's voting system is as much at issue as what the various candidates have to say about the city's economic and social problems. Once again, there are bold headlines and live-at-6 broadcasts about scores of bogus registrations, secret grand jury investigations and accusations of blatant race-based disenfranchisement.

"It's the same old never-ending St. Louis story," said James Shrewsbury, a city alderman and veteran of the city's political wars. "It's what happens when you have an old city that insists on hanging on to the bad old political ways. I know. At one point, somebody out there reregistered my long-dead mother."

None of Tuesday's mayoral candidates have been accused of wrongdoing. But there is no shortage of whispering — unsubstantiated — that some of them have supporters who would not hesitate to write down a bogus name or address. There also is plenty of talk — unsubstantiated — that Republican election officials are intent on making it difficult for blacks to vote, while Democratic election officials are intent on making it too easy for blacks to vote.

And, some election officials and political professionals say, there is always the real possibility that some of the fraud and disenfranchisement exists only in the imagination of those who want to make an opponent or another party look bad. Likewise, it is said that some of the most egregious fraud, like registering dead aldermen, may well have been perpetrated by people hired to sign up new voters and paid on a per-person basis.

Whatever the case, this much is certain:

A grand jury is investigating a report by election officials that hundreds of fraudulent names and nonexistent addresses were found on about 3,800 voter registration cards turned in last month just hours before the deadline for signing up for Tuesday's election.

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"It's just incredible what we've uncovered," Kevin Coan, an election official, said. "Would you believe the names of three dead aldermen? Of course you would. This is St. Louis."

A coalition of civic and church groups, Citizens Concerned with African-American Voter Disenfranchisement, says that although voting fraud is a problem in St. Louis, the city's election officials have gone overboard on tightening voting regulations. The group is contemplating legal action if election officials do not take steps to make it easier for St. Louis residents to vote, particularly blacks, who account for half of the city's 333,960 residents.

"We're not charging specific fraud or specific partisan politics or specific racism, though we aren't naïve," Richard Gaines, a coalition official, said. "What we are charging is that it is not easy to vote in this town if you are black. There's always another form to fill out or another official to see or another office to visit. That has to change."

The city prosecutor, Jennifer Joyce, and state election officials say they are so concerned about voting irregularities that they will send poll observers on Tuesday to keep an eye on things. "We're going to make sure that the process is not tainted in any way," Ms. Joyce promised a few days ago.

And the United States attorney general, John Ashcroft, a Missourian, says he will send in several Justice Department "monitors" and take "appropriate action" should there be any violations of voting rights or instances of voter fraud.

The mayoral candidates seeking nomination on Tuesday — four Democrats and two Republicans — are saying little about voting irregularities other than to call for a clean election. Instead, they are trying to keep the focus on improving the sometimes marginal quality of health care, schooling and economic opportunity in the city.

St. Louis is one of the country's most heavily Democratic cities. So only the Democratic primary is being watched carefully, since winning it is tantamount to winning office. And that primary, if the polls have it right, seems most likely to end up as a down-to-the-wire race between a former mayor, Freeman Bosley Jr., and the president of the city's Board of Aldermen, Francis Slay.

The incumbent mayor, Clarence Harmon, has disappointed many voters over the past four years and appears to have little chance of being re-elected.

Mr. Bosley, who is black, has the support of one of the city's most influential blacks, Representative William Lacy Clay Jr., and probably will get most of the black vote.

Mr. Slay is white and probably will get most of the white vote.

Mr. Harmon, who is black, captured the mayor's job four years ago by unseating Mr. Bosley. He did it with the help of white votes. Where the now disenchanted Harmon supporters go on Tuesday — blacks and whites — could decide the race.

The other Democratic candidate is Bill Hass, a school board member. The Republican candidates are Michael Chance and Francis Wildhaber.

MO

**FBI subpoenas records from Election Board  
Of the Post-Dispatch**  
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The Federal Bureau of Investigation has subpoenaed St. Louis Election Board records on all people who registered to vote, cast ballots or whose efforts were rejected from Oct. 1 through March 6.



St. Louis Police Officer Craig Bentrup controls the crowd outside the Board of Election Commissioners building Nov. 7, 2000.

The FBI subpoena also seeks all internal board correspondence, including memos and e-mail.

The action, taken Monday, is the first indication that the Justice Department or its agencies appear to be launching a federal investigation into accusations of vote fraud or attempted fraud in the Nov. 7 general election and the city's March 6 mayoral primary.

A federal inquiry would be in addition to an investigation by a St. Louis grand jury, ordered by city Circuit Attorney Jennifer Joyce, into 3,800 suspect voter-registration cards turned in at the deadline for the March 6 primary.

Some of those cards sought to register prominent people already on the rolls, as well as several deceased aldermen and a dog.

Regarding Monday's action, local FBI spokesman Peter Krusing would say only that "a subpoena was served."

He declined further comment. The Justice Department also declined to comment Monday, as did the office of U.S. Attorney Audrey Fleissig.

However, sources with some of the agencies confirmed that the serving of the subpoena signals involvement by an arm of the Justice Department or one of its task forces.

The Post-Dispatch witnessed the serving of the subpoena, which occurred about 3:30 p.m. Monday when an FBI agent, accompanied by a uniformed officer, walked into the Election Board headquarters at 208 South Tucker Boulevard.

The agent read aloud from the two-page subpoena, which was given to one of the employees. None of the board's officials or commissioners were present. Afterward, no workers would comment and none of the commissioners could be reached.

The FBI subpoena gives the Election Board until 9:30 a.m. on May 6 to turn over mandated documents to the Eastern District Circuit Court at the Eagleton federal courthouse. The subpoena states the documents will be given to a federal grand jury.

The subpoena seeks all records pertaining to any person who registered to vote between Oct. 1 and March 6, or whose voter-registration application was rejected.

It also demands all records of anyone who cast absentee ballots or regular ballots during that period, as well as anyone who was turned away at the polls and barred from voting.

The scope of that demand is enormous. The city residents affected would include:

Voters who cast absentee or regular ballots - almost 125,000 on Nov. 7 and close to 83,000 on March 6.

At least 143 unregistered people who, according to former Missouri Secretary of State Bekki Cook, were illegally allowed to cast ballots on Nov. 7.

Hundreds of registered voters who, according to a postelection investigation by Cook, were improperly prevented from voting on Nov. 7.

At least 15,000 people who registered to vote, or attempted to do so, between Oct. 1 and March 6. That includes the 3,800 suspect voter cards.

Sources say U.S. Attorney General John Ashcroft might recuse himself from the investigation - as may some of his aides - because city voters played a role in Ashcroft's Nov. 7 defeat in his bid for a second term in the U.S. Senate.

Sen. Christopher "Kit" Bond, R-Mo., said Monday, "All St. Louis voters should support this law-enforcement investigation because it may be our city's best chance to clean up our elections and our image."

Earlier this month, Bond called for further investigations because his office had learned from state election officials that 24,000 registered voters in the city, and 33,000 in St. Louis County, also were registered to vote elsewhere in the city or state.

Missouri Secretary of State Matt Blunt says he is collecting voter records to determine whether any of those voters illegally cast multiple ballots in the Nov. 7 or March 6 elections.

Bond has been calling for federal involvement since he and other Republicans alleged vote fraud in St. Louis in the Nov. 7 elections. They were upset by Democratic efforts to keep St. Louis' polls open an extra three hours, until 10 p.m. A local judge approved the request, but a state appeals court ordered the polls closed about 7:45 p.m.

Democrats blamed crowds at the polls on Nov. 7 and confusion over an "inactive voter list" of more than 30,000 registered voters. That list was not distributed to poll workers, causing a crush of angry would-be voters at the downtown Election Board shortly before the polls closed.

But in February, some Democrats alleged attempted vote fraud when the 3,800 suspect voter-registration cards turned up at the registration deadline for the March 6 Democratic mayoral primary.

As a result of the allegations swirling around those cards, the hotly contested primary was conducted under the scrutiny of an unprecedented number of observers dispatched by federal, state and local election officials, or law enforcement agencies.

The Election Board also has been reeling from the arrest on March 1 in Alton of the city's then-top GOP elections official, Kevin Coan. He stands accused of attempting to solicit a minor over the Internet; the "minor" turned out to be fictitious and part of an Alton sex-sting operation.

Several of the board's key employees or commissioners have resigned or are on leave. Gov. Bob Holden, who appoints the four-person board of commissioners, has said he plans to name a new board soon.

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Phone: 314-340-8334

Wash. Times 04/19/01

MO

# FBI advances Missouri voter fraud probe

By Jerry Seper  
THE WASHINGTON TIMES

The FBI has ratcheted up its investigation into Missouri's Nov. 7 presidential election and a separate March 6 mayoral primary in St. Louis, ordering local election commissioners to hand over thousands of documents in an ongoing search for voter fraud.

A subpoena in the FBI's continuing probe, issued without statement Monday, calls for the St. Louis Election Board of Commissioners to surrender voter registration records and other documents. The records are expected to show, among other things, that dead people and a dog were able to cast ballots in one or both of the elections.

The FBI, along with a state grand jury, is looking to examine 3,800 potentially fraudulent voter registration records. Federal and state investigators also want to review all election documents relating to people who registered to vote between Oct. 1 and March 6; records showing whose voter-registration applications were rejected; documents showing who cast absentee ballots; and records of those who were turned away from the polls or otherwise barred from voting.

Investigators also are examining documents relating to 143 unregistered voters known to have voted in the Nov. 7 election.

The Board of Commissioners, which also has been asked by the FBI to turn over all of its related internal correspondence and e-mail, has until May 6 to hand over the documents.

"Voter confidence in the outcome of elections is essential to our democratic system," said Sen. Christopher S. Bond, the Missouri Republican who initially called for the probe. "Events in St. Louis remind us once again how important it is to guard rigorously against any and all attempts to exploit voting laws for political purposes.

"Apparent attempts to break the law in St. Louis are an affront to citizens who follow the law and undermine our faith in the election process," he said.

The FBI and the grand jury initially focused on accusations of widespread voter registration and balloting irregularities during the Nov. 7 election, including a petition prompted by Democratic Party officials to keep the polls open in St. Louis for an additional three hours. The petition, signed by a voter who died in 1999, was later overturned

by an appellate court, although the polls remained open an additional 45 minutes.

Texas Gov. George W. Bush won the Nov. 7 presidential election in Missouri over Vice President Al Gore with 51 percent of the vote. But John Ashcroft, now attorney general, lost his Senate seat to the late Gov. Mel Carnahan, who had died in a plane crash a month earlier. Mr. Carnahan's widow, Jean, was appointed to his seat. Despite questions about the vote and suspected irregularities, Mr. Ashcroft did not challenge the results. St. Louis' high Democratic totals figured prominently in Mr. Ashcroft's defeat.

Questions also surfaced after the March 6 mayoral primary, when it was reported that at least three dead aldermen had registered to vote in the election. The primary was won by Alderman Francis G. Slay, ensuring that St. Louis would get a new chief executive for the third time in the past eight years.

Mr. Bond, along with the Landmark Legal Foundation, a Washington-based public-interest law firm, initially sought the investigation in November. They told the Justice Department that widespread voter irregularities by Democrats had tainted both elections. Rep. William

L. Clay, Missouri Democrat, later charged that thousands of registered voters — mostly minorities — were turned away from the polls by Republicans.

Landmark's president, Mark Levin, said in a letter last month to Lee J. Radek, head of the Justice Department's public-integrity section, that shortly after a St. Louis judge ordered the polls to stay open longer on Nov. 7, prerecorded telephone messages from the Rev. Jesse Jackson informing residents they could vote late "began ringing into St. Louis households." He also said Mr. Gore personally called a popular radio talk show to say the polls would stay open late.

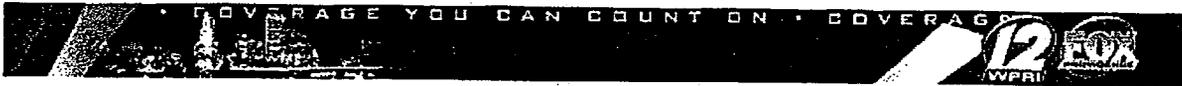
"If the citizens of Missouri are to have any confidence at all in the integrity of their elections, then the U.S. Justice Department must hold the St. Louis Election Board and anyone else responsible under the U.S. Voting Rights Act," Mr. Levin said.

FBI officials in St. Louis confirmed that a subpoena was issued but declined to comment on the investigation. U.S. Attorney Audrey Fleissig in St. Louis and Justice Department officials in Washington also have declined to comment.

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MA

## Voter fraud in Worcester City Council election being investigated

WORCESTER, Mass. Voter fraud has been alleged in a Worcester City council race.

Candice Mero Carlson lost the November eighth District Two election by 102 votes to Councilor Philip Palmieri.

However Carlson charges that two prominent Palmieri supporters -- bar owner and Worcester magazine publisher Paul Giorgio and Boston lobbyist Paul Pezzella -- voted for Palmieri, although they don't live in the district. And she has asked Worcester District Attorney John Conte to investigate her allegations.

Carlson said her charges are not about changing the results of the election, which she says she clearly lost. She says the state's voter fraud statute carries criminal fines and penalties, and she wants them carried out if the law was violated.

