

Notes

- range of 14–17 percent, while Trudy Shaffer, of the California League of Women Voters, cited an estimate of 24 percent from a study conducted in the 1980s.
49. Secretary of State Jones estimated “deadwood” costs for the state of California at between \$3 and \$5 million. Similarly, Associated Press reporter Doug Willis estimated that registration inaccuracies cost the state government \$5 million and local governments an additional \$3 million. See “Report of the 1995 Elections Summit,” p. 14; and Doug Willis, “Deadwood on Voter Registration Rolls Wastes Millions for Taxpayers,” AP News Analysis, May 1, 1995.
 50. The lists have apparently been lost in the shuffle of bureaucracy, and the names of dead voters who passed away in the early 1980s are still on the rolls in good standing. This problem was discussed at length at the Election Summit. (See the “Report of the 1995 Elections Summit,” p. 13.)
 51. Ventura County elections head Bruce Bradley, as quoted in the *Los Angeles Times*, October 28, 1994, p. B1.
 52. See “Report of the 1995 Elections Summit,” p. 16.
 53. *Ibid.*
 54. See “Report of the Fair Elections Foundation (I),” p. 4. The Los Angeles County registrar’s office disputes this figure. In an interview with the authors on July 20, 1995, Wendell Patterson, manager of the records division, said there is “no positive proof” that 4,000 people illegally registered to vote, and he stressed that under California law, when a person signs the affidavit on the registration card, the registrar cannot challenge its authenticity or any information on the card. Of course, this provision of the law in itself may be a problem.
 55. Robert B. Gunnison, “Registrars Seek Voting Reform,” *San Francisco Chronicle*, February 23, 1995, p. A16.
 56. See Haaland and Swordstrom, “A Report on Election Law Irregularities,” p. 9.
 57. See “Report of the Fair Elections Foundation (I),” p. 61.
 58. Haaland and Swordstrom, “A Report on Election Law Irregularities,” pp. 7, 9. In a letter to us dated July 13, 1995, Norma Logan, assistant registrar in Fresno County, wrote that while she has “no direct knowledge or proof that illegal aliens are voting,” there are “many allegations about it, and the possibility is that some may be voting.”
 59. See “Report of the Fair Elections Foundation (I),” p. 62. The man in question is Eduardo Rivera, who publishes *Nuestra Gente*.
 60. See Shawn Hubler, “County Ordered to Tighten Rules for Voter Registration,” *Los Angeles Times*, March 30, 1994, p. B3. He registered in September 1990, when he was nineteen years old, and re-registered in 1993, changing his address and his party affiliation from American Independ-

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- dent to Democrat. There is no record of Martinez actually casting a ballot. His intention may have been to gain documentation in order to qualify for welfare benefits, as Congressman Steve Horn pointed out. (See *Congressional Record*, April 20, 1994.) Or like other illegals, he could have been seeking a voter registration card in order to obtain a separate border-crossing card that facilitates transit across the border and qualifies the holder for a California driver’s license. (A notarized voter card can be used to secure the border document—see the “Report of the Fair Elections Foundation [I],” p. 4.)
- Ironically, Luis Donaldo Colosio, the man Aburto assassinated, had pledged to depart from the fraudulent electoral practices that have severely damaged the credibility of the Institutional Revolutionary Party (PRI), including massive, systemic voter fraud. To his credit, as president of the PRI, Colosio conceded his party’s loss to the right wing National Action Party (PAN) candidate in the gubernatorial race in Baja California Norte, the first such defeat in 60 years. (See Larry Rother, “Mexico’s Ruling Party Concedes First Defeat in a Governor’s Race,” *New York Times*, July 6, 1989, p. A1.) However, Colosio was also the campaign manager of former President Carlos Salinas’s 1988 presidential campaign, the conclusion of which was marred by widespread evidence that the PRI stole the election from Salinas’s opponent, Cuauhtemoc Cardenas. See David Gardner, “Mexico’s New Man Bows to the Past; Mexican Elections,” *Financial Times*, May 22, 1988, p. 4.
61. See Lanie Jones, “Veteran GOP Director Leads Charge in Voter Registration Campaign,” *Los Angeles Times*, October 5, 1986, pt. 2, p. 1.
 62. See Matthew Mosk, “Two Accused of Voter Registration Fraud,” *Los Angeles Times*, October 28, 1994, p. B1. This case is also mentioned later in the chapter. In another example of registration excess, twenty-six transient residents of a Salvation Army shelter were registered and requested absentee ballots, but left before the election. See Robert B. Gunnison and Susan Yoachum, “Abuses Cast Doubt on State Voting System,” *San Francisco Chronicle*, February 22, 1995, p. A1; and Robert B. Gunnison, “Registrars Call for State Voting Reform,” *San Francisco Chronicle*, March 27, 1995, p. A15.
 63. Under California election law, a “helper’s punching holes in other people’s absentee ballots, his or her instructing voters in their choice of candidates, or handing out free stamps are misdemeanors, and his or her handling or mailing of another individual’s absentee ballot is a felony offense.” Now a sophisticated process, absentee “farming” skirts the law, and in some cases violates it.
 64. See Gunnison and Yoachum, “Abuses Cast Doubt on State Voting System,” p. A1.

65. Ibid.
66. Ibid. According to the article, although it is illegal for a candidate to electioneer "while in the residence or in the immediate presence of the voter, and during the time he or she knows the absentee voter is voting," candidates have admitted on the record to engaging voters completing absentee ballots. As explained by Fresno City Council candidate Dan Ronquillo, "there was nothing wrong with entering voters' homes and answering their questions while they voted." (Quoted in Ibid.) However, evidence existed that Ronquillo did more than answer questions; as Gunnison and Yoachum found, "Some voters said in interviews that they felt pressured by Ronquillo. 'He wanted to help me fill out my ballot,' said one elderly voter. 'You know, that's as private as my purse.'"
- Ronquillo's actions certainly had precedents in Fresno. City councilman Homero Espinoza, elected in 1992, was found guilty of voter fraud in 1995. Among other offenses during his campaign, Espinoza personally took and cast other people's absentee ballots, in some cases having the unmarked ballots mailed to his own post office box. Espinoza won by just thirty-four votes in an election where an extraordinarily high 35 percent of the ballots were cast by absentee voters. (Probation report of Homero Espinoza, Fresno County Superior Court Case No. 503088-7, released to us by letter on May 30, 1995, by County Counsel Phillip S. Cronin.)
67. Letter to the authors from Bradley J. Clark, Registrar, County of Alameda, dated July 31, 1995. Mr. Clark pointed out two loopholes in the California process for removing the deceased from the voting rolls: "Alameda County residents who die outside the county have their death records reported in the county of death. These records are then forwarded to the state registrar of vital statistics who in turn sends reports back to the county of residence. There can be a lag of six months to a year to receive this information. Alameda county residents who die outside the state have their death recorded in the state of death. Due to confidentiality laws in many states, these records are never provided to us."
68. See "Report of the Fair Elections Foundation (II)," p. 15. This San Francisco man somehow awoke from a severe case of methadone poisoning, which left him in rigor mortis on April 1, 1982. But he stiffly registered as a Democrat on September 29, 1991, and cast his ballot via coffin in the 1994 general election.
69. Haaland and Swordstrom, "A Report on Election Law Irregularities," p. 6.
70. Ibid., p. 10. The legitimate voter was interviewed and signed an affidavit for the report's authors.
71. See "Report of the Fair Elections Foundation (II)," p. 51.
72. Ibid., p. 24.
73. This "law" is applied to the world of campaign finance in Larry I. Sabato

- Paying for Elections: The Campaign Finance Thicket* (New York: Prior Press, 1989), pp. 19-24.
74. Texas election law permits "election officers, watchers, or any other person lawfully in the polling place" to challenge any voter's eligibility, including absence from registration rolls. Following the challenge, the voter is given the opportunity to rebut the reasons given by executing "affidavit that states the facts necessary to support the voter's eligibility vote." If such an affidavit is produced, the voter may proceed to vote at his or her ballot is not separated from those of unchallenged voters. If the voter refuses to execute the affidavit, he or she is simply not permitted to vote. See Tex. Elec. Code Ann. 63.010 (West, 1994).
75. See Alan Bernstein, "Thousands Voted in 1992 Sans Registration," *Houston Chronicle*, October 24, 1994, p. A1. The total voter turnout in Harris County (including the 6,707 ineligible persons) in November of 1992 was 958,234.
76. Note that 5,277 registrations had expired, and 143 were living in another county.
77. As Alan Bernstein of the *Houston Chronicle* explained it to us in a telephone interview on April 20, 1995, "The registrar's office took [the 6,707 illegal cases in Harris County] en masse to the district attorney's office who took them to a grand jury, and the grand jury said, 'To hell with that we have got [serious crimes] going on to worry about.'"
78. See Selwyn Crawford, "Vote Fraud Allegations are Probed; Registration of 3,000 in Tarrant Doubted," *Dallas Morning News*, May 27, 1994, p. A33.
79. Early voting is available to all voters twenty days before Election Day, although most voters must appear at a designated polling site in person. Exceptions are made for certain individuals and groups, such as the elderly; this is explained in the text following. In 1992, over 40 percent of the registered voters cast an early ballot in some of Texas's most populous counties. See Edwina Rogers, "Election Daze: Is Early Voting Coming to Your State Near You?" *Campaigns and Elections* 15 (September, 1994): 36-37.
80. The signature of a witness is required on the mail-in-ballot application and the certification on the carrier envelope only if another signs for the voter, perhaps if he or she is illiterate or otherwise incapacitated. See Tex. Elec. Code Ann. § 87.041.(b)(2) (West, 1994).
81. See Kevin Moran and Bob Sablatura, "Mail-in Fraud Allegations Probed," *Houston Chronicle*, October 5, 1994, p. A1.
82. Press release, Office of the Criminal District Attorney, Galveston County, Texas, December 20, 1994, pp. 1-3.
83. For example, the campaign of U.S. Representative Craig Washington of Houston made five separate payments in February and March 1994.

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- ing \$22,505 to the "Acres Home Community Relations" group for an "early voting drive" (Federal Election Commission). This group has been suspected of orchestrating some of the mail-in abuses involving early voters, according to reporter Alan Bernstein of the *Houston Chronicle*, but "nobody has ever proved anything on them." (Telephone interview with Alan Bernstein, April 20, 1995.)
84. Affidavit of Edward Taylor, subscribed December 7, 1993, by R. M. Simmons, Harris County, Texas.
 85. According to Texas elections law, it is a misdemeanor to "prepare the voter's ballot in a way other than the voter directs," or "suggest by word, sign, or gesture how the voter should vote." (See Tex. Elec. Code Ann. § 64.036, [a][2-3] [West, 1994].) These stipulations apply to both the polling place and early voting by mail.
 86. Affidavits of Maria Gloria Casteneda, subscribed by Debra Ann Garza, October 27, 1992, and Jesus Casteneda, subscribed by Debra Ann Garza, October 28, 1992. Mr. and Mrs. Casteneda, who intended to vote for David Pena, were told by "helper" Federico Pilon that marking the ballot in the straight Democratic ticket oval would cast their vote for Mr. Pena. Pena was an independent candidate.
 87. Affidavit of Jesus Casteneda, subscribed by Debra Ann Garza, October 28, 1992.
 88. Affidavit of Celia Seymour, subscribed by Henry Rodriguez, December 3, 1994. Ms. Seymour interviewed Mr. Charles Scott and his son and discovered that Mr. Scott and his wife did not prepare the ballots, nor did they sign the carrier envelopes as required. Mr. Scott had signed his mail in application, and his wife placed her "mark" on the signature line, which would have been appropriate only if she were visually disabled or if a language barrier existed. The interloper, a neighbor, requested the Scotts' absentee ballots and indicated which candidate should be selected. Once the ballots were sealed in the carrier envelopes, the "helper" signed Mr. Scott's name on the envelope certification and requested that the Scotts' son sign for Mrs. Scott. The discrepancy in signatures *should* have rendered the ballots invalid.
 89. Affidavit of Curley Cheney, subscribed by Catherine A. Platz, December 17, 1994; interview with A. Glenn Diddel, April 24, 1995; the death certificate of James Cheney Jr., dated September 17, 1992; and the falsified applications for mail-in ballots for both Curley and James Chaney Jr., dated November 23, 1993, and February 17, 1994. Although the spellings of the names differ by one letter, the applications were matched to the Cheneys by address.
 90. In the past two years, sheriffs in two South Texas counties have been implicated, and other counties' officials are undergoing investigation.