A spokeswoman for Conte told the Telegram and Gazette of Worcester the matter is under investigation.

Palmieri says he is happy with the election results, and says Carlson's complaint is an Election Commission matter.

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Home Tuesday November 5, 2002

Local News  
Monday, November 4, 2002 10:15 pm

## Hidalgo County voting rolls will not be subpoenaed

By Andrea Hauser

### The Monitor

McALLEN — A controversial study alleging that 16,000 potentially dead and ineligible people are still registered on Hidalgo County voter rolls will not be subpoenaed, Hidalgo County District Attorney Rene Guerra said.

County Elections Administrator Teresa Navarro requested on Monday that the list of potentially dead voters be subpoenaed by the attorney general's office and Guerra so that names could be examined and taken off election rolls immediately to prevent possible voter fraud.

But Guerra said he thinks the study, paid for by the Hidalgo County Republican Party, is not credible and is part of a Republican agenda to discredit the elections department and Navarro.

"I cannot issue a subpoena on a witch hunt," he said. "I don't believe that these people are being righteous about their claim. Show me one document that shows a dead person voted, then I can issue a grand jury subpoena for a private company."

Compiled by Austin-based Voter Views Information Systems, the study was released Oct. 22 by Hidalgo County Republican Party Chairman Hollis Rutledge and claims that approximately 4,223 names included in the sampled voter rolls are of dead people, some from as far back as 1982.

Study results from 912 of those names also claim that 130 deceased voters cast ballots in the March primary election. If the study is valid, it would indicate substantial voter fraud.

The Hidalgo County Republican Party on Saturday decided not to release details from the study immediately, opting instead to form a task force to discuss the matter. No one outside the party has seen the study or been able to verify its claims independently.

"He's (Rutledge) made allegations. Those are strong allegations, and I've got to turn them over," Navarro said. "I wouldn't be doing my job if I didn't turn it over the attorney general or the D.A. based on allegations that they made. It's my job to turn it over to them and they do with it what they need to do."

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Jane Shepperd, spokesperson for Attorney General John Cornyn's office, said the office has not received the request yet or made any decision regarding it.

Information from the Texas Ethics Commission indicates that a large part of Voter Views clientele is made up of Republican candidates or groups, which Democratic party officials said discredits the study because it is not a non-partisan business.

But Robert Edwards, general manager and a partner in Voter Views, said public records available about the company do not indicate all of its clientele, which includes a number of groups and consultants for both the Democratic and Republican parties.

Edwards said public records used by Voter Views to determine whether the names were of eligible voters are also not accepted by the elections department because the elections code process of verifying a death is more detailed and work-intensive.

"We're talking massive amounts of information coming through the hole every month and she (Navarro) has to process it," Edwards said. "I'm waiting to see how things are going. I would love to be an active part of helping the county assimilate the information on a monthly basis because we definitely could do it. We don't want it to be a situation like it's turning into. We don't want it to be a finger-pointing situation.

"We simply were asked to analyze the voter rolls. Once we did that job, we walked away."

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## Voter to face fraud charges

By MAGGIE O'BRIEN and JEFF ZELENY  
Register Staff Writer  
04/25/2000

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WA



Seattle sex columnist Dan Savage will be charged with felony voter fraud for allegedly casting a vote in Iowa's first-in-the-nation presidential caucuses, a Des Moines attorney said Monday.

The Polk County attorney's office is poised to charge Savage with two counts of voter fraud, according to attorney Mark Weinhardt, who is representing Savage.

Savage faces a felony charge and a serious misdemeanor charge, which could land him behind bars for a total of six years if he's convicted, Weinhardt said. Weinhardt, who said he hadn't seen official court documents, declined to comment further.

Savage claimed that he used his temporary address at Des Moines' Kirkwood Hotel to vote in the January caucuses. In the days after the caucuses, he wrote an article for online magazine Salon.com called "Stalking Gary Bauer." Savage, who is gay, wrote that he tried to infiltrate the conservative Republican's Iowa campaign as an act of protest. He also claimed that he attempted to infect Bauer with the flu bug by licking door knobs at the campaign headquarters.

Loras Schulte, who headed Bauer's Iowa campaign, said he was pleased to hear that Savage would be charged. "The reason it was important to me was because the whole process of our caucuses and voting is very dear to my heart," Schulte said.

"For someone . . . with so careless disregard for the privilege one has in voting . . . it didn't sit well with me."

Deputy Polk County Attorney Joe Weeg declined to comment on the Savage case, saying the matter remained under investigation.

Savage could not be reached for comment.

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WI

## Arrests sought in election fraud

### 2 accused of falsifying voter registration cards

By DERRICK NUNNALLY and GREG J. BOROWSKI  
[dnunnally@journalsentinel.com](mailto:dnunnally@journalsentinel.com)

Posted: May 11, 2005

Two arrest warrants were issued Wednesday alleging election fraud by two voter-registration workers employed last year to sign up new voters.

According to warrants filed by the Milwaukee County district attorney's office, Urelene Lilly, 48, and Marcus L. Lewis, 23, both admitted to authorities that they filled out multiple voter-registration cards using fictitious information to earn money from Project Vote, which paid workers such as them \$40 per day plus \$1.75 for each registration above the daily quota of 24 new voters.

Project Vote registered about 40,800 names in Milwaukee County alone, according to a national spokesman.

District Attorney E. Michael McCann would not say when or if more information on other allegations of voter fraud might be available.

The warrant filed for Lilly says she was addicted to crack cocaine when the alleged fraud happened, and that she handed in "approximately 75 fraudulent voter registration cards," using names taken from the phone book, made-up birthdates and Social Security numbers, then had her 15-year-old daughter sign each card. She turned in no valid registrations, the warrant says, and is charged in connection with nine registrations for people who didn't vote in the November presidential election.

Lewis' warrant says he was fired by Project Vote for submitting a registration card in the name of a dead person, but before he did that, he allegedly turned in duplicate cards for the same voter on "numerous" occasions. He admitted turning in multiple entries for some family members, the warrant says.

Lilly and Lewis were charged with five felonies each: three counts of forgery, one count of election fraud and one count of misconduct in public office, because they had been sworn in as deputy voter registrars for the registration effort. If convicted as charged, each could face a maximum possible sentence of 25 years in prison.

The charges came a day after McCann and U.S. Attorney Steve Biskupic announced that their probe into election irregularities in the city of Milwaukee had turned up clear evidence of voter fraud.

The probe, launched in January after reports by the Journal Sentinel detailed widespread election problems, found more than 200 felons who illegally voted in the city, while still on probation or parole, and at least another 100 cases in which people voted twice, or used fake names, false addresses or the names of dead people to vote.

Investigators also said officials had been unable to eliminate a 7,000-vote gap cited by the newspaper, in which more ballots were counted than people who had been recorded as voting. City officials had resolved some of the questions, but investigators said a gap of about 4,600 remains.

Biskupic and McCann also said they had found about 65 false names that had been submitted by deputy registrars, such as the two charged Wednesday.

Additional charges are expected to be filed. Prosecutors have warned, however, that the cases may be hard to prove because the city records are so sloppy.

The issue of fraudulent registrations came up even before the Nov. 2 election, as various groups made major pushes to get likely supporters

#### Election Investigation

##### Quotable

“ We are proud of what we did, and we think we caught virtually all the cards that may have been allegedly created by these people. ”

- Brian Mellor,  
national coordinator for  
Project Vote

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signed up to vote.

Project Vote is a national non-profit group headed by the former head of the Ohio Democratic Party. It was one of several groups that ran large-scale registration drives in Wisconsin, a key battleground state.

"We are proud of what we did, and we think we caught virtually all the cards that may have been allegedly created by these people," said Brian Mellor, a national coordinator for Project Vote.

In October, the Journal Sentinel reported that two of Project Vote's workers in Milwaukee were felons on probation, which makes it illegal for them to vote and, thus, to register voters. A week later, before the Nov. 2 election, Racine County officials issued felony charges against two Project Vote workers on allegations of falsifying registration cards.

The charges are similar to those filed Wednesday by McCann.

In the Racine case, charges were filed against Robert Marquise Blakely, 24, and Damien D. Jones, 25, both of Milwaukee. Both men pleaded not guilty.

Jones had been fired as the group's leader for Racine and Kenosha counties after the Racine clerk's office raised questions about registration cards he had submitted. As in the Milwaukee cases, the pay for the two was based, in part, on how many signatures they submitted.

Earlier this year, Gov. Jim Doyle called for a state law that would bar groups from paying registration workers on a per-signature basis, or basing pay on meeting a signature quota. That proposal, part of a broader reform package, has not been acted on by the state Legislature.

*Sheila Lalwani of the Journal Sentinel staff contributed to this report from Racine.*

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WE

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# Midwest News

Web posted Saturday, July 12, 2003

## Voter Fraud Suspect Reaches Agreement

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RAPID CITY (AP) – A Rapid City man, who has been accused of voter fraud, will make a plea agreement.

Lyle Nichols had been accused of falsifying voter registration cards during last year's campaign. He faced up to five years in prison on each of five counts of fraud.

But his attorney said Thursday that a plea agreement has been reached with the state Attorney General's Office which would lessen the charges to class six felonies.

The agreement is expected be finalized in court next week.

Nichols was arrested last October after the Pennington County auditor's office noticed irregularities in registration cards that were submitted. Authorities said at the time that more than 230 registrations were pulled because of accuracy concerns.

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016944

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## Hamilton Co. Election Chief Suspects Fraud

December 18, 2002

CHATTANOOGA (AP) -- Hamilton County's elections chief says a review of records from a county commission primary show some voters used other names to cast ballots.

County election administrator Fran Dzik said she has advised District Attorney Bill Cox that about possible voter fraud.

Dzik made the comment Wednesday in chancery court, where a judge held a hearing on a dispute over the county election commission's denial of records to the Chattanooga Times Free Press.

Judge Frank Brown did not immediately rule on the newspaper's request for records.

Incumbent William Cotton won the county commission District four primary by 34 votes on May seventh. Cotton could not be reached by telephone for comment.

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HoustonChronicle.com -- <http://www.HoustonChronicle.com> | Section: Politics

Feb. 5, 2005, 11:55AM

TX

## Vote fraud suspected in House District 137

### Loser in primary suspected in bogus registration swaps

By **JOE STINEBAKER**  
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Harris County officials are investigating allegations of vote fraud in connection with a legislative primary in southwest Houston last year.

County Tax Assessor-Collector Paul Bettencourt, who serves as the county's voter registrar, asked the district attorney to investigate after discovering what he thinks was a pattern of improper voter registrations in state House District 137.

Neither District Attorney Chuck Rosenthal nor the investigator in the case could be reached for comment Friday.

Bettencourt and state Rep. Scott Hochberg, D-Houston, the incumbent, said the investigation is a continuation of one begun last year and is focused on Bernardo Chike Amadi, who unsuccessfully challenged Hochberg in the March Democratic primary. Amadi could not be reached for comment Friday.

Bettencourt said he has given the district attorney information about at least 157 voters, and perhaps hundreds more, whose addresses were changed to make it look as if they were residents of District 137.

Officials think the registrations were moved into the district without the voters' knowledge in the hope that they would support Amadi, a Nigerian immigrant, because they also were African immigrants.

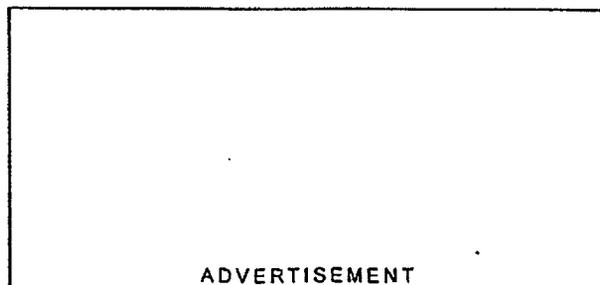
The initial investigation began early last year based on complaints from voters, Bettencourt and Hochberg said, but stalled after investigators were unable to question Amadi.

More evidence surfaced recently in connection with the election challenge filed by former state Rep. Talmadge Heflin, a Republican who is contesting his 33-vote loss in District 149 to Hubert Vo.

joe.stinebaker@chron.com

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Election board confronts rep for voting equipment

February 6, 2004

Greenwood -- Members of the Johnson County Election Board on Thursday blasted a representative from Election Systems & Software for providing allegedly illegal voting equipment during last year's general election. The state's election commission had not certified the software used in the machines as reliable and accurate, which meant counties should not have used it.

The company left Johnson County officials with the impression that everything they had received was approved by the state, election board member Jean Harmon said. Voters in Wayne and Henry counties also used the machines.

ES&S representative Wesley Wiley read a statement from the company standing by the reliability of machines but saying that the equipment had all been returned to a previous version of the software that was certified by the state.

"That reinstallation is complete," he said. "Our focus now is to make sure voters, election administrators and poll workers are educated about the systems."

That may not be enough, Harmon said.

"When you sold the equipment to the county, you told us the equipment was certified," she told Wiley. "We held an illegal election. We have every reason to doubt this company and their equipment, its integrity."

Wiley said he hopes the state will still approve the most recent version of the software in time for this year's election. There is no penalty under Indiana law for using illegal equipment to conduct an election.

PN

Voting machine  
not certified

*JW*

Elections

## State, federal officials launch anti-fraud effort

*EFFECTS to  
CATCH &  
deter voter  
fraud*

**By Michele McNeil Solida**  
michele.mcneil.solida@indystar.com  
October 30, 2002

With less than a week to go before Tuesday's election, state and federal officials stepped up their efforts to catch and deter voter fraud.

Indiana Secretary of State Sue Anne Gilroy and U.S. Attorney Susan Brooks announced their voter integrity effort Tuesday, when they urged voters to be on the lookout for election corruption.

They asked voters to be vigilant and to call state or federal officials with complaints.

"I spend a lot of time encouraging people to vote, and I don't want voters to lose their voice. We're asking voters to not let that happen," said Gilroy, who is Indiana's chief election officer.

Just a phone call away are lawyers with the secretary of state's election division, officials with the U.S. attorney's office and FBI agents. Staffers from each office will be on duty Election Day to take complaints.

Gilroy touted this as an improved and better-publicized partnership between federal and state officials -- one that will allow election complaints to be handled better and resolved more quickly.

Election fraud is a federal offense that can bring up to five years in prison, said Brooks, who represents the southern district of Indiana. Election crimes include failing to count all votes, providing false information to poll workers, buying votes and threatening people not to vote.

On the same day Indiana announced its effort, President Bush signed into law election reform legislation. It requires each state to maintain a statewide voter registration list, to make polling places accessible for people with disabilities and set up a voter fraud hotline. Indiana is already undertaking these initiatives, Gilroy said.

"Again, we're ahead of the curve," she said.

Call Michele McNeil Solida at 1-317-615-2381.

016948

Kansas City Star -- Posted on Thu, Oct. 31, 2002

*Protect Voters  
Rights KS*

**State, federal officials to monitor Kansas elections**  
By JOHN L. PETTERSON  
The Kansas City Star

TOPEKA - Kansas and federal officials announced Wednesday they will team up to protect the rights of Kansas voters as they go to the polls on Tuesday.

Secretary of State Ron Thornburgh and U.S. Attorney Eric Melgren said at a joint press conference they will be prepared to protect Kansans from election fraud.

"We will be proactive to ensure public confidence in the integrity of the election process by protecting voting rights and prosecuting voting crimes," Melgren said.

"This is in no way suggesting that we anticipate problems with the state of Kansas election officials."

The U.S. attorney said most election crimes are easily recognized. They include voter bribery, voter intimidation and ballot forgery.

Other forms are more subtle. For example, it is a crime to seek out the elderly, socially disadvantaged or the illiterate to unfairly influence their votes.

Leon Patton, an assistant U.S. attorney, has been assigned to be the person who will field voting complaints and initiate investigations in conjunction with the FBI.

Reports of possible violations of state voting laws will be forwarded to the Kansas attorney general.

Patton can be reached in Kansas City, Kan., at (913) 551-6730. The U.S. attorney's office also may be reached on Tuesday in Topeka at (785) 295-2850 and in Wichita at (316) 269-6481.

FBI agents can be reached on Tuesday in Kansas City at (816) 512-8200, in Topeka at (785) 235-3811 and in Wichita at (316) 262-0031.

In Topeka, the secretary of state's telephone number is (785) 296-4564.

"It should be easier to vote and harder to cheat," Thornburgh said. "If any Kansan has a problem or question between now and Election Day, pick up the phone and let us know."

To reach John L. Petterson, who covers Kansas government and politics, call (785) 354-1388 or send e-mail to [jpetterson@kcstar.com](mailto:jpetterson@kcstar.com).

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016949

Lexington Herald Leader (KY) - Posted on Wed, Oct. 30, 2002

Suspected  
Fraud

KY

**District election officer appointed  
HE WILL SUPERVISE OFFICIALS RECEIVING REPORTS OF FRAUD**  
By Louise Taylor  
HERALD-LEADER STAFF WRITER

If you suspect or see skulduggery at the polls on Tuesday, a special team of G-men will be available to look into your complaint.

U.S. Attorney Gregory Van Tatenhove appointed his assistant Thomas Self as district election officer yesterday for the eastern half of Kentucky. The move was made in the wake of U.S. Attorney General John Ashcroft's Oct. 8 announcement that the government was bucking up its efforts to prosecute election crime.

Self, a federal prosecutor for 23 years who specializes in election fraud, will serve two years in the position. He will supervise a team of FBI agents and U.S. postal inspectors who will be on duty election day to receive complaints of fraud.

Van Tatenhove said election crimes such as vote buying and ballot forgery are easy to recognize, but others -- such as seeking out the elderly, illiterate or disadvantaged to badger for votes -- are more subtle.

"Election fraud dilutes the worth of votes honestly cast," Van Tatenhove said. "It also corrupts the essence of our representative form of government."

If you suspect election fraud, there are several numbers to call: The U.S. attorney at (859) 233-2661; the FBI at (502) 583-3941; the U.S. Postal Inspection Service at (859) 231-6778; or the state attorney general at 1-800-328-8683 (VOTE).

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016950

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## **No bail, no release in vote fraud**

By Michael Baker

The Fresno Bee

Published 09/18/03 05:20:28

A judge denied requests from a former Mendota mayor and an alleged accomplice to be released without posting bail after the two men pleaded innocent Wednesday to voter fraud charges.

Robert Rasmussen, 54, who served on the Mendota City Council from 1992 until he was voted out in 2000, faces five charges related to forging signatures on petitions to recall Mendota's mayor and mayor pro tempore in 2001.

Steve Burrola, a former employee at Rasmussen's security company, faces three charges related to the fraud.

A conviction on one of the election fraud counts is punishable by up to three years in prison.

Rasmussen's attorney, Randall ShROUT, cited his client's heart problems and depression when asking for his release.

ShROUT said Rasmussen has no other criminal history except for a no-contest plea to a misdemeanor charge of theft from an elderly person.

Burrola's attorney, George Herman, noted that the incident dates back to 2001.

Burrola told the judge that he has stayed out of trouble since his 1996 parole on a drug-related conviction.

Fresno County Superior Court Judge Alan M. Simpson denied both men's requests.

Rasmussen's bail remained at \$22,000 and Burrola's at \$12,000. He scheduled Sept. 30 for the defendants' preliminary hearing, when a judge determines whether there is sufficient evidence to hold suspects for trial.

Authorities say Burrola forged several signatures at the direction of Rasmussen, who knew he didn't have enough signatures to qualify the recall.

In July 2001, the Fresno County Clerk/Registrar of Voters Victor Salazar disqualified the last recall attempt, saying 61% of the signatures on one petition and 57% on another were not valid.

He said the most prevalent violation was information completed by the petition circulator instead of the petition signer.

The reporter can be reached at mbaker@fresnoBee.com or 441-6465.

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*Forged Signatures  
on Petitions CA*

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report  
suspected  
fraud GA

**U.S. Attorney staff to hear midstate voter complaints**

By Debbie Rhyne  
Telegraph Staff Writer

Middle Georgia voters who encounter Election Day problems can pass their complaints on to federal prosecutors.

Middle District of Georgia U.S. Attorney Max Wood announced Monday that he will staff the district's six federal courthouses Nov. 5 and again Nov. 6 for voters who want to report suspected election fraud or problems with election procedure.

"We want to make every effort to be available should there be any problems on Election Day," Wood said. "We are not poll watching, nor do we have a significant history of election fraud on the Macon Division.

"However, in light of the problems Florida had in their transition to electronic voting, we must be prepared in case problems arise."

Georgia is using statewide electronic voting machines for the first time - a move that was pushed through after the country watched Florida's problems with paper ballots in the 2000 presidential election. Florida switched to the electronic voting for this year's primary, but again experienced a number of problems, including complaints of poorly trained poll workers and voters being turned away because machines weren't working.

Wood said his staff's role will not be the same as those of election monitors or poll watchers, who are typically personnel from the U.S. Department of Justice and get involved "when there is a documented history of election abuse."

An example of a county that would warrant Justice Department scrutiny is Dodge County, where a vote-buying scandal in the mid-1990s ultimately netted 30 convictions. An investigation found problems with votes being cast multiple times by the same person as well as votes being cast by both dead people and convicted felons.

Dodge County is part of the Southern District, which announced earlier this month it too will have staff available at its federal courthouses.

While based in Macon, the middle district covers a 70-county area and also has offices in Albany, Athens, Columbus, Thomasville and Valdosta. The courthouses in all of these cities will be staffed for the election.

Sabatato + Simpson · Dirty Little Secrets  
TO  
Mixed

## Vote Fraud: Back to the Future

Well, everybody knows that election officials never cheat, and after all, nobody can prove they cheat. The only thing that we know is that they're all from the same political party. And nobody would ever think that they would dare violate their oaths of office. And if I sound cynical about it, I am.

—Attorney Albert Jordan

**P**ush-polling, like street money, gives an unsavory taint to the already maligned field of politics. But if there is any corruption that goes straight to the foundations of American democracy, it is vote fraud—a catchall term that includes ballot-box stuffing, phony voter registrations, and the manufacture of absentee ballot submissions. Nothing else in this book so convincingly proves that a free system such as ours, with its bias toward minimal control of the electoral process, keeps generating the same kinds of corruptions every few decades. This study of current vote fraud will remind us that we can never declare victory over, and we must be ever-vigilant about, corruption—particularly those practices that tempt politicians with the promise of power while operating in the shadows and on the hidden periphery of politics.

The idea of progress is fundamental to understanding the American character. As a people, we have always wanted to believe that the future is destined to be better than the past by dint of our unceasing

### Vote Fraud

efforts at improvement, which we have usually managed to bring about. Unsavory practices such as election fraud belong in the dustbin of our discarded and long outgrown history. Surely, the ballot boxes in Texas are no longer stuffed! Votes are not stolen or manufactured anymore in Alabama! Elections in Philadelphia and California are certainly clean now! The press does not look for what it does not expect to find, and the public ignores the occasional muffled sounds emanating from ballot boxes hither and yon.

But the press and the public are in for a rude shock. Voting fraud is back, is becoming more serious with each passing election cycle, and soon—because of recent changes in the law—is destined to become even worse.<sup>1</sup> For our purposes here, we define voting fraud as any serious violation of election laws controlling the registration of voters or the casting of absentee, mail-in, or polling-site ballots. Many of the examples in this chapter are derived from local elections, but the corrupt practices certainly extend to elections for district, state, and national offices. After all, generally the same group of political party organizers, consultants, and precinct workers are employed at all levels. Christmas past and Christmas future are merging for those who profit from such perfidy. And it is past time for the press and public to receive a loud wake-up call, lest the ultimate corruption in a democratic system—the stealing of elections—becomes widespread, corroding trust in the essential process of democracy itself.

In this chapter, we focus on four U.S. locales—Philadelphia, Alabama, Texas, and California—to illustrate the current slide back to the bad old days of election fraud. Our interviews and other research have convinced us that we could just as easily have selected at least a dozen other states or many dozens of sizable cities to prove our thesis. The quartet we have chosen demonstrate the problem dramatically—maybe fulsomely. The scale of fraud may sometimes be small compared with the anything-goes days of a century ago, but several kinds of fraud are clearly ingrained and resurgent, and this trend ought to be of immediate and pressing concern to all people who care about the integrity of the American political system.

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## America's Sordid History of Voting Fraud

Our nation has a long and depressing history as a happy haven for the vote thief. For much of the last century and a good part of this one, elections in many states and localities became contests of the voting fraud capacities of various factions and parties. The chief question on Election Day sometimes was: who could manufacture the requisite number of votes most easily and shrewdly, giving the other side insufficient time to make necessary adjustments to its tallies and insufficient evidence to cry foul convincingly.

Sometimes no specific evidence of fraud was required to know it had taken place. For the 1844 election, New York City had a reasonably large voter pool of 41,000, but the turnout on Election Day was far more spectacular: 55,000, or 135 percent of the entire pool of voters! As one observer put it, "the dead filled in for the sick," and the city's dogs and cats must have been imbued with irresistible civic spirit, too.<sup>2</sup>

The nation as a whole got a taste of this kind of election snake oil in the 1876 presidential election, arguably the most corrupt in America's history before or since. On Election Day, Democrat Samuel J. Tilden of New York garnered about a quarter million more popular votes than Republican Rutherford B. Hayes of Ohio, and Tilden was the undisputed leader in states with 184 electoral votes (with 185 required for victory).<sup>3</sup> However, twenty electoral votes in Florida, Louisiana, South Carolina, and Oregon were in dispute. Tilden had actually carried the first three of these states, but GOP-controlled election boards disqualified enough Democratic votes, for dubious reasons, to potentially tip the states to Hayes. Congress established a fifteen-member electoral commission, supposedly nonpartisan, to arbitrate the disputes, but the commission's partisan breakdown turned out to be eight Republicans to seven Democrats. As a result, every single controversial electoral vote was awarded to Hayes by a vote of eight-to-seven, and Hayes took office in 1877—and was called "His Fraudulency" by Democrats throughout his one term.