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- Brigido Marmolejo, sheriff of Hidalgo County for twenty years, was prosecuted and convicted for accepting bribes from a drug dealer. (See James Pinkerton, "Bribes Cost Sheriff His Job, Respect," *Houston Chronicle*, November 13, 1994, p. 1.) In Zapata County, Judge Jose Luis Guevera, Sheriff Romeo Ramirez, and County Clerk Arnoldo Flores were either convicted of or pleaded guilty to drug related charges. Interestingly, Judge Guevera's opponent alleged vote fraud in a primary election, the results of which were overturned by a state judge. See David McLemore, "Fallout from Drug Sting Has County in Quandary; Zapata Officials Going to Prison, Who'll Lead?" *Dallas Morning News*, July 3, 1994, p. A1; also, James Pinkerton, "Trafficking and the Long Arm of the Law," *Houston Chronicle*, July 31, 1994, p. 1.
91. See David McLemore, "Starr County Denies Election Irregularities," *Dallas Morning News*, August 21, 1994, p. A47. Also, telephone interviews with David McLemore, April 18, 1995; Bruce Sherbert, Dallas County election administrator, April 20, 1995; and David Pena, April 20, 1995. Pena was an unsuccessful candidate for city clerk in Starr County. These kinds of fraudulent activities, it should be noted, are not limited to South Texas in the Lone Star state. See Sylvia Martinez and Frank Trejo, "Hopefuls, Backers Accused of Fraud, Document Tampering in Two Districts," *Dallas Morning News*, May 5, 1995, p. A30; and Todd J. Gillman, "Dallas JP Loser Alleges Voting Fraud," *Dallas Morning News*, May 17, 1994, p. A21. Also see the affidavit of Victor Cantu, August 25, 1992, regarding favoritism in the mailing of absentee ballots.
 92. Affidavits of Mary Ramirez, November 12, 1992; and of Sonia Garza, November 15, 1992.
 93. Political scientist Louise Overacker, in her *Money in Elections* p. 34, explained the Kentucky operation this way: "The Republican organization in Louisville, Kentucky, has worked out a novel method of payment [for votes]. In the local election of 1925 aluminum discs the size of a half dollar bearing the imprint of a bulldog were distributed to the faithful by precinct workers. These bulldog checks were then taken to a district paymaster and redeemed for \$2.00. By this plan the use of money around polling places was avoided and only a few persons were entrusted with cash."
 94. These estimates were given by veteran Kentucky journalist Al Cross of the *Courier-Journal* in an interview with the authors, June 29, 1995. Another prosecutorial source told us the usual price was "more like \$20 . . . but the highest that I heard was \$150. . . . It depends on the market and how tight the race is."
 95. The absentee ballots were either sent directly to the voters, who marked

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simply had the voter sign pre-marked ballots. Once the voters signed off, they would receive the payoff.

The Kentucky legislature had attempted to curb vote fraud by passing reform legislation in 1988 that made purchasing or selling votes a felony offense. (Rigging election machinery and electioneering within 500 feet of the polls were also severely punished.) (See Kentucky Revised Statutes, Title X, at 117.235.) The new law apparently did indeed stem fraud at the polling places, where illicit activity is easily observable, but it may simply have channeled more fraud into the relatively hidden absentee process. As a result of the recent disclosures of absentee fraud, the legislature has passed still more reforms, including two mandates directly affecting absentee voting. Now, no individual is permitted to assist more than two voters, and citizens are allowed to vote by mailed absentee ballot only if they are certifiably disabled, or living outside their county, or serving in the military. (Kentucky Revised Statutes, Title X, at 117.075.) Other people who wish to vote prior to the election day must do so *in person* at their county courthouse. (Kentucky Revised Statutes, Title X, at 117.077.)

Unlike some of the other states we have investigated, Kentucky has taken vote fraud seriously. As George Russell, executive director of the State Board of Elections commented, "I think you'll find that the Attorney General, Secretary of State, and the General Assembly are completely committed to eliminate vote fraud. Of course, that's the *present* Attorney General, Secretary of State, and General Assembly" (interview with George Russell, July 27, 1995). The state election system is well administered; statewide registration records are computerized, and voters are identified by a unique number to prevent duplicate registration. Sources differed on whether the revisions of the election code, or a more active, aggressive approach to combating electoral abuses on the part of the State Board of Elections, secretary of state, and the state attorney general have contributed to a decrease in election fraud. In any case, there was a significant decrease in the number of calls made to the attorney general's statewide vote fraud hotline in 1994 and 1995. See, for example, John Voskuhl, "Primary '95: State's Vote-Fraud Hot Line Rings Only Three Times," *Courier-Journal*, May 24, 1995, p. B5.

96. Interview with Dale Wright, July 19, 1995.
97. *Ibid.*
98. The same class and economic distinctions can explain the presence or absence of "street money" in any community.
99. A couple of our Democratic interviewees alluded to this reasoning in off-the-record comments.
100. United Press International, "Election Officials: Four Dead People Cast Ballots in Hudson," January 12, 1989.
101. Peter J. Simonson, "Judge's Ruling Leaves Sequence Movable; Chal-

lenge to Just's Victory to Proceed," *Bergen Record*, January 22, 1994, p. A4.

102. Interview with Ed Rollins, May 26, 1995.
103. The author of the observation is journalist Marc Mappen. See the retelling of a classic 1889 ballot-box stuffing in Hudson County in Marc Mappen, "Jersey-ana," *New York Times*, November 13, 1994, section 13, p. 17.

NOTES TO CHAPTER 11

The quotation at the beginning of the chapter is from Merrill D. Petersen (ed.), *The Portable Thomas Jefferson* (New York: Penguin Books, 1977), p. 198. We have now come full circle. The first part of this Jefferson citation appeared in the introductory discussion of corruption.

1. As did a number of other candidates, none of whom was ever called to account by the IRS.
2. Title 26, Internal Revenue Code, Sec. 527.
3. President Nixon and high-ranking members of his administration attempted to use the Internal Revenue Service to retaliate against critics and opponents. As John Dean explained in a memo made public during his explosive testimony before the 1973 Senate Watergate hearings between June 25 and 27, the goal was to "maximize the fact of our incumbency with persons known to be active in their opposition to the administration. Stated a bit more bluntly—how we can use the available federal machinery to screw our political enemies." Grants, contracts, litigation, prosecution, and audits were possibilities Dean raised.

In addition, attempts were made to gain access to IRS information for use against "enemies." When initial attempts to gather the "dirt" failed, Nixon brought pressure to bear on both Internal Revenue Service Commissioner Johnnie Waters (who was later replaced) and Treasury Secretary George Shultz.

Another document Dean made public was the actual "priority list" of opponents (compiled by then-special White House counsel Charles Colson), which included prominent corporate executives (such as Arnold M. Picker of the United Artists Corporation), labor union officials (such as Alexander Barkan of AFL-CIO COPE and Leonard Woodcock of the UAW), Democratic congressmen (such as Ronald Dellums and John Conyers), and media figures and entertainment personalities (such as Daniel Schorr, Mary McGrory, and Paul Newman).

For a fuller account, see Bob Woodward and Carl Bernstein, *The Final Days* (New York: Simon and Schuster, 1976), p. 89; and Mercer Cross and Eldler Witt (eds.), *Watergate: Chronology of a Crisis* (Washing-

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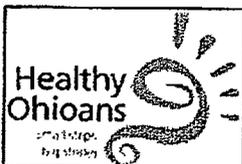
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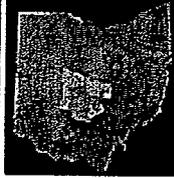


Columbus

Con Artist Poses as Elections Worker

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March 25, 2004



The Franklin County Board of Elections is warning residents of a scam artist. ONN-affiliate WBNS reports that an identity thief is prowling the streets of northeast Columbus. He goes door-to-door asking people to register to vote. He shows them a picture I.D., a clip board and a palm pilot. After he receives personal information, he attempts to steal money.

At least six people have complained to the Board of Elections about the scam, but the county says elections officials don't go door-to-door.

The safest way to register is to contact the Board of Elections directly.

However, not everyone who comes to your door and asks to register you to vote is out to scam you.

Many legitimate groups are having voter registration drives to get more people to the polls for the November elections.

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News

Elections | Article published Tuesday, December 9, 2003
LUCAS COUNTY BOARD OF ELECTIONS

Vote certification prompts recount in 4 local contests

By FRITZ WENZEL
BLADE POLITICAL WRITER

The Lucas County Board of Elections certified the Nov. 4 general election yesterday, finalizing its results after an arduous process that had elections workers meticulously examining votes cast in every one of the county's 530 precincts.

The certification triggers recounts of four races or ballot issues:

- Sylvania City Council.
- Oregon City Council.
- The village of Waterville.
- The Swanton School District.

No date was set for those recounts, but they'll be done in the next two weeks, said Joe Kidd, elections director.

The board of elections' unusual attention to detail was required after it was discovered that some poll workers had trouble following unfamiliar sets of directions required because of new electronic voting machines. On two earlier occasions, meetings to certify the election were canceled because the board was not finished with its work.

Poll workers also found themselves scrambling on Election Day because they were short-handed. Many booth official jobs went unfilled, elections records show.

Two workers responsible for recruiting Republican poll workers have been suspended for failure to do their jobs. They face a hearing Dec. 16 to determine their employment status.

Mr. Kidd said problems were to be expected because it was the first countywide election using new machines. He said he believes the March primary election will run much better.

In a related matter, the board directed Mr. Kidd to seek more information from the office of Secretary of State Kenneth Blackwell about a January deadline for counties to pick which voting machine they wish to buy under the federal Help America Vote Act.

Un clear instructions for Poll worker

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The board wants to know if it will be granted more time to decide in light of a recent study that revealed the machines up for sale in Ohio have security flaws.

Mr. Blackwell has ordered the companies to fix the flaws before their machines are allowed in Ohio, but those repairs are not expected to be completed by the January deadline.

Paula Ross, chairman of the elections board, said she didn't want to be forced to choose voting machines until the flaws are fixed.

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MISSING
petitions

Posted on Tue, Sep. 30, 2003

The Beacon Journal

Summit elections worker fails polygraphs

OH

No. 2 official admitted drug, alcohol use before petition query, sources say

By Julie Wallace
Beacon Journal staff writer

A Summit County Board of Elections employee quizzed as part of a probe into a candidate's missing petitions failed two polygraph tests after admitting using drugs and alcohol before the tests, law enforcement officials said.

Several sources familiar with the investigation identified the employee -- who was not named in a news release issued Tuesday by the Summit County Sheriff's Office -- as Deputy Director John Schmidt, a Democrat who holds the No. 2 position in the board's office.

Schmidt declined to comment. His lawyer, Carmen Roberto, said Schmidt did not fail the polygraphs; he said the results were inconclusive on both tests.

Sheriff Drew Alexander, a Republican, said 11 full-time employees were asked to submit to lie-detector tests in the investigation into the June disappearance of election petitions belonging to Akron City Councilman Joe Finley, D-2. Finley is a maverick often at odds with his party's local leaders.

Eight of those 11 full-time employees easily passed the polygraph.

Three others were tested twice. Two of them had results that initially were labeled inconclusive but later were determined by polygraph examiner Bill Evans to be truthful.

The third employee also underwent two voluntary tests -- showing up and acknowledging to Evans that he had used marijuana and alcohol prior to the appointments, Alexander said.

Alexander, who declined to confirm that the employee is Schmidt, said no charge would be filed against the employee over his admitted drug use because the tests were voluntary.

``Both times, he failed miserably at over \$500 a pop," Alexander said. ``That's enough polygraph examinations. I have no confidence that he'd come in and take a third or fourth and not try to beat it."