Historians and political scientists faithfully cataloged the abominable arts that were practiced at America's polls throughout the

centuries. Not long after the Hayes-Tilden election, for example, the "use of direct bribery in the United States" became "widespread."<sup>4</sup> Most states and large localities began formally registering voters in this period, and it thus became more difficult to simply stuff the ballot box or hire so-called floaters or repeaters to vote twice or thrice.<sup>5</sup> Resourceful political organizers changed tactics and began to buy votes on a large scale. One study in 1892 concluded that almost 16 percent of all voters in Connecticut were "purchasable."<sup>6</sup> In 1910, a judge in Adams County, Ohio, convicted 1,679 persons of selling their votes—more than a quarter of all the electors; further, his inquiries showed that fully 85 percent of the county's voters had engaged in buying or selling their votes at some time in their lives!<sup>7</sup>

Ballot-box stuffing was not abandoned everywhere, of course, as suggested by the exceedingly close 1960 presidential election, which Democrat John F. Kennedy won over Republican Richard M. Nixon by only 118,574 votes.<sup>8</sup> Strong suspicions exist that the Illinois electoral votes were stolen for Kennedy by Mayor Richard J. Daley, who late on election night magically produced just enough of a massive margin in Chicago to overcome Nixon's large lead in the rest of the state. (Thanks to a 319,000-vote advantage in Chicago, Kennedy won a paper-thin victory of 8,858 out of more than 4.7 million votes cast in the state—and thus captured all twenty-seven Illinois electors.)

The loss of Illinois would have reduced Kennedy's Electoral College majority edge to just six, and had he lost Texas as well, the election would have been Nixon's. In Texas, too, substantial voter fraud may well have occurred, though it is impossible to say whether fraud accounted for Kennedy's entire 46,242-vote majority out of over 2.3 million votes cast. One thing is for certain, though: Kennedy's running mate, U.S. Senator Lyndon B. Johnson of Texas, knew where all the votes were buried, and he had practiced electoral skulduggery before.<sup>9</sup> Having lost an agonizingly close U.S. Senate race in 1941 to former Governor Pappy O'Daniel, whose supporters may have stolen it, Johnson was determined to turn the tables when he ran again in 1948. LBJ's alliance with South Texas's political boss, Judge George Parr, known as the "Duke of Duval County," helped him do it. As in 1941, the Democratic primary battle between Congressman Johnson and former Governor Coke Stevenson was as

tight as a tick, and the vote was so close it all came down to Voting Box 13 in Alice, Texas, in the heart of Parr's territory. Several days after the election, Parr's precinct man in charge of Box 13, Luis Salas, "found" 203 more votes, 202 of them for Johnson.<sup>10</sup> Amazingly, these good citizens had voted in alphabetical order, with the same handwriting and blue pen.<sup>11</sup> Moreover, the discovered ballots gave the victory to LBJ by a statewide margin of only 87 votes. Thus was a U.S. senator created by corruption and sent on his path to the Oval Office.

While there is little to admire in the low standards Johnson set, his sins must be interpreted in context. Voting fraud was a way of life in parts of Texas in the 1940s, just as it has been, at various times, in Chicago, Louisiana, West Virginia, New Jersey, and many other places. For much of our history vote fraud has been as American as (sour) apple pie. This is a humbling and sobering reality, and we need to remember this whenever we feel the urge to sanctimoniously condemn wide-scale fraud in other countries' elections. Election reformers still have a full plate right here in the United States.

### The Philadelphia Story

The city where the American democracy was born is now proof of America's continuing corruption of the electoral process.<sup>12</sup> In 1993, a special election was held to fill the vacated 2nd Senatorial District seat in Philadelphia, Pennsylvania. The contestants for the seat, which would determine the balance of power in the state Senate, were Republican Bruce Marks and Democrat William Stinson. Even though the district was substantially Democratic, Marks had come close to winning it in 1990 against veteran state senator Francis Lynch, and after Lynch's death in May 1993, Marks decided to try again. His new opponent, Stinson, was often described as a classic Philly Democratic pol, a deputy mayor who lost a 1991 Democratic primary for a city council seat by a mere seventeen votes.

The battle was fierce, and the campaign attracted statewide attention because the Senate was then divided evenly, twenty-four Democrats to twenty-four Republicans. With a pro-GOP, anti-

Clinton tide running across the country in fall 1993, Marks appeared to surge. Sure enough, Marks received more Election Day votes (those cast in polling places on the day of the election) than his opponent—19,691 to Stinson's 19,127. Yet Stinson garnered an extraordinary proportion of the absentee ballots to turn the tide—1,396 to Marks's 371, yielding totals of 20,523 and 20,062, respectively. The Philadelphia County Commissioners (Democrats Margaret Tartaglione and Alexander Talmadge Jr., and Republican John F. Kane), sitting in their capacity as the County Board of Elections, certified Stinson as the victor of the race on November 18, 1993. State Democrats arranged for Stinson to be sworn into office quickly, before a court could issue an injunction to stop it.

While the board's imprimatur ordinarily would have marked the conclusion of the election, in the case of the Second District it marked the beginning of a lengthy inquiry, by the end of which Stinson was indicted (though not convicted) and Judge Clarence Newcomer of the U.S. District Court for the Eastern District of Pennsylvania condemned the commissioners for permitting blatant violations of state election law and overturned the result of the special election. Stinson was eventually cleared of criminal charges of absentee ballot fraud, but in the civil proceedings, Newcomer found sufficient proof to implicate Stinson in a conspiracy to steal the election, and Stinson was ousted from office. (Several Stinson staffers were even less fortunate; their involvement in the fraud resulted in criminal prosecution and conviction.<sup>13</sup>) *Marks v. Stinson*,<sup>14</sup> the conclusion of candidate Marks's civil challenge to Stinson's victory, marked an extraordinary but necessary intervention of a federal judge into the state's political process to redress claims of civil and voting rights violations. Newcomer's order to certify Marks as the winner on the basis of the machine vote total without considering the absentee ballots cast appears to be unprecedented in modern times.<sup>15</sup>

The vote fraud was documented beyond question.<sup>16</sup> Despite Pennsylvania's strict laws regarding application for, completion, and return of absentee ballots,<sup>17</sup> the Stinson campaign and related organizations engaged in the systematic distribution and collection of absentee ballots, which circumvented the normal process. More remarkably, the Democratic members of the Board of Elections themselves were implicated in the conspiracy, despite the procedural

safeguards they were legally required to observe in order to prevent absentee voting fraud. The electoral process was corrupted not just by a campaign but by those charged with overseeing it.

The competition for the Second District seat was tight enough to convince members of the Stinson organization that fraud was required to ensure victory. In both predominantly white and minority areas, Stinson's campaign and related Democratic Party organizations engaged in a widespread effort to file fraudulent applications for absentee ballots and then ensure the proper choice was made when applicants returned their ballots. Some of the applicants did not realize what they were doing, some were not even registered, and others were browbeaten and intimidated. The Democratic commissioners played a key role in the plot; as Marks recalled, they and their staffs "illegally [gave] absentee ballots directly to my opponent's campaign and to [Democratic] committee people."<sup>18</sup>

Absentee voting in Pennsylvania is not unlike that of most states: exacting statutory guidelines determine the method of application, completion, return, and processing of an absentee ballot. Absence from the state or county of residence, or disability, are legitimate reasons to vote absentee. An absentee ballot cannot be requested more than fifty days prior to the election and must be requested at least seven days before the election. A voter is required to submit an absentee ballot request to his or her local board of elections by the Tuesday prior to the election. Although the Philadelphia board's official policy required a check of each applicant's signature against the file copy, in actual practice it did not do so. When any absentee application is approved, statutory language requires the board of elections to return an absentee ballot only to the applicant, who must mail or return the ballot to the board in person prior to the Friday preceding the election.

The Stinson campaign used two distinct ploys to put illegally obtained absentee votes in its column. First, from July through September of 1993, campaign workers solicited hundreds of absentee applications as part of a canvass and registration effort in predominately white Democratic precincts. Contrary to election law, "many persons who were hesitant to register because they simply did not want to go to the polls were told that they could fill out an absentee application and obtain a ballot out of convenience."<sup>19</sup> The

dates of the applications were left blank to conceal the fact that they were requested either before or after the filing deadline. When William Jones, a Stinson worker, approached the candidate to express his concern over the scheme, Stinson told him "that he was never going to lose another election because of absentee ballots."<sup>20</sup> Robert O'Brien, a campaign staffer, instructed subordinates to deliver the completed applications to the election board's office. As a result, the board sent over 500 ballots to the campaign, which O'Brien then distributed to workers, who proceeded to take them to homes of voters. As Stinson had instructed, the workers directed voters to "either check off the straight Democratic box, or to check off the individual Democratic names, and then to return the completed absentee ballot to O'Brien."<sup>21</sup> About 450 ballots supporting Stinson found their way back in this manner.

More dubious still was the Stinson effort to elicit absentee applications and "correctly" complete ballot packages in Hispanic and African-American precincts. Late in the campaign, polling results provided by the Democratic State Committee indicated Stinson was trailing Marks. The decision was made to target minority precincts in a last-ditch effort to turn the tide in his favor. In essence, the Stinson campaign workers convinced some minority voters that, in Marks's words, "if they wanted to vote from the convenience of their own home that they could do so, and they could just fill out the application and say that they were out of town or make up some medical reason."<sup>22</sup> Ruth Birchett, who directed the Stinson campaign in minority areas, was explicitly assured by both the candidate and one of the election board's Democratic commissioners that the scheme was legitimate, although others in the Stinson organization recalled that a hard-edged cynicism permeated the effort. For example, one staffer reported that the not-funny "joke" in the Stinson campaign was that the Hispanics would sign anything, "a problem exacerbated by the fact that the absentee ballot application included no Spanish language instructions. Some Hispanics were apparently not even aware they were voting. Lydia Colon, for example, thought she was signing a form to request removal of a pile of refuse from her back yard. However, the Democratic canvasser who connived her into signing the ballot did not count on her subsequent decision to go to her polling place on election day and attempt to vote."<sup>23</sup>

The execution of the minority plan mirrored the one used for the majority white precincts: applications were solicited and submitted by the Stinson workers, who then received, distributed, and returned about 600 ballots. Likewise, campaign workers instructed voters to mark their ballots for Stinson. The special twist was that the field staffers were paid one dollar per correctly marked ballot returned. In other words, the Stinson workers distributing the applications and ballots took the supposedly neutral polling place to the voters while serving simultaneously as remunerated flushers and haulers.

The Stinson organization received the funds to implement this plan from several sources, including the Committee for a Democratic Majority PAC (\$4,000) and a PAC associated with Democratic State Senator Vincent Fumo (\$4,000).<sup>24</sup> The money also paid for a phone bank operated in English and Spanish, to inform voters of the "new way to vote." From direct testimony, the dates of the street money contributions, and the receipts retained for payments to workers, Judge Newcomer determined that the ballots—cast overwhelmingly for Stinson—could not have been returned prior to the absentee ballot deadline. Further, it was clear to the court that campaign workers aided completion of the ballots "in the homes of voters and often directed, coerced, and/or intimidated voters to vote for Stinson; . . . [and] the campaign workers had a political and financial interest in obtaining votes for Stinson."<sup>25</sup>

Compounding this disturbing pattern was the active assistance given the Stinson campaign by two election commissioners, both Democrats. These officials casually waived normal procedures, helped to process absentee applications for unregistered citizens, and permitted campaign workers to distribute ballots—all in contravention of the rules, and all consciously designed to result in a Stinson victory.<sup>26</sup> Judge Newcomer reserved some of his harshest language for Democratic commissioners Talmadge and Targaglione, since they "could have prevented much of the illegal activity that occurred even if the Stinson campaign had acted illegally."<sup>27</sup> If the commissioners had required that existing written procedures be followed, for example, the wrongdoing that altered the outcome of the election could not have happened. As Republican election attorney Jack Connors, who worked on this case, suggested, "You had

built-in arrogance of power in a local board of elections that had been in one party's control for over twenty years. The reason why this case is so outrageous . . . was that they thought they were going to get away with this."<sup>28</sup>

This particular instance of fraud, unlike so many others, had a just ending that served as a powerful warning to vote-tamperers. After concluding that nearly 600 absentee ballots had been cast after the deadline by unregistered people, Judge Newcomer stated firmly that "Bruce Marks would have won the 1993 Special Election in the Second Senatorial District" had it not been for the Stinson organization's violation of state election law.<sup>29</sup> Newcomer then evicted Stinson from the state Senate, gave his seat to Marks, and with it, control of the Senate to the Republican Party.

But we need to remember that the Philadelphia fraud was widespread, well established, relatively easy to accomplish, and stayed hidden for a good while. Only an aggressive, generously financed, and thoroughly politicized legal assault on the system that stole an election managed to right the balloting wrong. Most candidates are not so well positioned to pursue suspected fraud—and as a consequence, one suspects, similar or more subtle shenanigans elsewhere may go undetected and unexposed.

## Sweet Home Alabama: Southern Fried Voting Fraud

As Philadelphia's state Senate election suggests, it is the close election that often leads to revelations about voting fraud. (The candidates in close or disputed races are almost inevitably involved in court brawls, and their investigations can turn over rocks that hide sleazy shenanigans.)

Such has recently proved to be the case in Alabama as well. The 1994 election for chief justice of the state Supreme Court yielded a dead heat, with Democratic incumbent Sonny Hornsby losing to Republican Perry Hooper Sr. by fewer than 300 votes out of 1.2 million cast. It had been a high-stakes race, with the trial lawyers backing their former association president (Hornsby) with at least

\$198,519 in campaign expenditures and Alabama business persons and groups spending many tens of thousands of dollars on their favorite son (Hooper).<sup>30</sup> To maintain his narrow lead, Hooper and his supporters launched a preemptive legal challenge after suspecting widespread fraud. Hooper's legal maneuvers were aimed at preventing the counting of 1,700 disputed absentee ballots—ballots that came disproportionately from solidly Democratic counties. The litigation was ultimately successful, permitting Hooper to finally be sworn in as the state's chief justice on October 20, 1995—eleven months after the election.<sup>31</sup> And along the way to this belated victory, the Hooper forces uncovered some disturbing facts about Alabama's electoral process.

Once again, it is the absentee ballots that present an occasion for sin. In Greene County, a heavily Democratic part of Alabama's "black belt," almost a third of the vote was cast absentee, compared to well under 10 percent just about everywhere else. Dozens of absentee ballots were mailed by elections officials to a nonexistent post office box, with many of the ballots allegedly being picked up at the post office by an unknown individual.<sup>32</sup> Local resident Paul Harrington readily observed the telltale signs of absentee fraud. During a meeting with the clerk of the Circuit Court of Greene County (who served as the manager of absentee ballots), Harrington found the clerk had discovered that

approximately 60 applications for absentee ballots were received requesting that the absentee ballots be sent to Post Office Box 115, Eutaw, Alabama, 35462. According to [the clerk], however, she later learned that no such post office box existed. However, as absentee election manager, she was unable to recover all the ballots. . . . Approximately 10 to 20 were . . . picked up by someone from the post office and the post office was unable to identify the individual or individuals retrieving the ballots.<sup>33</sup>

Several dozen other absentees were sent to two Democratic officials, with the party chairman's home listed as the "permanent address" for many of the absentee voters.<sup>34</sup> Other absentee ballots went to the local sewer and water authority, a woman who had moved out of

the county six months earlier, and a man who had died well before the absentee balloting period began. This dead man somehow voted, by the way, while other legitimate voters showed up at Greene County polls on Election Day only to be told they were ineligible because they had supposedly already voted by absentee.<sup>35</sup>

Similar problems cropped up in other Alabama localities. In Houston County, in the far southeast corner of Alabama, a man "dead for seven years," according to his wife, has regularly been recorded as voting by absentee,<sup>36</sup> despite the difficulties in delivering a ballot to the afterlife. Reportedly, political activists would also provide absentees to eligible persons and then take them away after the ballot had been signed, with candidate choices marked only in pencil (or not marked by the presumed voter at all).

Then there were the helpful visits to nursing homes in Montgomery and elsewhere. For example, a young woman observed with absentee ballot materials showed up at the capital city's Tyson Manor Nursing Home shortly before the 1994 elections and "assisted" incapacitated and even comatose patients with their ballots. As one visitor reported: "I had seen [a particular patient] in the bed many times in the past . . . [and] I thought she was comatose . . . [she] was incapable of filling out the forms or even making a mark on the papers. She died three days after this event, which would have been before the election on November 8, 1994."<sup>37</sup> A patient with severe Alzheimer's disease supposedly cast a ballot in another nursing home even though her daughter testified that this was not possible and the woman had been removed from the voting rolls at the family's request the previous summer.<sup>38</sup> As the daughter recalled, "her name still appeared on the list in November, 1994," even though "no member of the family" had applied for an absentee ballot.<sup>39</sup>

Suspicious circumstances were identified all over the Alabama map. Some voting machines were apparently programmed to facilitate voting for Democratic candidates and to discourage GOP votes,<sup>40</sup> according to an affidavit of John Russell Campbell:

You could vote the straight Republican ticket by punching one button at the top of the Republican column and it would light up all of the officials' names in the Republican column. And

then you could reach over and punch the button of individual Democratic candidates or independent candidates and it would light up and cancel the [individual] light on the Republican side and then . . . the votes would be cast. You could not do that if you were voting the straight Democratic ticket. If you punched the light at the top of the Democratic ticket, it would light up the entire Democratic ticket. But if you reached over and tried to vote individual Republican candidates, nothing would happen. The light wouldn't come on and it wouldn't cancel the light on the individual Democratic candidate.

Many absentee ballots from unregistered individuals and other unqualified people were counted by local election officials even though the ballots were challenged by authorized poll workers. Under state law, these suspect ballots are supposed to be separated out from unchallenged ballots so that they can be carefully reviewed; instead, the signed cover sheets were removed and they were mixed in with all other ballots—so it was impossible to identify and retrieve them.<sup>41</sup> The situation apparently approached the proportions of a parody, Campbell said:

Despite my requests (over about a thirty-minute period of time), the Committee continued to open affidavit envelopes and separate them from the ballots at a feverish pace. Whenever I was able to stop the process of opening the affidavit envelopes at one end of the table, the Committee members at the other end would frantically begin ripping envelopes open and separating the ballots.

And despite the closeness of the election, which was obvious to everyone on election evening, the ballots were not secured in many counties. Some ballot boxes were missing, votes from one precinct were combined with another, seals on various containers of votes had been broken, and ballot boxes were openly available in unwatched public rooms.<sup>42</sup>

John Campbell, the dumbstruck Alabama poll watcher, summed up his reactions after a long election day of observing arbitrary, conspicuous, and downright illegal actions by local officials charged

with safeguarding the electoral process: "When I was asked to serve as a Ballot Security Attorney, I could not believe that the election officials in Wilcox County would be capable of tolerating, much less participating in, the type of activities that were described to me as having occurred in the past. Not only was it as bad as it had been described to me, it was worse. I was shocked."<sup>43</sup>

Somewhat surprisingly, Campbell's description of Wilcox County's elections received backing from Dan Warren of the county's own Board of Registrars. When we contacted Warren, he refused to address Campbell's specific allegations but said they were "the tip of the iceberg" and that "there will never be a fair election in Wilcox County."<sup>44</sup>

Of course, there is no mystery about the systemic source of Alabama voting corruption. Election laws and procedures are followed—or ignored—in each county at the discretion of a board comprised of the local sheriff, the probate judge, and the circuit court clerk. Frequently, these individuals are all members of the same political party. An experienced Alabama attorney, currently involved in the search for voting fraud in his state's 1994 elections, offered us an overview of the state's election system:

Do y'all understand how the system is rigged to begin with? Basically what happens is that you're not going to second-guess elections in the absence of strict proof. And then what you do is make sure the people who control the proof are in the inner circle of your party. And therefore, as the process unwinds in the wee hours of the [election] night, based on the information that's available from the media outlets, the inner circle comes up with what [votes] they need. Who's going to rat on them? Who's going to tell on them? Well, everybody knows that election officials never cheat, and after all, nobody can prove they cheat. The only thing that we know is that they're all from the same political party. And nobody would ever think that they would dare violate their oaths of office. And if I sound cynical about it, I am.<sup>45</sup>

All in all, the Alabama electoral process does not seem likely to be

be another deeply ingrained custom in a traditional state slow to change.

## California: The Golden State for Vote Fraud

If mega-state California, as advertised, is the trendsetter for the rest of America, voting fraud will truly be a Malibu-sized wave of the future. For the Golden State has exceptionally serious difficulties in its system of registration, absentee balloting, and election-day voting.

The fundamental difference between California and Philadelphia or Alabama is that the breakdown of the electoral process begins at a much earlier stage than absentee balloting. The voter registration setup is the first source of trouble; not to put too fine a point on it, it is nothing short of a disgraceful mess. California has not thoroughly purged its voting rolls of those who are no longer eligible to vote since 1979, when advocates of greater political participation secured passage of a law permitting the removal of voters' names from the rolls only by means of an inconclusive "negative purge." Voters who have not cast a ballot in two consecutive general elections are sent a postcard asking whether they still live at the listed address. Only if the card is returned as undeliverable is the name stricken. So long as the card is not returned, for whatever reason, the name stays.

Many voters who have died or moved are thus retained on the registration rolls, and as a result there are literally millions of inaccurate or wrongful registrations on file. Many voters have moved out of California but remain on the rolls. Some have simply changed addresses within the state and have duplicate registrations (one each in the new and old locations). In many localities of California, a duplicate registration is recorded if a voter who has moved within a city or county makes the slightest addition or deletion (for example, of an initial or nickname) when he re-registers. A sample of 940 voters requesting absentee ballots in Tulare County discovered, for example, that 92 people had relocated (according to other voters currently residing at each address). Partial voter files showed 20 of this group were recorded as voting in the 1994 general election at their old address. It is not clear whether they returned to vote there,

or they had voted twice (at an old and new address), or there was some other explanation.<sup>46</sup> Other voters have died or been convicted of felonies; either condition normally makes a person ineligible (though a Chicagoan might disagree). And at least a few individuals register twice in order to vote twice. In 1994, there were cases of people (1) voting both absentee *and* on Election Day, (2) voting two absentee ballots, and (3) voting at two different polling places on Election Day.<sup>47</sup>

Phony registrations encourage shenanigans in any place, and California's massively erroneous voter list is an engraved invitation to commit fraud. Incredibly, the most recent official estimates of the "deadwood" on the California voter rolls range from 14 percent to 24 percent of the more than 14 million registered voter total—meaning between 2 million and 3.4 million phony registrations crowd the books.<sup>48</sup> Every election cycle, deadwood voters cause state and local governments to waste \$5 to \$8 million of taxpayers' money printing and mailing voter pamphlets, unneeded ballots, and the like.<sup>49</sup>

Among the many factors responsible for this monumental ineptitude is the failure of bureaucrats at various levels to share death and incarceration records with registrars, as they are supposed to do;<sup>50</sup> the appalling lack of a centralized statewide voter registration list that could at least reduce or eliminate the extraordinary number of duplicate registrations; and most important for our purposes, the existence of a burgeoning, legal campaign industry whose *raison d'être* is the registration of citizens. Political parties, individual campaigns, and ideological interest groups contract with the consulting organizations to find and register eligible persons at a per-head price that ranges from \$1 to \$10. The profit incentive demands a large volume of registrants, obviously, and so the paid solicitors avariciously sign up whoever they can find, often without regard to the legal niceties, including illegal and legal aliens, some juveniles and infants, fictitious individuals, companion animals (known in less sensitive states as "pets"), and even the dead (or "life-challenged" voters). As one California elections official asserted, "You're just asking for trouble. . . . Anytime you pay to register people, you're going to have fraud."<sup>51</sup>

Because California registrars have "a ministerial duty to accept a

registration without investigation, absent any challenge to its validity," the state's registration system is "a system of self-certification, [with no] certainty that a registrant is who he or she claims to be."<sup>52</sup> Since it is widely acknowledged that prosecution for registration fraud is given a very low priority by law enforcement agencies, this is yet another green light to sloppy or unethical work by paid voter solicitors.<sup>53</sup>

The lamentable results of widespread registration solicitation are to be found all over California. In the city of Los Angeles, paid solicitors added over 4,000 fraudulent registrations just in 1992.<sup>54</sup> In Glendale, bounty hunters "found" 190 unregistered voters in a single apartment building, and signed them up (along with a dog)—even though many were apparently already registered.<sup>55</sup> Jailed felons have registered while incarcerated, and other new voters have illegally listed business addresses (including department stores) as their supposed place of abode.<sup>56</sup> Illegal and legal aliens are, without question, on the rolls in many areas. A single precinct in San Diego County was found to have 30 verifiable legal aliens out of just 313 registered voters.<sup>57</sup> Illegals voted in Fresno and Tulare County in November 1994,<sup>58</sup> and a prominent legal alien—a Mexican businessman and a publisher of a Spanish language newspaper—registered to vote in 1987, while in the United States on a tourist visa, and cast a ballot in both 1992 and 1994 despite his lack of American citizenship.<sup>59</sup> Even Mario Aburto Martinez, the Mexican citizen who assassinated the ruling party's 1994 presidential nominee Luis Donaldo Colosio in Tijuana, was a registered voter in San Pedro.<sup>60</sup>

The use of paid solicitors for partisan registration efforts has plagued California for a decade or longer. The Republican Party, finding its share of the registration rolls lacking, engaged in a year-round registration drive as early as 1986. During that year, the party employed approximately 2,000 bounty hunters and paid them \$1 to \$4 per Republican registrant as part of its centralized, coordinated registration campaign. The simultaneous Democratic Party registration drive, though less organized, also utilized paid workers, employing 250 bounty hunters in Orange County alone.<sup>61</sup> In one recent case of bounty hunter abuse, two workers retained by political consultant Michael Long for Republican Brooks Firestone's campaign for the state assembly were arrested for registering the inhabitants of

a graveyard and were actually charged with election fraud. Long's firm paid the two, and approximately fifty others, about \$3 per completed Republican registration card. Unlike their companions, the two copied names from tombstones and submitted the cards to their employer, who reviewed the cards and then forwarded them to the Firestone campaign, which in turn submitted the cards to county officials.

Neither Firestone nor Long's firm was apparently aware the registration cards were fraudulent, and Firestone noted, "We had no intention of engaging in fraudulent registration whatsoever. . . . It wouldn't do us any good, because dead people don't vote."<sup>62</sup> Of course, while the dead logically cannot vote, neither should they be able to register. No evidence suggests that the Firestone campaign intended to capitalize on the life-challenged registrants, but less scrupulous candidates may not find the legal or ethical principles involved very compelling.