No charge likely now

Alexander said the failed tests elevate the individual to a potential suspect, but no charges are likely at this point.

``He's a person of interest -- certainly a person of interest," Alexander said. ``But... we need a witness or a confession. Until one of those two come forth, we just can't arrest on the fact that he failed a polygraph."

Alexander's office released the information as part of a status update on the investigation. It began after Finley discovered his petitions were missing when he went to the board's Grant Street office to have them filed minutes before the 4 p.m. June 26 deadline. He had submitted the petitions earlier that week for signature verification.

A judge ultimately ordered that Finley be placed on the ballot, and elections board officials asked the sheriff's office to investigate the disappearance of the petitions.

Tuesday's update said the board's offices were searched twice, and detectives interviewed 28 of the

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employees. Those 28 were the ones identified as having been around the office from 11 a.m. to 12:30 p.m. June 25 -- the period in which, detectives determined, the petitions had disappeared.

More interviews

Most of the part-time employees -- generally college-age students who are relatives of political operatives in the area -- have not been interviewed. But after meeting with election officials Monday to brief them on the investigation, the detectives agreed to interview those part-timers.

``They felt we needed to interview everybody," Alexander said. ``We interviewed the people we thought were in the area during the timeline when the petitions were missing. But to satisfy everybody, we'll interview everybody."

Detectives will track down those people, many of whom have returned to college. Phone interviews will be arranged if possible; lie-detector tests will be initiated only if something of interest is learned, Alexander said.

Those who worked for the board over the summer include the two children of former Akron Service Director Joe Kidder; the son of Wayne Jones, a leader in the county Democratic Party; the daughter of Akron Council President Marco Sommerville, D-3; the son of Akron Councilman Mike Freeman, D-9; and the son of Kevin Davis, a campaign aide for Akron Mayor Don Plusquellic. The Republican part-timers also had political ties -- albeit to lesser-known precinct committee representatives, rather than officeholders and party leaders.

Schmidt, lawyer respond

Schmidt, contacted Tuesday, said he couldn't discuss the allegations and would not acknowledge whether he was the employee in question.

Roberto, Schmidt's lawyer, did deny that Schmidt had admitted using drugs or alcohol before either of his tests.

``I was at the second test. It did not happen," Roberto said.

If investigators ask Schmidt to take a drug test, Roberto said he would encourage his client to do so.

Schmidt, a Cuyahoga Falls City Councilman, was hired at the elections board in September 2002 to replace Yolanda Walker, who took a job leading the Summit County Solid Waste Authority.

Russ Pry, chairman of both the Summit County Democratic Party and the elections board, said he expects the allegations in Alexander's news release will be the topic of an upcoming executive session of the elections board.

Board Director Edna Boyle, a Republican who took over at the board at the end of July, said personnel problems exist that the board needs to address.

``Those are very serious allegations that are made in the statement, and I hope they are dealt with as soon as possible so we can get back to the reason we are here -- to have fair elections," Boyle said. ``We need to not lose focus of that here, and I'm afraid we will with all that is going on."

Alex Arshinkoff, chairman of the Summit County Republican Party and an elections board member, said the release is the latest blow to the troubled board.

``This matter is bad enough in and of itself, but what makes it more troubling is that the petition that was stolen is a Democrat who is a maverick and who has endorsed the Republican candidate for mayor, Bryan Williams," the GOP leader said.

``It certainly adds another element of discomfort for the Board of Elections inasmuch as it adds another layer of politics to this outcome and action."

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October 30, 2002

Breaking News

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TN

Atchley Named By Mattice As District Election Officer posted October 29, 2002

United States Attorney Harry S. "Sandy" Mattice, Jr. today announced the appointment of Assistant United States Attorney Chuck Atchley to serve as district election officer for the Eastern District of Tennessee.

This appointment was made pursuant to a nationwide Department of Justice Voting Integrity Initiative announced by Attorney General John Ashcroft in Washington, D.C. earlier this month. The purpose of this nationwide federal law enforcement program, which the Department has implemented during national general elections since the late 1960's, is to ensure public confidence in the integrity of the election process by strengthening and enhancing the Department's efforts to protect voting rights and to prosecute election crime throughout the country, officials said.

Mr. Mattice said, "Election fraud dilutes the worth of votes honestly cast. It also corrupts the essence of our representative form of government. As a crime against both the individual and the government, it will be dealt with promptly and aggressively."

As district election officer, Mr. Atchley will supervise the investigation and prosecution of election fraud matters in the Eastern District of Tennessee, and will coordinate the District's efforts with Department of Justice prosecutors in Washington, D.C. As part of his responsibilities as district election officer, Mr. Atchley will supervise a team of Special Agents of the Federal Bureau of Investigation (FBI) during the November 5 election, including the preceding early voting period.

These individuals will be on duty throughout the election period to receive complaints of election fraud. AUSA Atchley can be reached by the public at the following telephone numbers: (865)545-4167 and (865)607-8727.

The FBI also will have special agents available in each field office and resident agency in this district to receive allegations of election fraud during the election period. The FBI can be reached by the public at: (865)544-0751.

Mr. Mattice stated that most forms of election crime are easily recognized, such as voter bribery, voter intimidation, and ballot forgery. Other forms of election fraud are more subtle. It is, for example, a federal offense to seek out the elderly, the socially disadvantaged, or the illiterate for the purpose of subjugating their electoral will. Furthermore, every voter has the right to mark his or her ballot in private, free from the watchful eye of election partisans.

Mr. Mattice said, "The detection of election fraud depends in large part on the watchfulness and cooperation of the American electorate. It is imperative that those who have been asked to participate in questionable election practices, or who have observed or have specific information regarding electoral corruption, make that information available immediately to my Office or to the FBI. The cooperation of this country's citizens in helping to protect the sanctity of the ballot box is crucial."

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election fraud

The 2002 Help American Voter Fraud Act

http://www.pardonmyenglish.com/archives/2005/10/the_2002_help_a.html

VT

October 06, 2005

Want to vote by phone? Apparently, it is a possibility...

Americans may soon be able to use the telephone to vote in local elections, and could someday dial in their decision in national races, the WALL STREET JOURNAL reports on Thursday.

The 2002 Help America Vote Act, which was created to simplify the voting process following the debacle in Florida during the 2000 presidential election, helped fund the development of new voting systems.

Vermont is the first state to commit to phone-voting technology. By the November 2006 elections, all of the state's voters who are unable to mark their own paper ballots are slated to use a new telephone voting system. The Vote-by-Phone, initially will be used only in polling places – but there are plans to expand the system to voters' homes!

The irony here is that an action taken to curtail voter fraud will lead to provisions that will make it easier to commit voter fraud. I can hear the stories now, Democratic operatives will either be A) knocking on doors on Election Day and physically making the calls themselves (which would likely be prohibited); B) employee phone technicians to make calls on behalf of real voters, fooling the system to believe that they are indeed calling from the actual address; C) pay for phone numbers for non-existent or dead persons and voting for them D) all of the above and much, much more. I can see it now, every phone booth will become the residence of a "registered Democrat" who votes party line.

The sad thing is, this not far-fetched.

Posted by Aaron at October 6, 2005 12:32 PM

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----- Forwarded by Bryan Whitener/EAC/GOV on 10/06/2005 03:14 PM -----

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10/06/2005 03:12 PM

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Vote by Phone



Verifying
registration

NT

GOP: Gov.'s bill would encourage voter fraud

Thursday, January 08, 2003

By **TERRENCE DOPP**
Trenton Bureau

TRENTON -- The floodgates for rampant voter fraud would be thrown wide open under legislation being pushed by Gov. James E. McGreevey, Republicans charged Wednesday.

A bill up for a vote in the state Senate would prohibit so-called "third party" registration groups and poll workers from checking voters' identification. Administration officials said the checks would prove a deterrent to some urban voters with little identification.

But critics of the plan maintain it would inject uncertainty into the process by making it unclear exactly who is voting and how often.

"You can't put people through the third degree to vote or else no one would vote. People should not be hassled before they enter the voting booth," said McGreevey spokesman Micah Rasmussen. "He wants as many people to exercise their rights as possible."

Legislators in the Assembly passed the measure 72-3 on Dec. 15.

The bill is an updated version of one McGreevey vetoed Dec. 8 because he said it was too strict in requiring the identity checks. It springs from the federal Helping America Vote Act (HAVA) passed in October 2002 after the contested presidential election two years before.

State funding for election reforms, establishing a grievance procedure for those who feel they've been wronged at polls and a limited prohibition on paper ballots were part of the original bill. It also doled out about \$4 million in federal funding.

Rasmussen said state election monitors told the administration to change the bill to match federal requirements, which do not allow identity checks.

Ramon de la Cruz, the state's lead figure in enacting HAVA, said the issue shows the growing pains of states grasping to meet federal guidelines foisted upon states with no appropriation and arbitrarily drawn timeframes.

HAVA was intended to increase voter turnout and to insure all votes are cast legally.

One GOP lawmaker said under McGreevey's HAVA plan, there would be no safeguarding the security or integrity of ballots.

"The governor's recommendations provide that when a person is registered to vote through the actions of a third party, such as through a voter registration drive, no identification shall be required to ensure the identity of that person," Sen. Thomas Kean, R-Union, said in a letter to

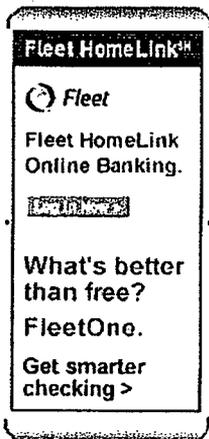
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http://www.nynewsdaily.com/news/local/manhattan/nyc-gers0808_0_5630460.story?coll=nyc-manheadlines-manhattan

Fraud Lawsuit Targets Gerson Election

NY



Forged Signatures ON Petitions

By Daryl Kahn
Staff Writer

August 7, 2003, 7:25 PM EDT

According to her death certificate, Elsie Roloan died 9:30 p.m. on June 22, 2001. But her signature appears next to the date June 26, 2003 in an election petition for Manhattan Councilman Alan Gerson and a slate of Democratic judges and party leaders running for office.

This is one of the allegations of election fraud being brought Friday in Supreme Court by a political opponent of the councilman.

The court's decision could determine who will win the race for the 1st District council seat in the heart of the financial district.

The two petitions being challenged, 216 and 219, are, according to court documents, "replete with forged signatures" and note "that it is a travesty for these petitions to have been certified by The Board of Elections."

Among the other allegations made in the court documents are that illegal aliens collected a majority of the signatures, a violation of election law, and that many of the signatures and the witnesses signing them were forged.

Gerson denied the allegations and said that he has no tolerance for "shenanigans" in his campaign. But he added that he and his campaign had nothing to do with the collection of the petitions.

"I have no control or oversight over the petitions in question," he said. "This suit is a total waste of the judiciary's time. It's frivolous."

A candidate is required by law to certify in a cover sheet that the petitions filed with the Board of Elections are valid.

A candidate needs 900 valid signatures to get on the primary ballot. But even if a candidate has enough legitimate signatures, a judge can, if he finds that the petitions are "permeated with fraud," kick a candidate off the ballot.

Norma Ramirez, who filed the suit, said Gerson knew that many of the signatures were fraudulent, including sheet number 126 in petition 219 — where the dead woman's signature shows up.

"Of course he knew," she said.

She said Gerson is part of the city's Democratic Party machine and that these tactics are commonplace.

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"This is about what's been going on for years," she said. "This is about the little people fighting against the machine."

Ramirez was candidate for Female Party Leader in the 64th Assembly District who was knocked off the ballot by a lawsuit brought by Alice Cancel alleging fraud on her petitions. Cancel is also listed on the petition.

The 1st District's borders encompasses one of the most important political regions in the city. Within its borders are the World Trade Center site and the Lower Manhattan Development Corporation steering its future, Wall Street and Chinatown.

The fallout from Friday's decision is crucial because of the party make-up of the district. Like most districts in the city, its voters are overwhelmingly Democrats, at 64 percent. Only 11 percent of the voters are Republican, and the remaining 25 percent are either with smaller parties or unaffiliated.