The tried-and-true fraud associated with absentee balloting is part of the California picture, too, mirroring the conditions already identified in Philadelphia and Alabama. Jim Boren, reporter for the *Fresno Bee*, described the bold and "sophisticated" pattern of activity by campaign staffers and candidates: "They know what the exact turnaround should be in neighborhoods. The campaigns mail the absentee requests to the elections office, and then they literally follow around the postmen and women as they deliver the absentee ballots back to the residences. They go up to the residences, offer people a stamp, and make sure they vote."

This harvesting of absentees (sometimes called "ballot farming") may simply seem like savvy politics, but violations of law are involved.<sup>63</sup> A recent *San Francisco Chronicle* investigation of one county's elections found that signatures on dozens of absentee ballot request forms did not match the registration signatures on file, yet the ballots were still mailed; and that 1,500 suspect absentee ballots were simply filed away and never referred to the district attorney for investigation.<sup>64</sup> At times, local candidates have directly obtained absentee ballots from the elections office and personally delivered the ballots to voters, entering their homes while the voters were casting them. Campaign workers have also punched holes in the ballots for voters, instructed people who to vote for, handed out free postage

stamps, or simply taken the completed ballots away with them, and occasionally engaged in intimidation of voters during the balloting process.<sup>65</sup> All of these activities can result in misdemeanor or felony charges under existing law. Two recent city council elections in Stockton and Inglewood have been overturned because of absentee ballot hanky-panky of this sort.<sup>66</sup>

Of course, the ultimate form of absentee balloting is voting by the dead. Many years ago, if you planned to remain politically active once deceased, you had to arrange burial in Chicago or Louisiana. Now, apparently, California is an acceptable alternative. For example, in Alameda County a deceased woman's 1994 absentee ballot was cast—the registrar suspects that either her daughter or roommate did it,<sup>67</sup> and in San Francisco one Lazarus who had passed away twelve years earlier (in April 1982) came back to vote in 1994.<sup>68</sup>

The dead are not the only unexpectedly energetic voters on election days in California. Some registered Golden Staters are such good citizens they vote twice—this a result of the widespread duplicate registrations mentioned earlier. In one study of five Central Valley counties following the 1994 general election, 3,300 voters were found to have registered twice. With only very partial records available on some of these voters, 90 were identified as having cast at least two ballots.<sup>69</sup> (Had all data been accessible, the number of "vote-early-and-often" citizens would almost certainly have been higher.) A number of people may also be voting under the names of registered voters who, for whatever reason, are not expected to show up at the polls. On general Election Day 1994 at a Kern County precinct, for instance, a woman was in the process of casting her ballot when another woman (with two female friends) entered the polling place and requested a ballot under the name of the woman who by chance was already in the voting booth. As the legitimate voter objected and stared in disbelief, the impersonator and her accomplices fled the area.<sup>70</sup>

As if all this were not enough to malign California's unsecured electoral system, the record-keeping and vote certification are so sloppy that almost nothing adds up correctly. When the state's Fair Elections Foundation, a nonprofit watchdog group, examined the November 1994 returns from seven counties, the county registrars inexplicably reported totals that differed by many thousands from

ange County, the registrar claimed 627,223 votes had been cast but the secretary of state's office released a final count of 618,448. To make matters worse, the tallies by poll workers of votes cast in each precinct frequently differed from the tallies recorded by the county registrars. In Los Angeles County, fully 40 percent of the 6,104 precincts showed a disparity between the counts of the poll workers and the registrars.<sup>72</sup>

Computer software glitches may well account for some (though not all) of these errors. Still, the mistabulations add to the seeming haphazardness of the laid-back California elections process. When combined with the abundant evidence of voter fraud (both potential and actual), there is but one reasonable conclusion: let honest California elections officials beware, and let concerned citizens be about the business of reform.

These recent California experiences also point to a noteworthy irony that applies to other states and the nation as a whole: laws intended to encourage voting have sometimes become an entrée for vote fraud. The last quarter-century has seen an opening up of the electoral process almost everywhere, as regulations concerning registration and balloting were eased to maximize convenience and turnout. But undeniably there is a hidden cost to these benefits: the resurgence of fraud apparent around the country. Remedies that neatly cure one ill frequently and surprisingly cause another. Just as with well-intentioned campaign finance schemes, the "law" of unintended consequences prevails—and it is a rule rarely given much thought when many reforms are first designed.<sup>73</sup>

## Vote Fraud in Texas: The Wild, Wild Southwest

As we have already demonstrated in this chapter, the Lone Star state—whatever the extent of its electoral hijinks—will never walk alone in the field of voting fraud. Nevertheless, fraud in contemporary Texas is still breathtaking in its boldness and scope, amply fulfilling the state's "bigger and better" stereotype. Reformers bent on cleaning up political excesses had best hope that the state's informal slogan, "Don't Mess with Texas," does not extend to the registration and voting system.

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fraud found in Philadelphia, Alabama, and California: voting by illegal aliens, ballots from the living dead, manipulation of the elderly, double voting, absentee ballot shenanigans, street money incentives, and so on. In addition, some traditions and laws unique to Texas create conditions that spawn even more corruption.

The most egregious of the state's election law provisions permits people to come to the polls on Election Day, and without a recorded registration, to cast a ballot as long as they sign a sworn statement swearing that they are in fact registered in that precinct.<sup>74</sup> These ballots are *not* kept separate so that they can be challenged or checked later. Just in Harris County (the Houston area), 6,707 individuals *who were actually ineligible* voted this way in the 1992 presidential election.<sup>75</sup> Of this substantial total, 1,262 had *never* been registered *anywhere*, and twenty-five of the illegal voters were *convicted felons* not permitted to vote because of their crimes.<sup>76</sup> It took Harris County seven months to conduct the check, long after the election results had been certified. And of course, once again no one knows whether the illegal ballots affected the election since these provisional votes were not segregated from the clearly legal ones. Incidentally, even though it is a felony for a person to "vote or attempt to vote in an election in which the person knows he is not eligible to vote," no punishment is designated for those who "unintentionally" violate the law. Surprise: not a single one of the 6,707 illegal voters was prosecuted because it is very difficult to prove criminal intent.<sup>77</sup> Nor was this merely a localized problem affecting Houston. In the same 1992 general election, over 3,000 unregistered, ineligible people cast a ballot in Tarrant County (the Fort Worth area).<sup>78</sup>

Moreover, Texas has an extraordinarily generous "early voting" system<sup>79</sup> that permits *anyone* age 65 or older, for instance, to use a mail-in ballot (the same kind of ballot as the absentee, except that senior citizens need not be away from home on Election Day or incapacitated to use it). Generally, as Texas examples will show, the more substitutes there are for in-person voting, and the more frequently they are used, the greater the opportunities for voter fraud. To make matters worse, Texas does not require mail-ins and absentee ballots to be accompanied by a witness or notary signature on the sealed envelope that actually contains the completed ballot.<sup>80</sup> Nor is even a full signature by the *voter* necessary on this envelope, even

though a space is provided. Many elections officials permit *any* mark (an "X" or a check) to suffice—making it impossible to verify the voter's signature and easing fraudulent efforts by people who come into possession of absentee or mail-in ballots. In addition, some registrars do not seem to match and carefully compare the signatures on the mail-in ballot application and the actual ballot envelope. One watchdog group counts over 200 instances of apparently differing signatures on the applications and envelopes in the 1994 Democratic primaries just in Galveston County; several races were decided by fewer than 200 votes.<sup>81</sup> A follow-up investigation by the Galveston district attorney's office found "some violations of the Texas Election Code," including a mentally and physically incapacitated voter's ballot being cast by a caretaker who lived in the voter's home.<sup>82</sup>

Some of the elderly—especially the infirm and the poor—are vulnerable to manipulation under this Texas regime. A Lone Star state form of street money pays individuals to organize absentee and mail-in voters.<sup>83</sup> (In Hispanic areas these activists, each paid around \$100 per week, are referred to as the *politiqueras*.) Typical of these activists' targets in recent elections was Edward Taylor of Houston, a seventy-nine-year-old retiree. Prior to a 1993 municipal election, a woman Taylor had never met before arrived at his home and presented him with an absentee ballot *application*, which she mailed after Taylor signed it. Very shortly after the postman delivered the ballot to Taylor's mailbox, the woman returned. Taylor related the events that followed in a sworn affidavit:

Shortly after I received the ballot, the same woman, in the company of a man, came to my house. . . . She used a hole punch to vote my ballot. She then told me to sign my ballot. This woman then put my ballot in the envelope as I was not allowed to mail in my ballot. The woman then took my ballot with her when she left.<sup>84</sup>

As is needless to point out, this entire procedure is not just unorthodox but blatantly illegal.<sup>85</sup>

Compared with some others, Taylor was well treated, and actually given a role . . .

of his ballot. One married couple, Maria and Jesus Casteneda, were misled when a "helper" showed up at their house.<sup>86</sup> Instead of aiding them in marking their ballots for an independent candidate for city clerk, David Pena, as the couple requested, the helper tricked them into checking the "straight Democratic" ticket box. As Jesus Casteneda recalled, "I later found out that I had not actually voted for David Pena and that [the helper] made me believe I did."<sup>87</sup> Another "helper" aided a husband and wife, Charles and Gloria Scott, by voting their ballots and falsifying the certificate signatures on the carrier envelopes.<sup>88</sup> Even more remarkable was the story of Mr. and Mrs. Jim Cheney Jr.<sup>89</sup> Neither of the Cheneys applied for an absentee ballot in 1993, but two arrived anyway. (Someone unknown to them did the application paperwork.) Soon after, Mrs. Cheney received a woman visitor who offered to take her to the polls on Election Day. She declined, indicating she did not plan to vote; she also pointed out the two unrequested ballots, which the visitor cheerfully took off Mrs. Cheney's hands. Of course, the ballots were cast and counted in the election. This was particularly noteworthy in the case of Mr. Cheney, who had died in September 1992. Mr. Cheney came back again to his old home in March 1994, when he seemingly could not resist applying for an absentee ballot to vote in the federal and state primary elections. (Fortunately, the bogus application was rejected this time by an alert registrar.)

In South Texas, meanwhile, remarkably little has changed politically since the days of LBJ's vote stealing. The sheriff is still the premiere power in most counties, with great influence over the electoral process. Some public officials (especially sheriffs) are again on the take, with drugs rather than moonshine being the source of their ill-gotten gains.<sup>90</sup> And all kinds of fraudulent shenanigans remain a staple of political life there. In recent elections, substantial charges included voting by non-citizens, the mailing of blocks of absentee ballots directly to a political party's headquarters, voting twice, intimidation of voters at the polling places, and campaign workers following around postal delivery persons in order to take mail-in ballots from voters' mailboxes shortly after they were delivered.<sup>91</sup> Poll workers have also observed official election judges—supposedly neutral arbiters—exhorting voters in line at the polling places to support a favored candidate or party.<sup>92</sup> And the beat goes

To paraphrase John Donne, no state (except Hawaii) is an island, so Texas shares vote abuse practices with other parts of America. As in Philadelphia, fraud in Texas is bold. As in Alabama, Texas fraud is traditional and institutionalized. As in California, vote fraud in the Lone Star state is assisted by lax state laws that practically invite trouble. But as long-time residents of the state are fond of bragging to outsiders, everything is bigger in Texas, where vote fraud combines all of the polling problems observed elsewhere on our American journey.

## Election Fraud in Perspective

What conclusions are reasonable, now that this electoral tour of some diverse precincts is over? As we asserted at the outset, contrary to the belief of some that voter fraud is a thing of the past existing today only in isolated pockets, if at all, the evidence accumulated in this chapter's case studies strongly suggests a persistent pattern of criminal fraud that is well organized and a continuing part of the political culture in some areas. The fact that fraud is generally not recognized as a serious problem by press, public, and law enforcement creates the perfect environment for it to flourish.

The role played by the news media deserves a special comment. Many of the stories we have just reviewed received little or no national press attention, even when the local media carried news accounts. Perhaps they were seen merely as "isolated" incidents of interest only to the citizens directly affected. Remarkably, though, some of these cases of fraud attracted amazingly light attention from the local news organizations themselves. Partly, as noted at the outset, this results from the mistaken belief among journalists that vote fraud is no longer a serious problem. But it also reflects a lack of knowledge even among opinion makers about vote fraud's resurgence. Less charitably, the coverage vacuum may also be another indication of a disease some reporters may have contracted from extended contact with political professionals: a blasé attitude about some unsavory aspects of the electoral sausage-making process.

In contrast to the absence of the press, the alert reader has probably already noticed that Democrats feature prominently in almost

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Democrats take umbrage, and the Republicans mount a high horse, an explanation is in order. First, the GOP is fully capable of voting hijinks when circumstances permit. For example, the two Ventura County workers who were arrested in October 1994 for collecting the names of newly registered voters from tombstones were working on behalf of a Republican candidate for the legislature.