Political analysts say it is highly likely that the winner of the Sept. 9 Democratic primary will capture the 1st District seat in the November election.

The other names listed on the suit are: John Quinn, candidate for male assembly district leader in the 64th Assembly District, and Shlomo Hagler, Kathryn E. Freed and Marcy Friedman, all Democrats running to fill judge vacancies in Manhattan Civil Court.

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*Informing
Poll workers
NY*

September 20, 2001

Questions Face Elections Board Before Primary

By DIANE CARDWELL

With less than a week to go before a hastily rescheduled primary, the city's Board of Elections is facing a set of serious challenges, from trying to inform poll workers of the new elections schedule, to figuring out whether possible runoffs in some citywide races would have to be held using paper ballots, to a lawsuit filed by a group of voters and candidates seeking to postpone the primary election yet again.

At a meeting of the board yesterday, commissioners were still debating where the board would operate from next Tuesday, since the attack on the World Trade Center disabled their computer system, too.

"I think they have a very daunting challenge to pull off the primary and the runoff and the general election," said Gene Russianoff, staff lawyer at the New York Public Interest Research Group, who was at the meeting.

Mr. Russianoff said that one of the biggest problems was informing poll workers that they would be needed Tuesday. The board has resorted to advertising in the print media, but the advertisements only announce the date of the rescheduled primary and are not addressed directly to poll workers.

Board officials said yesterday that workers would be told by elections officials, but Mr. Russianoff said that he still had concerns, given "the low amount of information about the election" that had been getting out. "The fear is that maybe some poll sites would not be able to open up," he said.

Another problem facing the board is how to get its 6,700 voting machines ready for a general election after a runoff, said Gary Berzansky, the chief custodian of the machines. With a possible runoff now moved to Oct. 11, he told the board, he would not have enough time to retrieve the machines, tabulate the results and then to prepare and truck the machines out again for the general election. Mr. Berzansky suggested that any runoff be conducted with paper ballots. He said his office was down by 17 technicians and described his staff, which has worked "45 straight days with no day off in sight," as irritable, tired and very upset about the attacks.

One commissioner said paper ballots would subject the board to allegations of manipulating the elections.

"I'm not trying to manipulate any election," Mr. Berzansky replied. "I'm trying to be realistic."

In the end, the board rejected the proposal, even as Mr. Berzansky said that he could not guarantee that the machines would be ready.

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One plaintiff in the lawsuit, Shirley Kwan, who is the campaign treasurer for Kwong Hui, one of the nine City Council candidates who are also plaintiffs in the suit, told the board that the city was not ready for the election.

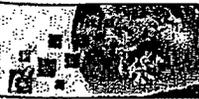
"Like many other residents who live in the downtown area, we all have been victims of the tragedy and we need time to heal," she said later. Many residents are not getting the services they need, she said, and are so focused on finding places to stay or getting health care that they cannot focus on the election. The state passed legislation this week that will allow anyone in the affected area below Canal Street to vote by mail-in or absentee ballot.

Joseph Gentili, deputy director of the board, declined to discuss the lawsuit, but Mr. Russianoff said that it was not inconceivable that a judge would postpone the election, although the board had already addressed some of the issues the suit raises.

The board also received notice yesterday that the Police Department would be able to provide officers at the 1,300-odd polling sites. Mr. Gentili said that instead of having two officers splitting the shifts at each site, one officer would work for the entire day. The board also learned that the Police Department would not be able to provide an early unofficial count as it has in years past on election night because the computer lines linking the department to the elections board no longer exist. The first results, Mr. Gentili said, would therefore be the board's own official count, which would not be available until later in the week.

Near the end of the meeting, the commissioners discussed the possibility of making a public service announcement to inform those people who voted on Sept. 11, before the election was scuttled because of the attacks, to return to the polls on Tuesday. Mayor Rudolph W. Giuliani was suggested as the person to make the announcement, but Mr. Gentili nipped that idea in the bud.

"I think the mayor has a lot more things to do," he said.



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4 charged in Knott election Judge-executive, others allegedly paid for votes

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

Four Knott County men, including two-term Judge-Executive Donnie Newsome, were indicted yesterday on federal charges of vote-buying stemming from the troubled May 1998 primary election.



Donnie Newsome, shown in 1997, is the first Kentucky elected official in at least five years to be charged with buying votes.

Newsome, 52, and Willard Smith, 54, both of Hindman, and Keith Pigman, 45, of Garner were charged by a federal grand jury in London, Ky., with one count of conspiracy to pay voters to cast absentee ballots in the primary election in which Newsome was running for judge-executive.

Newsome, the first Kentucky elected official in at least five years to be indicted on votebuying charges, also is charged in two counts of the six-count indictment with paying and aiding the paying of between \$50 and \$100 to two voters in the primary. Smith is charged with four counts of paying voters.

Pigman is charged with two counts of paying voters and aiding the paying of voters.

In a separate indictment, Newton J. Johnson, 33, of Brinkley, is charged with four counts of paying voters in the 1998 primary. Johnson also was charged with one count of making false statements to the FBI about his involvement in paying voters and two counts of obstructing justice by urging two witnesses to lie to the grand jury investigating the vote-buying allegations.

Newsome, Smith and Pigman each face up to five years in prison and a \$250,000 fine if convicted. Johnson faces up to 10 years in prison and a \$250,000 fine if found guilty.

An arraignment date in U.S. District Court in Pikeville hasn't been scheduled.

Newsome, who defeated three-term incumbent Homer Sawyer in the May 1998 primary and won re-election last November, didn't return phone calls to his home yesterday.

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Reached by phone, Pigman said he wasn't aware of the indictment.

"I have no idea what's going on," he said. "I'm amazed."

A Newton J. Johnson of Brinkley also said he had heard nothing about the indictment.

Smith couldn't be reached for comment yesterday evening.

Assistant U.S. Attorney Thomas L. Self and Richard Pilger, a trial attorney with the U.S. Justice Department, are prosecuting the case. The FBI conducted the investigation.

The May 1998 primary election in Knott County drew widespread notoriety in 1999 after six county residents were charged in a federal indictment with conspiring to buy votes of students at Alice Lloyd College, a small private college in Pippa Passes.

It also attracted the interest of federal and state investigators because of the unusually high number of absentee ballots.

Later, state and federal authorities descended on Knott County amid allegations of election fraud. Five of the six people charged with conspiring to buy the college students' votes were convicted or pleaded guilty to federal charges.

So far this year, federal prosecutors have taken aim at alleged vote-buying, a practice that Greg Van Tatenhove, U.S. Attorney for Kentucky's Eastern District, said jeopardizes democracy. "Representative government is diminished when the worth of honest ballots is diluted by ballots bought by those who seek to corrupt the election process."

In March, a federal grand jury in Lexington charged nine people with conspiring to buy votes under the guise of paying people to transport voters to the polls in lawyer John Doug Hays' unsuccessful race last year for Pike County district judge. Hays, his wife, Brenda Hays, and lawyer and coal operator Ross Harris are among those facing charges.

All nine have pleaded innocent.

Last month in Knott County, six men were indicted on federal charges that they paid people to vote in the 1998 primary election.

Five of the six also are charged with lying to the FBI about alleged vote-buying.

The six are charged in five federal indictments returned by a federal grand jury in London. Indicted were Ronnie Neal Slone, 55, and Brady Warren Slone, 57, both of Pippa Passes; Phillip Slone, 53, and Jimmy Calhoun, 33,

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both of Hindman; Patrick Wayne Madden, 45, of Littcarr; and Jimmy Lee Conley, 33, of Lackey.

All six have entered innocent pleas.

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Saturday, August 16, 2003

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Knott men acquitted of vote-buying charges Credibility of witnesses may have hurt case

By ROGER ALFORD
Associated Press

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PIKEVILLE, Ky. — Two brothers were acquitted yesterday of charges that they bought votes in a primary election in Knott County five years ago.

A jury deliberated less than two hours before finding Brady Slone, 57, and Ronnie Slone, 55, both of Pippa Passes, innocent of the charges in U.S. District Court in Pikeville.

"This was a case of mind over matter," Ronnie Slone said. "The FBI knew in their minds that we were innocent, but it didn't matter. They brought scum in here to testify against us."

The key prosecution witnesses were three women, two of whom acknowledged in court that they were hooked on prescription drugs around the time of the 1998 primary election. Each testified that Ronnie Slone, an insurance agent, paid her \$100 to vote for certain candidates. They said Brady Slone, a retired public school principal, stood nearby when the payments were made.

Defense attorneys called a Knott County physician and a pastor as character witnesses who testified that the Slone brothers had unblemished reputations for integrity and truthfulness.

Ned Pillersdorf, attorney for Brady Slone, said he believes the lack of credibility of the

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prosecution's witnesses, coupled with the Slones' record of community service, led to the acquittal.

"Prosecutors shouldn't have selected this case, with the underwhelming credibility of the witnesses," Pillersdorf said. "There are plenty of unsavory characters that bear looking into. My client is a hero who was injured in combat. You don't try to convict a Vietnam veteran with shrapnel in his head on the testimony of noncredible witnesses."

Brady Slone received the Purple Heart for the injury he received in February 1967.

"This government sent me to war as a combat medic and destroyed my life, and now this government treats me like scum," said Brady Slone, who wept after the verdict was read. "I don't like it."

One of the prosecution witnesses, Monica Miller, a former Hindman resident who now lives in Cincinnati, testified that Ronnie Slone paid her for her vote while Brady Slone stood nearby. Prosecutors claimed Brady Slone was acting as a lookout.

Miller and her friends Ann Slone and Jana Slone, who may be distant relatives of the brothers, each testified that they went to the Knott County Courthouse together, voted, then drove to the outskirts of town where they were paid.

All three of the women needed the money, said federal prosecutor Richard C. Pilger from the U.S. Department of Justice in Washington.

"These women were exploited," Pilger said. "They were poor, hard-pressed women. The kind of people susceptible to selling their votes."

FBI Special Agent Tim Johnson said he contacted the three women as part of his investigation. He said they were "very reluctant" to answer his questions.

Johnson, who testified that he had interviewed about 175 people in his investigation, said the U.S. attorney's office had agreed to grant immunity to the women for the crime of selling their votes if they cooperated.

"They didn't want to be here," Pilger told jurors in the Pikeville courthouse. "They didn't want to get these guys in trouble. They had no reason to lie."

However, defense attorney Steve Owens, representing Ronnie Slone, said the women had changed their stories numerous times. He said they even acknowledged that their testimony in court differed from their original statements to the FBI.

The Slones became the second and third Knott County residents acquitted of vote buying charges in Eastern Kentucky since June.

On June 20, a federal jury found Jimmy Lee Conley, 33, of Lackey, innocent of buying votes in the same primary election.

Conley was the first of about 20 Eastern Kentuckians indicted this year on charges of election fraud to go to trial.

Two other people indicted in the Knott County probe pleaded guilty to vote fraud earlier this month. Phillip Slone, 53, of Hindman, and Newton J. Johnson, 40, of Brinkley, admitted paying voters \$50 to vote in the primary election.

Five other Knott Countians remain under indictment on federal vote fraud charges, stemming from the same primary election. All have entered innocent pleas.

And in Pike County, 10 people, including a former state senator and his wife, are under indictment on charges of vote fraud involving a race last year for district judge. They, too, have entered innocent pleas.

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Election-fraud trial begins in Pikeville

Knott County Judge-executive is 1 of 2 charged

By ROGER ALFORD
Associated Press

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PIKEVILLE, Ky. — Defense attorneys wasted no time yesterday attacking the credibility of witnesses who'll testify against Knott County Judge-Executive Donnie Newsome and a campaign worker in their election-fraud trial.

"You're not going to hear from one single credible witness that they are guilty," said Scott C. Cox, a Louisville attorney representing Newsome in the U.S. District Court trial in Pikeville.

Newsome, 52, and Willard Smith, 54, both of Hindman, are accused of buying votes in the 1998 Democratic primary.

Federal prosecutor Richard Pilger told jurors in his opening statement that at least one witness is unable to read, another has mental problems and another is a convicted felon. All were poor and easy prey for unscrupulous candidates, he said.

"We will prove to you that Donnie Newsome picked exactly that kind of people in anticipation of this day," Pilger said.

NEWSOME AND Smith were among several people charged after an FBI investigation into the 1998 primary. U.S. District Judge Danny Reeves said the trial is expected to take several days, perhaps extending into next week.

Pilger said authorities suspected something was amiss in the election when they saw large numbers of absentee votes being cast.

"This was a flag to the FBI," Pilger said. "This was an indication of vote buying."

Pilger and Assistant U.S. Attorney Tom Self, having failed to win convictions in two vote-fraud trials in Pikeville since June, asked that the trial be moved elsewhere.

016993

Self said he feared publicity and the political influence of the defendants could hurt the chances of a fair trial in Pikeville.

The judge also expressed concerns about pretrial publicity surrounding the case but opted to keep the trial in Pikeville.

In a trial last month, Brady Slone, 57, and Ronnie Slone, 55, both of Pippa Passes, were found innocent of buying votes in the same primary. They became the second and third Knott County residents acquitted of vote-buying charges. In June a federal jury found Jimmy Lee Conley, 33, of Lackey, innocent of buying votes.

Three other people indicted in the Knott County investigation have pleaded guilty to buying votes. Phillip Slone, 53, of Hindman; Newton J. Johnson, 40, of Brinkley; and Jimmy Calhoun, 33, of Hindman, admitted paying voters \$50 each.

The trial of the remaining defendant, Patrick Wayne "Buck" Madden, 45, of Littcarr, is scheduled for Oct. 7.

PILGER TOLD jurors in his opening remarks that Newsome, a former state representative, wanted to be boss of Knott County and bought votes and conspired to buy votes to achieve that position.

"Every citizen is entitled to participate in voting without the taint of vote buying," he said.

Cox said Newsome won the election by working hard. "His campaign strategy was to wear the leather off the soles of three or four pairs of shoes."

The same strategy, Cox said, won Newsome election to two terms in the legislature.

"Believe me," Cox told the jury, "there are two sides to this story."

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Knott man gets 20 months for vote fraud

HE WAS ONE OF 12 PEOPLE CONVICTED IN VOTE-BUYING SCHEME

ASSOCIATED PRESS

PIKEVILLE - A Knott County man has been sentenced to 20 months in prison for buying votes in the 1998 primary election.

Patrick Wayne Madden, 46, of Littcarr, will serve two years probation when he is released.

U.S. District Judge David Bunning imposed the sentence yesterday, saying he hopes the punishment will deter others from buying votes in eastern Kentucky.

Madden, who was not a candidate in the election, pleaded guilty. He was among a group of Knott County residents charged in an FBI crackdown on election fraud that netted 12 convictions.

Knott County Judge-Executive Donnie Newsome, a former state representative, was among those caught in the crackdown. He was convicted in federal court Oct. 1 of one count of conspiracy to buy votes and two counts of buying votes.

Newsome's sentencing is scheduled for March 16. He faces three to 15 years in prison.

Another Knott County man, Willard Smith, was convicted in the same trial of one count of conspiracy to buy votes and four counts of buying votes. Smith faces five to 25 years in prison at his sentencing on Feb. 17.

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The authors of the study conclude "It would be difficult to imagine a jurisdiction adopting a new technology for voting if it were not satisfied that the proposed innovation was at least as good as the present system on every one of the first ten criteria, and better than the present system on the last seven."

The study urges caution but identified telephone, kiosk, and Internet as three options sufficiently evolved to support testing in a fully functional pilot. Of these, the study said telephone offers the potential for the most significant impact on the largest base of Canadians.

Legislation recently passed by parliament and awaiting royal assent would authorize studies of newer technology and voting.

STUDENT ABSENTEE VOTES

An elementary school physical education teacher and two other Knott County, Ky. residents were convicted April 19 in federal court in Pikesville, Ky. for conspiring to buy absentee ballots from 12 students who attend a small private college. The twelve person federal jury, which deliberated for seven hours over a two-day period, failed to agree on a verdict for two other defendants, one of whom was the brother of the county attorney on the ballot. These two defendants face a retrial in June.

The jury convicted Caney Creek Elementary School physical education teacher Phillip D. Sparkman, of twelve counts of vote fraud and of one count of lying to the FBI. Lola Jean Stone, a sister of one of the candidates on the ballot, was convicted of seven counts and of lying to the FBI. Charlie Maggard was found guilty of three counts of vote fraud. The maximum federal penalty for each offense is five years in prison and a \$250,000 fine. Sentencing will occur later this summer.

After the Alice Lloyd College students were granted immunity, they testified that they were paid \$30 to cast their ballots in 1998 for a slate of local candidates. According to student testimony, they received their payment for votes from Stone after they went to her store where they wore "I Vote" stickers and purchased a peach-flavored "Mr. Fizz" soft drink.

The trial began April 4 but was suspended for a week during Pikesville "Hillbilly Days" celebration. Although all vote buying charges were related to local offices, the federal prosecutors had jurisdiction because federal candidates were on the same ballot.

David Randall Gayheart, the nephew of the County Clerk, was named in a separate indictment for seven counts of paying or offering to pay college students to vote for his uncle, lying to the FBI, and three counts of asking others to lie to the FBI. Gayheart pleaded guilty January 3 to buying votes and co-operated with prosecutors. He is awaiting sentencing.

Kentucky Secretary of State John Y. Brown instituted a "Fraud Busters" program in 1996 to curb vote buying abuses. The state legislature authorized \$10,000 to finance the program which offers a reward of \$1,000 for information leading to a felony indictment for vote fraud. State officials said that the Pikesville convictions, however, were based on complaints made to the FBI, not to state officials.

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SL?**5 in E. St. Louis convicted of vote fraud**

June 30, 2005

BY JIM SUHR

EAST ST. LOUIS, Ill. -- A federal jury Wednesday convicted the head of this city's Democratic Party and four others of scheming to buy votes with cash, cigarettes and liquor last November to get key Democrats elected.

Jurors in the monthlong trial deliberated more than five hours before convicting local Democratic Party chairman Charles Powell Jr., 61, and Kelvin Ellis, 55, the city's former director of regulatory affairs, of felony conspiracy to commit vote fraud. Also convicted were Democratic precinct committee members Sheila Thomas, 31, and Jesse Lewis, 56, and City Hall worker Yvette Johnson, 46.

Ellis, Thomas, Lewis and Johnson also were convicted of one count apiece of election fraud for allegedly paying at least one person to vote -- or offering to do so. Powell was never charged with that count.

Jurors set aside defense claims that the government's case was flimsy because of unreliable witnesses whose testimony often contradicted each other and, at times, was recanted.

Not much direct evidence

"I respect the jury, but I am disappointed," Ellis' attorney, John O'Gara, said after the verdicts. He said the defense would consider asking for a new trial.

A date for sentencing was not immediately set.

"We'll take it one step at a time in terms of where we go from here," said Johnson's attorney, Pearson Bush, who declined to elaborate.

Messages left with attorneys for Powell and Thomas were not immediately returned. Voice mail for Lewis' attorney was full.

Prosecutors provided little evidence directly linking the defendants to the alleged vote-buying, often relying on secretly recorded audiotapes in which they say those accused could be heard talking about paying \$5 per vote in the Nov. 2 election -- and whether that amount would be enough.

A federal prosecutor in the case referred calls to his boss, U.S. Attorney Ron Tenpas, who did not immediately return messages left at his office.

Witnesses called liars

Prosecutors alleged that money flowed from the Belleville-based St. Clair County Democrats to their East St. Louis counterparts in a bid to elect certain Democratic candidates, including Mark Kern as St. Clair County Board chairman.

Kern, who narrowly won the race, has denied the allegations and has not been charged with any wrongdoing.

Powell lost his re-election bid to the City Council in April after his arrest.

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State records showed that tens of thousands of dollars were transferred from the county Democrats to the committeemen days

before the Nov. 2 election. Party leaders said it was for legitimate expenses, including rides to the polls for people without cars.

Defense attorneys called the audiotapes -- the cornerstone of the government's case -- meaningless entrapments by opportunistic informants intent on seizing power for themselves. Defense attorneys called the prosecution's key witnesses liars.

"I would say jurors looked at these tapes and listened to them, and I'm guessing they are using the interpretations these very faulty witnesses gave them to reach their conclusion," O'Gara said after the verdicts. "I would not have trusted the government's presentation."

AP

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Witnesses disagree in vote fraud case

By Michael Shaw
Of the Post-Dispatch
Thursday, Jun. 16 2005

The government's witnesses in the East St. Louis vote fraud trial don't agree on one of the most surprising aspects of the testimony so far: whether St. Clair County Board Chairman Mark Kern knew vote buying was taking place in East St. Louis during the November election.

The first witness testified two weeks ago that during a telephone conference call in October, she heard prominent Democrat Kelvin Ellis solicit funds from Kern, then a candidate for the job, to pay reluctant voters.

Sandra Stith, a Democrat worker during the Nov. 2 election who already has pleaded guilty to buying votes, is the only other government witness to that call.

She took the stand Thursday and said she remembered the Oct. 21 call. But she said she didn't remember the alleged discussion about more money being needed to swing the election in Kern's favor because some residents perceived him as racist.

"Do you recall any comments about money during that conversation?" Assistant U.S. Attorney Mike Carr asked her.

"No," she replied.

Carr ended his questioning of Stith soon after that exchange.

Five East St. Louis Democratic Party workers are on trial in federal court at East St. Louis, accused of a conspiracy to buy votes in the Nov. 2 election to get Kern and other prominent party members elected. Defendants include Ellis and city party Chairman Charles Powell Jr.

Kern, who would have lost the race without the East St. Louis turnout, has not been charged and has denied any wrongdoing.

Other controversial developments on Thursday led U.S. District Judge G. Patrick Murphy to send the jury home for the day to allow lawyers to prepare for today's proceedings.

Today, prosecutors are expected to present witnesses who will testify that Powell directly paid residents to vote, something his lawyer, Bruce Cook, said left him blindsided. Powell is only charged with leading a conspiracy to buy votes, not with purchasing the votes themselves.

Murphy, the judge, said he was surprised, too, but ruled the evidence was admissible. One witness, identified Thursday as Douglas M. Alexander, 45, is expected to testify Powell paid him \$10 to vote.

Two others, Stephen Young and his wife, Terrell Crow-Young, had been expected to testify that Powell's associate paid them to vote Nov. 2, according to a prosecutor's document filed in the case. But they won't be allowed to testify because they accidentally attended a portion of the trial Thursday morning. Any witness is supposed to be barred from hearing another's testimony, so Murphy excluded them.

Authorities have interviewed at least one other man who said that Powell's associate paid him to vote, according to documents. Cook and other lawyers, who previously had questioned the lack of testimony from actual voters, said Thursday that they wanted extra time to prepare a defense in light of these witnesses.

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In another twist, Murphy and the prosecutor, Carr, argued about whether the judge had said in front of the jury that Thursday's testimony by Stith was "damaging" to the government's case.

Carr claimed it happened when jurors were present. Murphy claimed he never said "damaging" in front of the jury. A transcript of the proceedings shows the judge saying "I believe that the witness gave damaging testimony to the government" in front of the jury.

Reporter Michael Shaw:
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Jackson, Mississippi

March 28, 2004

7 hit in voter fraud case

MS

- Defeated Tippah County sheriff's candidate among persons named

The Associated Press

RIPLEY — Seven people have been charged with voter fraud in Tippah County, according to the attorney general's office.

While specific individuals were named in the indictments as the candidates for which votes were allegedly bought, Randall L. Wilbanks, a defeated candidate for Tippah County sheriff, was the only one named as a defendant.

Attorney General Jim Hood, whose office investigated the case, said the document must contain those names.

Named in three separate indictments were Wilbanks, 60; Joe Daniel Barnes, 52; and James D. Johnson, 66, all of Ripley; and Melba Sue Selmer, age and address unavailable. Each is charged with one count of conspiracy to commit voter fraud and 16 counts of voter fraud.