Another hotbed of Republican vote fraud is rural southeastern Kentucky, where a sizable number of GOP local candidates, consultants, and precinct workers have recently been caught paying off voters to cast their absentee ballots "correctly," among other offenses.<sup>93</sup> Several decades later, the price of a vote was still reasonable—five dollars or a half-pint of whiskey—but by the 1980s and 1990s a combination of inflation and candidate competition had driven the per-vote cost to about \$50.<sup>94</sup> Despite the substantial increase, various local Republican politicians and their absentee-ballot "brokers"—frontmen who give people cash in exchange for their marked and signed absentees—were more than willing to pay the price.<sup>95</sup>

"It's a way of life," commented former assistant state attorney general Dale Wright, who was assigned to the vote fraud hotline in his office. "It is basically conceded in Kentucky that people have a constitutional right to sell their vote. We laugh about there being three Kentucky cash crops: tobacco, marijuana, and votes."<sup>96</sup> Wright describes a particularly blatant form of vote-buying in some Kentucky precincts:

Sometimes the buying or selling [of votes] is done right at the door of the polling place. The [vote-buyers] are stationed at the end of the road leading to the [precinct], and trucks stop and the drivers are given a kind of business card. Then these [bought] voters go into the polls and the [partisan] election judges see the card, know exactly where it came from, and watch to see that the voter votes correctly . . . Then one of the judges will tear off a certain corner of the card. When the voter drives off, he stops to see the vote buyer at the end of the road, presents the torn card, and is paid.<sup>97</sup>

Moreover, in some parts of the state, says Wright, "The patriarch or

family to the highest bidder, and once [he or she's] been paid, [all family members] file for absentee ballots, sign them, and turn them over" to the party or candidate's agent. By the way, Wright knows whereof he speaks, and not just because he worked in law enforcement. "Hell, I was part of it. My first year out of law school, in 1971, I hauled half-pint whiskey bottles all [election] day around the polling places, and I took the money to the family patriarchs" at a time when he was active in partisan politics.

Kentucky and a few other places aside, Republicans have fewer opportunities for vote fraud available to them. In many states, particularly in the South and some border states, the GOP has rarely if ever controlled the local and legislative offices necessary to set the rules and manipulate the election process. Alabama and Texas clearly demonstrate this, although in those states and elsewhere in Dixie, Republicans are beginning to make the necessary gains at the ballot box that will change the balance of power in many localities.

In and out of the South, another factor is also at work: the hard reality of economic and class politics. In most areas, the Republican base consists primarily of white-collar, managerial professionals, as well as Christian conservatives. Neither group is easily induced to commit fraud; community standards, cultural values, "clean government" orientation, high education level, and/or the lack of a financial incentive to commit fraud for just a few dollars work against any Republican Party operative who seeks to draft them into any illegal schemes.

By contrast, the pool of people who appear to be available and more vulnerable to an invitation to participate in vote fraud tend to lean Democratic in their partisan predisposition, such as low-income minorities.<sup>98</sup> The usual turnout among African Americans and Hispanics is disproportionately low, and Democratic organizers are often desperate to boost their participation rate. Some liberal activists have even partly justified fraudulent endeavors on this basis; those making this case say it is unfair that the voices of the poor and dispossessed are muted at the ballot box, and therefore extraordinary measures (for example, stretching the absentee ballot or registration rules) are required to compensate.<sup>99</sup> To most observers, though, the rationalization that the end justifies the means is not very convincing. The 1993 passage of the "Uniformed Services of Health

reduced whatever cogency such an argument possessed. (This bill, which also potentially increases the opportunities for vote fraud, is discussed in chapter 11.)

Less partisan readers might wonder more about the breadth of election fraud. Are polling problems restricted just to the four hot spots we investigated, or do they characterize the American electoral process generally and range more widely? Our strong suspicion—based on dozens of unexplored tips from political observers and interviewees—is that some degree of vote fraud can be found almost everywhere, and serious outbreaks can and do occur in every region of the country. In New Jersey, for instance, nearly 1,000 illegal votes were cast in Hudson County (Jersey City) in a 1989 election, including some by people who were unregistered and others who were dead.<sup>100</sup> In addition, several dozen psychiatric patients—some of whom believed Franklin Roosevelt or Harry Truman was still president—managed to cast absentee ballots in a local 1993 election in Secaucus.<sup>101</sup> And, one of our interviewees, Republican political consultant Ed Rollins, claimed in a session with us that in the 1993 New Jersey gubernatorial election, there were precincts with 100 to 200 votes recorded for the Democratic candidate, Governor James Florio, before the polls opened. Rollins blamed "Democratic sheriffs in control of the machines."<sup>102</sup>

Granted, vote fraud has been a staple of New Jersey's history; as one chronicler wrote, "What Renaissance Italy was to art, the old-time Garden State was to vote fraud."<sup>103</sup> However, places with relatively spotless records, where the authorities are convinced that the electoral process is clean, may be especially vulnerable to fraud. Virginia is a perfect example. Though administratively well run, the elections process in the prideful Old Dominion may be too reliant on an outdated "honor system" and sense of civic security. One can cast a ballot in Virginia on Election Day without displaying any identification. All one must do is give a name and an address to a poll worker who then checks the official voter list—a procedure potentially wide open to fraudulent manipulation.

Whether fraud is Democratic or Republican, or located in the North or the South or the West, the effect on American democracy is similar. While electoral hanky-panky affects the outcome in only a small proportion of elections (mainly in very tight races), even one

fraudulent ballot is too many. The superstructure of any representative democracy ultimately rests on the soundness and integrity of the elections that produce its governors. Most important of all, citizens must have complete confidence that the declared winners are the actual winners; otherwise, the motivation to participate in elections is destroyed. Millions of citizens are already convinced that their one vote matters too little to exercise the franchise. Once the pattern of election fraud becomes too obvious for the media to ignore, and the public begins to suspect or believe elections can be stolen, then American democracy's currently tenuous hold on many individuals may well dissipate.

Therefore, the need for reform is urgent and clear. Voter turnout in the United States is traditionally too low, and cynicism among citizens too high, to permit the malodorous malady of election fraud to continue unchecked—or to spread. Fortunately, some simple procedural changes, combined with newly advanced technology, can make a real difference in this corrupt province, and proposals in both categories will be set forth in chapter 11.

## Notes

- In a letter to Gibson dated August 9, 1993, Secrest accused the reporter of "a pattern of very disturbing behavior . . . potentially including . . . receipt of stolen materials, . . . fraudulent means to acquire propriety [sic] trade materials, and . . . harassment of employees in a dark parking lot as they left work." No action followed, and the facts of Gibson's reporting were never convincingly challenged or refuted.
43. The average population of registered voters per district was approximately 30,000, so as many as one of every twenty households containing a registered voter was being reached—a sizable proportion if one's goal was to spread rumors.
  44. Nine separate questions in the poll posed negative arguments about Orrock. The respondent was asked to state whether each argument was "a very persuasive reason not to reelect him," "an only somewhat persuasive reason," or "a not at all persuasive reason."
  45. Wisconsin Republicans have also been targeted in state legislative races. These push-polls were reportedly conducted by the National Education Association's Wisconsin affiliate. See Harwood and Pearl, "In Waning Campaign Hours." See also Judy Williams, "5th District Candidates Pull Plug on Phone Calls," *Appleton (Wisconsin) Post-Crescent*, October 9, 1994, p. B8; and Judy Williams, "Candidates at Odds Over Phone Tactics," *Post-Crescent*, October 29, 1994, p. B1.
  46. See Phil Porado, "A Case Study: How Negative Phoning Didn't Work in Two State House Races," *Campaigns and Elections* 13 (April 1992): 62; Buddy Nevins, "Many Undecided about Candidates in Upcoming Primary," *Fort Lauderdale Sun-Sentinel*, August 28, 1994, p. B4.
  47. Telephone interviews with Haley Barbour, February 26 and May 31, 1995.
  48. Barbour noted, "At one point, we considered a script saying, 'If the Democrats contact you, would you call [the following] 800 number.' But we ended up not doing that because it was kind of complicated."
  49. The information in this section is taken from Maloney's testimony before the Federal Election Commission on March 8, 1995.
  50. See Scott Lehigh, "Kennedy Camp Reacts Angrily to 'Push-poll,'" *Boston Globe*, November 5, 1994, p. B18.
  51. The calls also tied North to the Reverend Jerry Falwell and U.S. Senator Jesse Helms (Republican of North Carolina). See Laurie Kellman, "Robb callers tie North to David Duke," *Washington Times*, October 28, 1994, p. A14; Laurie Kellman, "North Says Recent Troubles Won't Keep Him out of the Senate," *Washington Times*, October 29, 1994, p. A1; and Margaret Edds, "Get-Out-the-Vote Efforts Crucial in Close Senate Race," *Virginian-Pilot*, October 30, 1994, p. A2.
  52. News Staff, "Bird Says Benson 'Survey' Is Just a Dirty Political Trick," *Rocky Mountain News*, July 23, 1994, p. A8.
  53. See Harwood and Pearl, "In Waning Campaign Hours."
  54. See R. H. Melton, "Poll Firm That Irked Voters Paid by Coleman," *Washington Post*, November 1, 1989, p. A1.
  55. Interview with Mark Sanford, January 24, 1995.
  56. Interview with Geoff Garin, April 13, 1995.
  57. Interview with Karan English, January 13, 1995.
  58. Telephone interview with Steve Horn Jr., campaign manager for his father, February 17, 1995. Horn Jr. suggests that the push-polling for his father's 1994 Democratic foe, Peter Mathews, was done by a prominent Democratic telephone bank firm, Gordon and Schwenkmeyer. Indeed, Mathews's filings with the Federal Election Commission show two late payments to the firm, \$10,000 on November 6, 1994, and an additional \$3,270 on November 13, 1994. Mike Gordon, president of the firm, declined to comment on the substance of the allegation, citing his firm's policy of "not discuss[ing] clients with anyone." Telephone interview with the authors, July 20, 1995.
  59. Telephone interview with Tim Tomkins, February 2, 1995.
  60. Interview with Steve Chabot, November 30, 1994.
  61. Interview with Herb Klein, January 17, 1995.
  62. Interview with Mike Synar, January 27, 1995. Also interview with Amy Tobe, Synar's campaign manager, March 6, 1995. According to our interviewees, computer-automated calls are often made when the message is brief and no response from the listener is required. The technology exists for computer-automated phoning that includes listener response, but it can be clumsy or off-putting to those at home.
  63. See Mike Oliver and Michael Griffin, "Plot Thickens as Politicians Resort to Pulling Dirty Tricks," *Orlando Sentinel Tribune*, October 11, 1992, p. B1.

## CHAPTER 10. VOTE FRAUD

1. In the 1994 general elections there were several well-publicized close contests in which vote fraud was alleged, including the Maryland gubernatorial race, won by Democrat Parris Glendening over Republican Ellen Sauerbrey by 5,993 votes out of more than 1.4 million cast; a North Carolina U.S. House contest in District 7 won by incumbent Democrat Charles G. Rose over Republican Robert Anderson by 3,821 votes out of 121,519 cast; and a California U.S. House race in District 36 between incumbent Democrat Jane Harman and GOP challenger Susan Brooks, which Harman won by only 812 votes of 195,808 cast. In this chapter, however, we have chosen to focus on less well-known examples that are indicative of systemic corruption.
2. Bruce L. Felknor, *Political Mischief: Smear, Sabotage, and Reform in U.S. Elections* (New York: Praeger, 1992), p. 160; see also pp. 155–82.

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3. For a classic treatment, see Paul Leland Hayworth, *The Hayes-Tilden Disputed Election of 1876* (Cleveland: Burrows Brothers, 1906).
4. Louise Overacker, *Money in Elections* (New York: Macmillan, 1932), p. 31.
5. Many "floaters"—individuals who would roam from precinct to precinct, casting a ballot at each one—were imported from other cities and towns to perform this extraordinary civic "duty." The practice may be the origin of the old aphorism, "Vote early and often."
6. J. J. McCook, "Venal Voting: Methods and Remedies," *Forum* 14 (September/October 1892): pp. 1, 159; as cited in Overacker, *Money in Elections*, p. 32.
7. A. Z. Blair, "Seventeen Hundred Rural Vote-Sellers," *McClure's* 38 (November 1911): 33; as cited in Overacker, *Money in Elections*, p. 33.
8. For further details on the 1960 election, see Theodore C. Sorensen, *Kennedy* (New York: Harper and Row, 1965), chap. 8, pp. 211–23; Stephen E. Ambrose, *Nixon* (New York: Simon & Schuster, 1987), chap. 26, pp. 584–608; and Theodore White, *The Making of the President 1960* (New York: Pocket Books, 1961).
9. As Johnson underling L. E. Jones later reported, LBJ had an early introduction to the (under) world of voter fraud. Working for the left-leaning Maury Maverick in his winning 1934 congressional campaign, Johnson sat at a table covered with money and paid barely bilingual Mexican-Americans in multiples of \$5 bills. Jones realized that Johnson was paying each man \$5 for each eligible voter in his family. See Robert A. Caro, *The Years of Lyndon Johnson: The Path to Power* (New York: Alfred A. Knopf, 1982), pp. 276–77. Johnson put this experience to good personal use in 1937, campaigning in his successful bid to fill Texas's Tenth Congressional District seat, which had been vacated by the death of James P. Buchanan. Caro reports that Johnson bought votes in African-American and Czech communities.
10. Parr ordered Salas to come up with the needed votes in a meeting attended by Johnson himself, according to Salas. Decades later, Salas admitted that two deputy sheriffs added the extra names to the voter list, at his direction. Most observers at the time strongly suspected this skulduggery, but efforts in the Democratic state committee and in the courts to change the results failed. See James W. Mangan, Associated Press interview, July 30, 1977. For a more extensive account of Johnson's Box 13 shenanigans, see Caro, *The Years of Lyndon Johnson*, chaps. 14 and 15, pp. 318–412.
11. The hundreds of previous signatures were written in different color inks, and were clearly signed by each individual voter separately.
12. The first draft of the Philadelphia section was researched and written by University of Virginia graduate student Charles H. Woodcock.