In a second indictment, Christopher R. Mathis, 40, of Tiplersville, Billy Gene Barnes, 49, of Walnut, were indicted on three counts of bribery.

In the third indictment, Roy Lee Richardson, 40, of Corinth, is charged with one count of attempting to bribe an elector and three counts of bribery for allegedly paying four individuals \$15 each to vote for three candidates.

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Ky. Jury Convicts 2 Men of Election Fraud

Ky. Jury Convicts 2 Men of Election Fraud in 2002 Races; Both Men Face About 2 Years in Prison

The Associated Press

LONDON, Ky. Sept. 16, 2004 — A Kentucky businessman was found guilty Thursday of election fraud for orchestrating a scheme to buy votes from impoverished mountain residents in two races in 2002.

The jury deliberated about four hours before returning the verdict against Ross Harris, a Pikeville coal operator whom prosecutors portrayed as the kingpin of the election fraud conspiracy. An associate was also convicted, and both men face about two years in prison.

The verdicts came after a trial in which various witnesses told of voters gathering in a church parking lot in an Appalachian county to collect \$10 bills after leaving the polls in the 2002 election. Others testified about large contributions to some candidates before the election to be used to buy votes.

In closing arguments Wednesday, federal prosecutor Ken Taylor described Harris as a behind-the-scenes political player who "secretly funds campaigns with illegal contributions."

Defense attorney Larry Mackey said the depiction was false. He said his client was being treated for life-threatening cancer during the period in question and would not have taken time from his hospital bed to help buy votes in the elections.

"We appreciate the jury's attention throughout the trial, but at the end of the day we're disappointed with the verdict," Mackey said, who vowed to appeal.

Harris was convicted on one count of conspiracy to commit mail fraud and to buy votes, three counts of mail fraud and one count of structuring withdrawals from a bank account to avoid federal reporting requirements.

Glen Turner, an executive in Harris' mining company, was convicted of conspiracy to commit mail fraud and two counts of mail fraud. The mail fraud counts involve the sending of bogus campaign finance reports to the state.

Prosecutors claimed Harris illegally contributed some \$40,000 to a former state senator's unsuccessful judicial race, and that Harris and Turner gave an additional \$25,000 to the re-election campaign of a judge. They said the money was used in a scheme disguised as a "get out the vote" effort.

The two men showed no reaction as the verdict was read. Both men declined to comment to reporters afterward.

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Posted on Thu, Sep. 02, 2004

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Imprisoned judge-executive testifies in election fraud trial

ROGER ALFORD
Associated Press

LONDON, Ky. - Imprisoned Knott County Judge-Executive Donnie Newsome testified Thursday that he received \$25,000 in cash from two eastern Kentucky businessmen who are on trial for election fraud.

Newsome, who is serving 26 months in federal prison after being convicted of election fraud last year, agreed to testify against Ross Harris of Pikeville and Glen Turner of Drift in exchange for a lighter sentence. Defense attorneys claim Newsome made up the story about illegal cash contributions in an effort to get leniency.

Prosecutors claim Harris is the kingpin in a scheme to buy votes from impoverished mountain residents. They allege that Harris illegally funneled money into Newsome's 2002 re-election campaign.

Newsome - dressed in white shoes, jeans and a red shirt - said he was given cash contributions on three occasions: One for \$5,000 from Harris; two for \$8,000 and \$12,000 from a man he said he believed to be Turner.

"I used it in my campaign," Newsome said. "When I needed it, I would put it in my account."

Newsome said he received \$60,000 in cash donations for his re-election campaign that year and an additional \$14,000 in checks.

Newsome, who has continued to serve as judge-executive despite his conviction, said he didn't use any of the money to buy votes.

Newsome is expected to be called back to the witness stand when the trial resumes Friday morning in U.S. District Court in London. His brother, Bobby Newsome, also is scheduled to testify. Prosecutors said Bobby Newsome was present when Turner gave the judge-executive money.

Harris also is accused of funneling money into a Pike County campaign in an unsuccessful effort to defeat an incumbent judge, whom he blamed for a sex scandal involving one of his friends. The FBI alleged that Harris conspired to influence the election by providing money for a scheme disguised as a "get out the vote" effort. That involved paying people to haul voters to the polls.

Defense attorneys say the only financial contribution Harris made to the John Doug Hays campaign for Pike County district judge was a legal donation of \$1,000.

A jury of 11 women and five men has been listening to testimony for 1 1/2 weeks.

The charges against Harris and Turner are the latest in a string of federal election fraud cases from the region. Hays and seven others are scheduled for trial in October.

Assistant U.S. Attorney Ken Taylor contends that Harris illegally funneled some \$40,000 into Hays' unsuccessful campaign after a sex scandal resulted in the resignation of Pike County Circuit Judge Charles Lowe Jr. Taylor said Harris and Lowe were close friends.

Lowe resigned last year rather than face possible removal by the Judicial Conduct Commission for a sexual relationship with a woman involved in an adoption and child custody dispute in his courtroom.

Taylor said Harris was so angered by the scandal that he tried to lash out at the woman, Debbi Hylton-Mullins, and her husband, Pike County District Judge Darrel Mullins, who was seeking re-election at the time.

Hays was running against Mullins.



KY



Man charged with offering beer for vote

LUDLOW, Kentucky (AP) -- A man tried to buy a vote with a 12-pack of beer, according to police in northern Kentucky.

Edward Lucas offered the beer to an 18-year-old student at Ludlow High School in exchange for a no vote on a proposed increase in school property taxes, Ludlow police officer James Tucker said in an affidavit.

Lucas was charged Friday with making or receiving expenditures for vote, a class D felony that can land him in prison for one to five years.

Lucas, 40, denied the charge.

"I don't know the boy, and that's not exactly what was said," Lucas said.

"I said, 'I hope it doesn't go through and if it doesn't, I'm going to have a big beer party.'"

Lucas was arrested Friday and released on bond Saturday.

Police dispute his version of the exchange, but declined to give specifics.

The tax increase was on the ballot Tuesday and lost.

It would have generated about \$75,000 a year for school construction projects.

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Appy voting fraud claims probed

The Post

VA
May 11, 2005

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Virginia State Police are investigating allegations of voting fraud during last year's Appalachia town council election, Wise County Commonwealth's Attorney Chad Dotson confirmed Monday.

State police are looking at claims that supporters of an unidentified council candidate offered food, cigarettes and liquor to residents of the Inman Village public housing complex in exchange for letting the supporters fill out their absentee voting ballots, according to a story in Sunday's Roanoke Times.

Voters in the May 2004 election returned incumbent Councilman Ben Cooper to office and chose newcomers Eddie Gollaway and Owen "Andy" Sharrett III for the three open seats on the five-member council.

Cooper, a former mayor and acting town manager, led the polling with 351 votes, followed by Gollaway with 340 and Sharrett with 312.

Falling short were longtime councilman and current Mayor Gary Bush, with 244 votes; incumbent Rick Bowman with 221 votes; and former councilman Debbie Bouton with 212 votes. Also, Ben Surber received 28 votes despite having announced that he dropped out of the race.

The Roanoke Times story reported that of 585 people who voted, 108 cast absentee ballots - an absentee rate of 18 percent, compared with a usual statewide rate of about 5 percent.

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The story quotes three Inman Village residents as confirming their absentee ballots were filled out by someone other than themselves. The Roanoke Times did not identify the candidate or the candidate's supporters who allegedly bribed the residents, because so far no charges have been filed in the investigation.



Dotson Monday said the investigation is ongoing, but he hopes to receive a state police report in about two weeks. At that time, he said, he will determine if anything in the report merits the filing of criminal charges.



Dotson declined to discuss details of the investigation, but acknowledged he's heard the Inman Village allegations detailed in the Sunday article.

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WSE

Voting fraud not a problem in Madison

Phil Brinkman Wisconsin State Journal
May 10, 2005

John Hill really does exist. So do Katie Katz, Donald Schamun, James Kuehl, Janet Griesel, Sandra Angell, John Amundson and Deb Spees.

Brian Stoll is out there, along with Daniel Jay Lee and David Cimino. Angela Franzke moved; so did Nathan Greenawalt, Scott Lueck, Eric Sherman and Paul Sonntag. But they're real people.

In fact, if you took the time, you'd likely find the vast majority - if not all - of those once thought to be Election Day phantoms in Madison are living, breathing voters.

Authorities continue to investigate voting irregularities in Milwaukee, including more than 100 cases of suspected double voting.

But in Madison, where 1,194 address verification cards sent to voters who registered on Election Day in November were returned as nondeliverable, investigators now say only 16 may be problematic.

"The vast majority of them - almost all of them - on their face appear to be someone who moved between voting day and the time when these were mailed out," Dane County District Attorney Brian Blanchard said.

Most of the others either wrote down the wrong ZIP code on their registration forms, forgot to include their apartment numbers in their address or inadvertently wrote down an old address. The post office likely could find them, but election rules require the cards be returned if the address is incorrect or incomplete.

"It doesn't make me feel good," said John Hill, 59, an Army veteran and longtime Madison resident whose voter registration card was sent back to the Madison city clerk because he wrote his ZIP code as 53704 instead of 53705. "I know I didn't cheat, and I know it was all a big mistake. People just make too big a deal of the little things."

Innocent mistakes Such innocent mistakes, which happened thousands of times around the state, have tended to amplify the far more serious - but much smaller number - of likely fraudulent votes such as those announced Tuesday in Milwaukee. Identification advocates regularly cite the number of returned registration cards as evidence Wisconsin needs to require voters to show photo identification at the polls.

Opponents point out such a requirement would do little to stop most of the problems that have been identified, such as people writing down the

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wrong address or felons voting, and say it could disenfranchise some elderly or poor voters.

Supporters note the current system, in which registered voters need show no identification and new voters need only a utility bill or another registered voter to vouch for them, invites abuse.

The GOP-led Legislature recently passed a bill requiring a photo ID to vote, but Democratic Gov. Jim Doyle vetoed it.

A hearing on a proposed state constitutional amendment requiring such identification (AJR 36) is planned for 10 a.m. Thursday in Room 300 Northeast of the state Capitol.

At first glance, many of the verification cards that were returned suggested possible voter fraud: The addresses didn't exist, or the person on the card didn't live there.

One card, filled out by a John Amundson, gave an address of "6 S. Madison," not an actual residence. But Amundson is very real. The 45-year-old information technology manager actually lives at 6 S. Yellowstone Drive.

"Sounds like I spaced out the 'Yellowstone,'" Amundson said. "It certainly sounds like the kind of thing I could do."

A letter carrier couldn't find Janet Griesel at 710 Wheeler Road. That's because Griesel moved about two years ago to 710 Malvern Hill Drive from 1630 Wheeler Road. Her card mixed the two, creating an address that doesn't exist.

"My husband probably filled it out for me because I have a vision problem," Griesel said. "He was in a hurry to write his and mine, and I bet that's what he did. Unbelievable."

Katheryn Katz put down the address of her sorority house at 103 Langdon St. when she registered to vote Nov. 2 in her first presidential election. The city clerk sought to confirm her address in January, but by then she had moved to Seville, Spain, where the 21-year-old UW-Madison junior is studying Spanish politics and history.

Sandra Angell moved to her new house five years ago, but for reasons she can't explain, she wrote down her old address on Starker Avenue when she went to vote.

Cheating can be risky Kevin Kennedy, executive director of the state Elections Board, wasn't surprised at the low number of potential fraud cases in Madison. Defrauding the current system is easy but chancy, and the payoff of throwing a few votes toward one candidate probably isn't worth the risk of 4 years in prison, he said.

Allegations of massive fraud, such as one person vouching for a busload of potential voters, are probably apocryphal, Kennedy said. Something like that would make an impression on poll workers, who haven't reported any such incidents, he said.

Voters can cheat the system. They can, for example, claim to be someone else. But that can be risky, Kennedy said, since it depends on the cheater knowing that the other person hasn't voted yet and that the poll worker doesn't know the person whose identity is being used.

To register as a fictional voter, the person would need to forge documents, such as utility bills, used to verify the person's address. Beginning in 2006, federal law also will require voters to list their driver's license number or, if they don't have a driver's license, the last four digits of their Social Security number.

State Rep. Jeff Stone, R- Greendale, the lead sponsor of efforts in the Assembly to require photo ID at the polls, said the numbers from Madison suggest "a degree of accuracy in the way the system functioned" unlike in Milwaukee.

But he maintained photo ID would improve the system further by allowing poll workers to make a positive identification of the voter, even if the address is outdated, incorrect or fraudulent.

"I think that's something that would improve the potential for pursuing charges against someone who voted improperly," Stone said.

Charges unlikely In Madison, at least, the odds of such charges look exceedingly slim. If someone wanted to forge an identity and vote fraudulently, finding that person is probably next to impossible, Blanchard said.

Then, too, explanations for the 16 cards investigators have pulled out for further inquiry may prove to be as benign as the other 1,178.

On Tuesday, the Wisconsin State Journal found one of those voters, Brian Stoll. He and his wife live where they said they lived on their registration card, at 9921 Soaring Sky Run. But, while the property was recently annexed by Madison, the post office still considers it a Verona address and returned the card.

Stoll, 38, said he's used to such confusion over his address and was willing to overlook his brief tenure as a criminal suspect.

"As long as I didn't end up in jail and I can explain the circumstances, I guess it's OK," he said.

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FBI's Sham Candidate Crawled Under W.Va.'s Political Rock

By Michael E. Ruane
Washington Post Staff Writer
Friday, December 2, 2005; A01

The three men were sitting in a car outside a rural elementary school in West Virginia when the candidate handed over \$2,000 in cash and said, "Buy all the votes you can."

In the hamlets and hollows of Logan County, where political shenanigans are legendary and it's said that a vote can be bought for a pint of whiskey or a \$10 bill, some say there was nothing extraordinary about the transaction.

Here's what made it unusual: Although Thomas E. Esposito was on the ballot as a candidate for the state House of Delegates, he wasn't really running for office.

The small-town lawyer and former mayor was just bait. And when the FBI lowered him into the murky waters of southern West Virginia politics last year, it dangled him like a shiny lure.

The whole affair landed yesterday in a Charleston courtroom, where a defense attorney cried foul, accusing the government of "outrageous" conduct and of violating the sanctity of the election process. He said the charade robbed 2,175 citizens who voted for Esposito -- unaware he wasn't for real -- of a constitutional right.

But a federal judge sided with the government, ruling after a 30-minute hearing that corruption in Logan County had been endemic "for longer than living memory" and that the bogus election campaign might have been the only way to root it out.

In Logan County, which is about an hour south and a world removed from Charleston, there are people who agree. "This stuff has been going on since I was a kid," Kenneth McCoy, 54, a disabled miner, said this week. "They had to come up with some way to stop it. Personally, I have no problem with it."

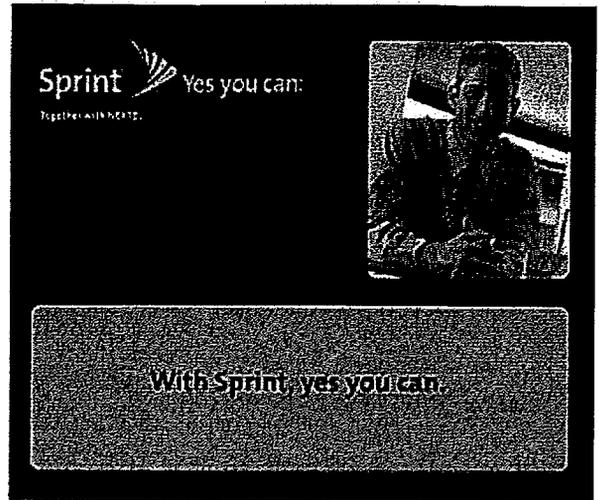
Political corruption in southern West Virginia goes back generations, residents and observers say.

"Federal authorities have been intervening in southern West Virginia for 80 years, at least," said Topper Sherwood, co-author of a 1994 book on longtime Logan County political chieftain Raymond Chafin. "More often than not, their role is to come in and remove power from those who have acquired it illegally."

Moss Burgess, 62, a retired Logan County high school chemistry teacher who has run unsuccessfully for local office, said: "I'm glad that somebody's trying to clean up the system in this county. Most people, they've more or less accepted it as common."

U.S. District Judge David A. Faber, chief judge for the Southern District of West Virginia, asserted in yesterday's ruling: "It has been nearly impossible to prosecute corruption in Logan County because persons with knowledge of it are reluctant to testify against others in their community."

Advertisement



The advertisement is a black and white image. On the left, the Sprint logo is visible with the tagline "Together with heart." and "Yes you can:" next to it. On the right, there is a small inset photo of a man in a suit talking on a mobile phone. Below the photo, a dark rectangular box contains the text "With Sprint, yes you can." in a light-colored font.

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systemic corruption," he wrote.

Judge Faber noted yesterday that previous rulings have held that for a government investigative action to be improper it "must be so outrageous as to shock the conscience of the court."

"Here, in looking at the totality of the circumstances," he wrote, "the court's conscience is not shocked in the slightest."

During the hearing, Campbell said, the judge asked him: What else could the Justice Department have done?

"Not violate the constitutional rights of the voters of Logan County," he said he replied.

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Logan Clerk to Plead Guilty in Election Fraud Case

Posted 11/29/2005 06:08 PM

Voter Fraud in West Virginia

Story by The Associated Press

Logan County Clerk Glen Dale Adkins plans to plead guilty in the ongoing probe of election fraud in southern West Virginia.

Federal prosecutors Tuesday requested a plea hearing date for the 57-year-old. His defense lawyer disclosed plea negotiations earlier this month when his scheduled U-S District Court trial was postponed.

A federal grand jury indicted Adkins, also known as "Hound Dog," in July on charges alleging he conspired with others to bribe voters in elections between 1992 and 2002.

As part of their vote-buying probe, prosecutors previously landed guilty pleas by Logan County's sheriff and the city of Logan's police chief, prompting both to resign.

Like those former officials, Adkins is a Democrat. That party dominates both counties, and the election fraud charges largely focus on Democratic Party primaries.

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West Virginia Democrats on Defensive After Fraud Probe

WV

CHARLESTON (AP) - West Virginia Democrats are on the defensive after the latest wave of election fraud charges again involve the Mountain State's dominant political party.

A federal magistrate last week arraigned and set July 11 trial dates for five men charged in an investigation into vote-buying in southern West Virginia.

Like five other area residents previously charged in the probe, the Lincoln County men are accused of aiding Democratic candidates with an alleged scheme to exchange cash or liquor for votes.

And like the 2004 round of criminal charges, the most recent indictment targets a Democratic officeholder: Lincoln County Circuit Clerk Greg Stowers. The then-sheriff of neighboring Logan County, Johnny "Big John" Mendez, was charged with vote-buying last year. Mendez resigned, pleaded guilty and was sentenced to home confinement and probation.

Stowers, 48, has vowed to fight the conspiracy count facing him. Though a lawyer, Stowers declined to comment on the pending case last week.

Gov. Joe Manchin considers the Stowers family to be political allies. Greg Stowers' brother, Lyle, volunteered for his campaign and was a "big supporter," Manchin spokeswoman Lara Ramsburg said.

Though no Republican has been named in the election fraud case, the state GOP has not been immune to criminal charges. A Republican state Senate candidate, Mark Anthony Reynolds of Fairmont, was convicted on federal wire fraud and obstruction of justice charges last year and sentenced to 10 years in prison. Reynolds had posed as a Republican Party insider as part of a shakedown scheme, prosecutors said.

And a pending Federal Election Commission complaint alleges former state GOP Chairman Kris Warner violated the law by pairing his brother's name with President Bush's on yard signs during Monty Warner's unsuccessful run for governor. The signs drew complaints from the Bush campaign before the election, and helped fuel the push to remove Kris Warner as chairman. He resigned last week.

The investigations are not a Democrat or Republican issue, Ramsburg said. "This is a law enforcement issue, just as the Republican Party leadership, specifically the Warners, are currently under federal investigation for things that happened during the campaign."

Political corruption is not new in West Virginia. Convictions have been numerous and both parties have a former governor sent to federal prison.

Republican Gov. Arch Moore pleaded guilty to five corruption-related felonies 15 years ago. Among his crimes, the three-term governor passed around \$100,000 in unreported campaign cash "to influence, secure, and retain the votes and influence of voters" during his successful 1984 campaign.

Democrat Wally Barron was cleared of a 1968 bribery indictment but in 1971 was indicted again on jury tampering charges stemming from his 1968 trial. He spent four years in prison.

The latest federal indictment alleges the Lincoln County defendants aimed to maintain power over county jobs, road gravel and paving materials, and property tax assessments, among other areas. Toward that end, the conspiracy sought to buy votes to secure the election of certain candidates, including Stowers, "to countywide office," the charges allege.

That has not prevented state Republicans from raising the question of wrongdoing by other Democratic candidates on the "slates" allegedly passed out by the conspirators. Several of the charges focus on the 2004

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primary, when Gov. Joe Manchin, U.S. Rep. Nick Rahall and even Sen. John Kerry, D-Mass., the Democrat's eventual nominee for president, were on the ballot.

Raleigh County businessman Rick Snuffer, for instance, offered Friday to seek Rahall's seat "if Rahall is forced to leave office due to the expanding level of indictments and investigations into voter fraud."

Snuffer, who ran unsuccessfully for the 3rd District seat last year, noted that "I understand no one has publicly tied the Congressman to vote buying and other voting improprieties."

Republican U.S. Attorney Kasey Warner's office filed the vote-buying charges. The cases are being handled by two assistant prosecutors whose tenure in that office precedes that of Kasey Warner, a Bush appointee.

Kasey Warner has repeatedly said he has erected an "incredibly high wall" to separate the activities of his office from the political activities of his brothers, Monty and Kris.



NY

Free beer if you register to vote

Joseph Spector and Enid Arbelo
Staff Writers

(June 18, 2004) — Here's a way to get young people registered to vote: Give them free beer.

That's the plan at today's East End Festival. Monroe County Democrats have teamed up with High Falls Brewery to offer two free 2-ounce beers to those who register to vote at the festival.

Then the new voter can go into a real voting booth and pick the brew they liked the most. The promotion is called "Register Your Taste."

The goal is to encourage people older than 21 to register to vote and to simulate the experience of voting. But alcohol treatment counselors fizzled on the idea, saying organizers shouldn't link drinking with the civic duty of voting.

"I think there are other ways to motivate people to vote other than give them alcohol," said Elaine Milton, director of the chemical dependency clinic at the Family Service of Rochester Inc.

Molly Clifford, head of the Monroe County Democrats, stressed that the event is not aimed at encouraging alcohol consumption and that the samples are small.

The initiative, backed by High Falls CEO Tom Hubbard and Moe Alaimo, president of the East End Business District, will also take place at two other East End festivals later this summer and at two Red Wings games.

The booth will be open from 6 to 8 tonight at Alaimo's store, Havana Moe's, 200 East Ave.

Voting for Beer

Question: What do you think about the plan to register people over age 21 to vote with free beer?

- It's a good idea to encourage the democratic process.
- This is a disgrace because it encourages the consumption of alcohol.
- This is a cheap ploy to get votes.
- This is my type of political party!
- How many times can I register?

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"It's just a fun way to get young people interested in voting," Clifford said.

The festival is a great place to promote voting because of the captive audience, said Christopher Burns, co-founder of the Rochester Young Professionals.

"Young people like to drink and politics is not something they usually think about," said Burns, 29.

"I hope people won't be inebriated when they vote, but it seems like a fun way to get people involved in the voting process."

Participants will vote between High Falls' two new beers, Dundee's Amber Lager and Pale Ale, both to be introduced this fall. Hubbard said the event is a good marketing opportunity for the local company and a way to help a good cause. About 20,000 people, largely those in their 20s, attend each East End festival.

Clifford said she and Hubbard developed the idea, a nonpartisan affair, because locally and nationally it's difficult to get young people to vote.

Statistics show that the 18-to-24 age group has the lowest percentage of registered voters and number of people who come to the polls.