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13. See "Stinson Cleared of Election Fraud," United Press International regional news, June 22, 1994. There was insufficient evidence to tie Stinson directly to the fraudulent efforts made on his behalf. The Democrat had been specifically charged with unsealing and counting absentee ballots, as well as unlocking voting machines in his own precinct. For a description of the pretrial proceedings, see Marc Duvoisin, Daniel Rubin, and Henry Goldman, "Stinson, 2 Aides Are Indicted; Charges Center on Absentee Ballots," *Philadelphia Inquirer*, March 13, 1994, p. A1.
14. Newcomer's final opinion in the *Marks v. Stinson* case (1994 U.S. Dist. LEXIS 5273; hereafter, *Marks v. Stinson*) was actually the second time he ordered Stinson stripped of the seat and certified Marks. The proceedings occurring prior to his April 26, 1994, decision are complicated, and an accounting of the entire obstacle course Marks was forced to run in order to gain redress would require a chapter in itself.

Marks's appeal through the state court system proved futile. The Marks campaign was actually aware that absentee malfeasance had occurred prior to election night. Even so, Steve MacNett, a Pennsylvania lawyer who worked on Marks's appeal, explained that at each of several stages of the appeal process, "the apparent over-politicization of the Pennsylvania Courts, especially in Philadelphia," prevented successful action. MacNett continued, "[The] three judges he was before in Philadelphia, each of them has deep ties to the Democratic party establishment" (interview with Steve MacNett, July 18, 1995).

Marks's inability to gain redress quickly was compounded by the actions of the County Board of Elections, which prompted Judge Clarence Newcomer to note that "the actions of the board [of Elections] were designed to, and did in fact, prevent any realistic opportunity to appeal the certification in the State court system. . . . Defendants allege plaintiffs consistently failed to avail themselves of the proper appeal procedures. Plaintiffs were never given the opportunity to present their claims because the safeguards failed at every level" (1994 U.S. Dist. LEXIS 5273, 58).

With his appeal to the State Supreme Court pending, Marks filed for redress in federal court. Judge Newcomer found his claims compelling, and on February 18, 1994, delivered his initial injunction stripping Stinson of the seat, threw out all absentee ballots, and ordered the Board of Elections to certify the victor of the machine vote, that is, Marks. While federal judges have in the past overturned the results of state elections on civil and voting rights grounds, this was the first occasion a federal judge simply installed the opposing candidate in office rather than ordering a new election.

However, Newcomer was found to have exceeded his authority by the court of appeals. (See his original opinion, *Marks v. Stinson*, 1994 U.S. Dist.

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LEXIS 1586, order overturned.) The Third Circuit Court of Appeals upheld the portion of Newcomer's order stripping Stinson of the seat, but vacated his order to install Marks. While the Circuit Court agreed the District Court was correct to claim jurisdiction, proof of voter fraud was not sufficient to award the seat. Writing for the court, Judge Stapleton, stated, "The district court should not direct the certification of a candidate, unless it finds, on the basis of record evidence, that the designated candidate would have won the election but for wrongdoing" (19 F.3d 873, 889 [3d Cir. 1994]). The appellate judges relied on *Griffin v. Burns* (570 F.3d 1065 [1st Cir. 1978]) to suggest that Newcomer's order to install Marks might be unconstitutional, creating an opportunity for voters to challenge the decision under the Federal Voting Rights Act. Because Newcomer's order voided all absentee ballots cast, it inevitably voided some that were lawfully and properly cast. The First Circuit in *Griffin* "concluded that rejection of a ballot where the voter has been effectively deprived of the ability to cast a legal vote implicated federal due process concerns" and possible Fourteenth Amendment violations (*Marks v. Stinson*, 19 F.3d at 889).

The second opinion, which we discuss in the text, was the result of the circuit court's remand to Newcomer. See particularly Newcomer's analysis of the number of illegal absentee ballots and the statistical tests used to corroborate his findings. Newcomer went to great pains to show that the Stinson campaign's "dollar a ballot" drive produced approximately 600 fraudulent votes (greater than the 461 needed to change the election results). He also found via expert testimony that Stinson received approximately 1,000 more absentee votes than expected.

The story does not end here, however. Stinson unsuccessfully appealed Newcomer's second opinion to the Third Circuit in August 1994, and then in January 1995, to the U.S. Supreme Court, which declined to overturn or comment upon the judgment. In the (presumably) final chapter of the story, Marks ironically lost his hard-won seat in the regular 1994 general election to Nina Tartaglione, the daughter of Democratic County Commissioner Margaret Tartaglione, who had been implicated in the scandal that denied Marks the seat to begin with. (See "Recount Shows Marks Still a Loser," United Press International regional news, November 14, 1994.)

15. See, for example, *Griffin v. Burns* (570 F.2d. 1065, 1st Cir. 1978), the case cited by the Third Circuit panel to justify remanding the case to the district court. In this case, Providence election officials distributed absentee ballots for a primary city council contest, although Rhode Island law only provides for absentee voting in general elections. The Rhode Island

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tees in primary elections, decertified the primary victor, and ordered recertification based only on machine votes—which also changed the outcome of the election. However, the circuit court agreed with absentee voters' claims that the lower court ruling effectively disenfranchised them, vacated the order to certify on the basis of the machine count, and ordered a special election. Note, however, that the *Burns* case did not involve fraud per se, and the Third Circuit left Newcomer the option to certify Marks if he found the Republican would have been elected but for the wrongdoing.

16. See "Improper Ballots Turned Election," *Philadelphia Inquirer*, March 25, 1995, p. A1. The *Inquirer's* investigation, which required a massive effort, indicated that at least 540 absentee ballots cast for Stinson were tainted, a number that exceeded his margin of victory.
17. PA Stat. Tit. 25, 3146.1–3146.6 (1994).
18. Interview with Bruce Marks, July 18, 1995. In addition, several hundred rejected applications (some of which were for unregistered individuals, and some of which were simply fraudulent) were covertly returned to the Stinson campaign to prevent their discovery. These documents are public records, and should have been preserved for two years.
19. *Marks v. Stinson*, 1994 U.S. Dist. LEXIS 5273 p. 23.
20. *Ibid.*, p. 26. As noted above, Stinson had narrowly lost an election for a Philadelphia city council seat in a June 1991 Democratic primary. For a fuller account of Jones's recollections of his work for Stinson, see also Henry Goldman and Sergio Bustos, "Campaign Worker Says Stinson Ignored Warning on Ballots," *Philadelphia Inquirer*, February 8, 1994, p. A1. Stinson, on the other hand, challenged Jones's credibility and claimed that he deliberately maintained his ignorance of many details of his campaign, including the absentee ballot program. See Mark Fazlollah, "Stinson Said He Stayed Clear of Details," *Philadelphia Inquirer*, February 8, 1994, p. A1. Stinson's argument, however, contradicts the testimony of many of those who worked on his campaign; see Marc Duvoisin, "Absentee-ballot Quest Described as Obsessive; Aides Say Stinson Discussed It Frequently," *Philadelphia Inquirer*, March 13, 1994, p. A1. Ironically, Marks later recalled that Daniel McElhatton, Stinson's opponent in the 1991 city council primary, was one of the sources who suggested he investigate Stinson's use of absentee ballots: "I ran into [Daniel McElhatton] who had run against my opponent in a 1990 primary, . . . and he just recommended to me that I look into the absentee ballots" (interview with Bruce Marks, July 18, 1995).
21. *Marks v. Stinson*, p. 23.
22. *Ibid.* See also *Marks v. Stinson*, p. 31, where Judge Newcomer notes the scheme: Hispanic and black voters were also told "that the law had been

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- changed and there was a 'new way to vote' from the convenience of one's home."
23. For a more complete account, see "Voters Say Ballots Were Forged," *Philadelphia Inquirer*, November 21, 1993, p. A1; and John F. Dickerson, "Is This Seat Stolen? Angry Republicans Contend That Dirty Tricks at the Polls Tipped the Balance of Power in Pennsylvania," *Time*, February 7, 1994, p. 34.
  24. *Mark's v. Stinson*, p. 36.
  25. *Ibid.*, p. 39.
  26. One of the Democratic commissioners even gave an order to "stay out of it" to an elections board employee who ascertained that unregistered citizens had applied for absentee ballots and so informed the commissioner.
  27. *Mark's v. Stinson*, p. 55.
  28. Interview with Jack Connors, July 18, 1995.
  29. *Mark's v. Stinson*, p. 47.
  30. Office of Alabama Secretary of State, Elections Division. As was the case with the Philadelphia story, where party control of the Pennsylvania state senate was at stake, the significance of the Alabama election was tied to a larger issue current in the state at the time. Tort reform, which gained national prominence in the Republican Party's "Contract with America," is an especially significant issue in Alabama, as in many states where judges are elected. Plaintiff trial lawyers categorically oppose regulatory efforts to limit jury awards for punitive damages and pain and suffering in civil liability suits. Alabama is distinguished by the large dollar amounts that juries award to plaintiffs, and by the fact that the state appeals courts, including the Supreme Court, often maintain the amounts set by juries. Hornsby is the past president of the Alabama Trial Lawyers Association and is critical of tort reform. Hooper and the Alabama Business Council are outspoken proponents of reforming tort award limits. The Hornsby-Hooper race is therefore symbolic of the wider issue.
  31. The United States Court of Appeals for the 11th Circuit requested that the state Supreme Court clarify the status of the 1,700 absentee ballots under Alabama electoral law prior to ruling on the merits of Hooper's supporters' claims. A five-judge panel of the state Supreme Court (not including Hornsby), all Democrats, ruled on March 15, 1995, that by Alabama Code 17-10-7, the ballots were in substantial compliance with Alabama electoral law and should be counted despite the fact that the affidavits attached to the ballots were not notarized or witnessed by two individuals, as required. This ruling would place their colleague Hornsby back on the bench. The circuit court is currently considering the panel's opinion and as Hamner noted, "This isn't even close to being over." (See

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- Ronald Smothers, "Court Orders Votes Counted in Alabama," *New York Times*, March 16, 1995, p. A23.) However, in September 1995 a U.S. district court judge in Mobile threw out the disputed absentee ballots, and the U.S. Court of Appeals then upheld the judge's decision, thereby clearing the way for Hooper's swearing-in, at long last. (See "Chief Justice Takes Office in Alabama," *New York Times*, October 22, 1995, p. A25.)
32. Affidavit of Paul J. Harrington, November 20, 1994. All affidavits cited in this section are public record, and were submitted as documentation for *Larry Roe et al. v. Mobile County Appointing Board et al.* (Civil Action 94-885-AH-S).
  33. Affidavit of Paul J. Harrington, November 20, 1994.
  34. Affidavit of Pam Montgomery, November 11, 1994.
  35. Affidavit of H. O. Kirksey, November 21, 1994.
  36. Affidavit of Anthony J. Keith, November 14, 1994. See also affidavit of Juanita Crawford, November 1994.
  37. Affidavit of Jacquelyn Gandy, November 22, 1994.
  38. Testimony of Helen Watts, from transcript of Civil Action 94-885-AH-S, *Larry Roe et al. v. Mobile County Appointing Board et al.* (preliminary injunction hearing before Judge Alex Howard [U.S. District Court, Southern District of Alabama]), pp. 122-28.
  39. *Ibid.*
  40. Affidavit of John Russell Campbell, November 15, 1995.
  41. *Ibid.* See also affidavit of John Modris Grods, November 14, 1994.
  42. Testimonies of William Moulton and Murphy Gewin, from transcript of Civil Action 94-885-AH-S, *Larry Roe et al. v. Mobile County Appointing Board, et al.* (request for temporary restraining order before Judge Alex Howard [U.S. District Court, Southern District of Alabama]), pp. 48-63 and 109-11.
  43. Affidavit of John Russell Campbell, November 15, 1994.
  44. Telephone interview with Dan Warren, July 20, 1995. Warren is a member of the Board of Registrars.
  45. Telephone interview with attorney Albert Jordan (of Wallace, Jordan, Ratliff, Byers, & Brandt), March 27, 1995.
  46. See Doug Haaland and Doug Swordstrom, "A Report on Election Law Irregularities: California 16th Senate District," personally published report, January 27, 1995, p. 8.
  47. See "Report of the Fair Elections Foundation (II)" (Costa Mesa, Calif.: self-published, winter 1995), pp. 34-48.
  48. See "Report of the 1995 Elections Summit" (Sacramento, Calif.: Office of the California Secretary of State, April 18, 1995), pp. 11-14. Karen Saranita, of the nonpartisan watchdog group Fair Elections Foundation, estimated that the deadwood clogging the registration rolls was in the

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