Since 1972, the young voter participation rate has declined by about 13 percent overall — the largest drop of any age group, according to the National Association of Secretaries of State. In Monroe County, less than 8 percent of registered voters are ages 18 to 24, also the lowest of any age group.

Jennifer Kunselman, 27, of Rochester said festival attendees could benefit from being able to register to vote there. Yet she said having the option at a Red Wings game would be even better.

"I think it's important to target a younger audience," Kunselman said. "But there is a whole other population that won't be frequenting the festival."

David Mammano, president of the local chapter of the Young Entrepreneurs Organization, said the idea is good because it promotes voting, but he doubts it will help. He said people will vote if they want to, not because of free beers.

"Maybe they will have better luck if they have beer on Election Day."

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EARBELO@DemocratandChronicle.com

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The Monitor

<http://www.themonitor.com/>



TX

Defendant in voting scandal to tell side

August 20, 2005

Marc B. Geller

The Monitor

McALLEN — One of the people at the center of a purported votes-for-money scheme in the McAllen city elections expects to testify before the grand jury next week.

"I contacted (assistant criminal district attorney) Paul Tarlow and I said that I wanted to go before the grand jury; I wanted to tell them my side of the story," said Jose "Joey" Lopez, 22, of McAllen, on Friday. "I don't know if anybody is going to hear me, but I'm going to be able to go over there and tell them what truly happened."

The grand jury is investigating allegations that politiqueras, or paid political operatives, violated laws governing early voting via mail.

Hidalgo County District Attorney Rene Guerra also has said grand jurors would be reviewing surveillance recordings in which Lopez is heard offering Othal Brand Jr. 400 mail-in ballots in exchange for \$4,000. Brand is the son of former mayor Othal Brand Sr., and manager of the elder Brand's recent mayoral campaign.

Brand Jr. has said he called the FBI immediately after his first meeting with Lopez and was referred to the Texas Rangers. Sgt. Israel Pacheco, a Texas Ranger who conducted his own investigation, has said that he directed Brand to make the recordings.

Grand jurors are likely to hear a much different account of what happened from Lopez than the account they heard from Brand Jr. in earlier testimony.

Lopez acknowledges that he accepted money from Brand Jr., but maintains that he never had access to any ballots and denies he had any intention of actually delivering any. Lopez also asserts that Brand Sr. initiated the negotiations for the mail-in ballots and that Brand Jr. contacted law enforcement only after Lopez failed to deliver them.

"This guy wanted to get his dad elected by all means necessary, including getting a kid like me to try to get him votes," Lopez said. "I couldn't do it for him, so I kept on making excuses, and he kept on giving me money."

Brand Jr. disputes Lopez's account and doesn't think the grand jury will buy it.

"I've got nothing to hide," the younger Brand said. "I have no worries about anything that he would want to say to them."

Brand Jr. declined to discuss his own testimony before the grand jury, citing instructions from the District Attorney's Office.

State law prohibits disclosure of the proceedings of a grand jury.

"I cannot tell you who is or who is not going to testify before the grand jury," Tarlow, the assistant criminal DA, said. "What goes on in the grand jury room is secret, as a matter of law."

Guerra, the DA, said Wednesday that the grand jury continues to investigate the McAllen election scandal and could issue indictments as early as next week.

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Brand Jr. said he was optimistic the outcome will help bring integrity to future elections in the Rio Grande Valley.

"I'm just hoping that the grand jury has some impact on cleaning up the voting system," he said. "I certainly hope that will have some impact in deterring anybody attempting to do any voter fraud of any type in any election."

His optimism is guarded, however, in the event the grand jury indicts voters but not politiqueras.

"It will not deter politiqueras at all," he said. "If they think they're going to curb the activity by going after voters in the 75- to 100-year range, that's not going to accomplish anything."

Earlier this week, the grand jury investigating the McAllen elections indicted two women for voting twice in the San Juan city election. Maria Louisa Rodriguez and her daughter of the same name were charged with illegal voting, a third-degree felony that carries a two- to 10-year prison sentence and a maximum \$10,000 fine.

The politiqueras who brought the mother and daughter to vote for a second time on Election Day were identified in an internal city memorandum, but Guerra said neither of the women — Cindy Rodriguez, wife of City Commissioner Bobby Rodriguez, and Vicki Loreda, wife of ex-mayor Robert Loreda — would face charges.

Lopez, for his part, said he's prepared to face the consequences of accepting more than \$1,000 from Brand Jr. and breaching their verbal agreement, but added that he plans to fight any charges that he violated election laws.

"I feel like I'm part victim," he said. "It's like I'm being accused of something that I didn't do. I should have never gotten into it or even messed around with it, but I felt that I needed the cash. ..."

"I just want to make sure that they get my side of the story and they get what I feel is the true side of the story."

Marc B. Geller covers McAllen and general assignments for The Monitor. You can reach him at (956) 683-4445.

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DA INVESTIGATES ALLEGED BRIBES FOR EARLY VOTES

TX

STAFF & WIRE REPORTS

September 09, 2003

LONGVIEW - Gregg County District Attorney William Jennings is investigating a Gregg County-area employer who allegedly gave a handful of \$10 Neal McCoy concert tickets to workers who cast early ballots in the constitutional amendments election.

Jennings said he is choosing not to identify the employer yet.

He said he began his investigation Friday afternoon after he was contacted by the county elections administrator who had received phone calls from media.

"An employer in Gregg County had given concert tickets in exchange for people voting," he said. "I've got no indication that there was an exchange of a ticket to vote a certain way. Obviously, there would be no way an employer would know how that person voted under our system."

He said that a half a dozen to two dozen people received tickets to the concert, performed last week.

"The concern is not with the voter. It is whether the employer went too far in encouraging the employee to vote," Jennings said.

The most serious allegation possible in this incident is a state bribery law, that, if violated, is a second-degree felony, punishable by two to 20 years in prison, Jennings said.

"I'm not sure that's the offense that's been committed just yet," he said. "I'll get the facts and apply the facts to the law and see where we go from there."

There may be other election code issues he will also look at, not quite as serious as the state bribery law, he said.

The high-profile amendment on the ballot is Proposition 12, which would ratify limits on non-economic damages in medical malpractice lawsuits and clear the way for future Legislatures to set similar caps in other civil suits as well.

There are 22 proposed amendments on Saturday's election ballot. Early voting ended Tuesday.

Doctors, hospitals and other health care providers are waging a strong campaign for Prop. 12, while plaintiffs' lawyers and some consumer groups are fighting it.

The proposal has attracted a larger-than-normal early voting turnout in Gregg County for a constitutional amendments election, the county's elections administrator, Hattie Owen, told the Houston Chronicle in Tuesday's editions.

Meanwhile, Kathy Allbright, a paralegal at a Longview law firm, said she was puzzled when on the

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second day of early voting she went to cast her ballot at the Gregg County courthouse and was asked by an elections official if she were "legal or medical."

"She (the elections official) said the medical people were asking for receipts showing that they had voted because they were getting bonuses," Allbright said.

But Owen said rumors that health-care providers had offered their employees bonuses for voting were unsubstantiated.

Jennings also said in his investigation he had not found any of these other rumors to be substantiated.

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KansasCity.com

Posted on Mon, Mar. 28, 2005

KS/MO

Lawyer admits voting twice in four elections

A Kansas City, Kan., lawyer admitted today to illegally voting in both Kansas and Missouri.

James D. Scherzer, 68, pleaded guilty in federal court in Kansas City to four counts. He cast double votes in two elections in 2000 and two elections in 2002. He will be sentenced later to a maximum on each count of one year in prison, one year of probation and a fine of up to \$100,000.

Scherzer was charged after an investigation by *The Kansas City Star* found thousands of double-registered voters in the area and several hundred cases of possible double voting. Scherzer declined comment Monday.

Previously, he told a reporter that he acted on his own with no particular motive.

"I don't have some rationale, or a highfalutin story," he said.

No sentencing date has been set.

— Joe Lambe

See The Kansas City Star tomorrow for more local news.



KS/mo

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Man Pleads Guilty To Voting In Kansas, Missouri



Mon Mar 28, 3:41 PM ET

A Kansas man pleaded guilty in federal court Monday to voting in federal elections in both Kansas and Missouri.



James D. Scherzer, 68, of Kansas City, Kan., pleaded guilty to a federal charge accusing him of four counts of voting fraud, which is a misdemeanor civil rights violation. The information, which was filed on Dec. 13, 2004, replaces a criminal complaint filed against Scherzer on Oct. 21, 2004.

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Federal investigators said that Scherzer voted twice, in both Wyandotte County, Kan., and Kansas City, Mo., in the primary and general elections in 2000 and in the primary and general elections in 2002. As a resident of Kansas, Scherzer was not qualified to vote in Missouri.

"We take vote fraud seriously because it diminishes the value of legitimate votes cast by qualified voters. The Equal Protection Clause of the Fourteenth Amendment guarantees qualified voters the right to have their votes counted without being diluted by spurious ballots cast by unqualified voters," U.S. Attorney Todd P. Graves said a news release.

Scherzer could face a maximum of one year in jail and a \$100,000 fine.

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KansasCity.com

KS/aw

Posted on Tue, Mar. 29, 2005

P.S.: Lawyer pleads guilty to double voting

A Kansas City, Kan., lawyer admitted Monday that he had voted illegally in Kansas and Missouri.

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"I don't have some rationale, or a highfalutin story," he said.

No sentencing date has been set.

— Joe Lambe/The Star

Online archives from The Sun Chronicle.

November 18, 2000

Recounts serious matter

BY RICK THURMOND / SUN CHRONICLE STAFF

Eleanor Ruest, a longtime North Attleboro election commissioner, is not amused.

For days on end, jokes and gibes have been directed at Florida election officials who, for just as long, have been squinting through pinpricks in stacks of punch card ballots, trying to divine each voter's intent in the closest presidential election in more than a century. "What else would you expect to see," Ruest huffed. "Anyone who thinks that's funny obviously has never been through a recount."

MS

While the eyes of a nation look south to Florida and what seems an electoral train wreck, Ruest and others who have been through recounts say what's going on now in Florida has happened here, and can happen almost anywhere a voter walks up to a ballot box.

Messy litigation in a high-profile election? Massachusetts has been there, done that.

Four years ago, after a recount, it came down to the courts to decide who would be the Democratic nominee to represent Massachusetts' 10th Congressional District. That Democrat still holds the seat.

Voter fraud?

While election officials say outright fraud is so rare these days it's inconsequential, an Attleboro man came forward after the April 1996 primary to say he voted three times -- in North Attleboro -- just to prove it could be done.

Cliffhangers?

An Attleboro city council race in 1985 hung by a single chad, those pesky bits of paper that can dangle from a ballot when a vote is cast. After a recount, the victor suddenly was the loser -- again, by a single chad hanging from one of those punch card ballots.

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"No election is perfect. They can't be," Ruest said. "You've got humans and you've got machines. Both make mistakes."

Part of the system

Like it not, mistakes are part of the system. Mistakes usually don't matter, the reasoning goes, because they are random and are spread across the ballot.

"This goes on all over the country," said Rebecca Mercuri, a visiting professor of computer science at Bryn Mawr College in Pennsylvania and a frequent expert witness on computer security and voting systems.

"Voting anomalies happen all over the country, in most states," she said. "Most voting systems have an error rate of between 2 and 5 percent. Most election officials will admit to that."

The problem in Florida, and with this presidential election in general, is the margin of victory seems to be far less than the accepted margin of error.

"Flaws don't matter if the vote is 60-40," said Victor DeSantis, a political science professor at Bridgewater State College. "Those flaws show up when the vote is 50-50."

In Florida, much of the blame has been leveled at the now-infamous punch card ballot, a voting system that has been outlawed in Massachusetts since September 1998.

Massachusetts Secretary of State William Galvin threw out that type of ballot because of the havoc it caused in the 1996 Democratic primary for Massachusetts' 10th congressional seat.

The primary night count gave Philip Johnston a 266-vote lead over William Delahunt out of more than 35,000 votes cast. A subsequent recount whittled Johnston's lead to 181 votes, but still he prevailed.

Delahunt, dissatisfied with the outcome of the recount, took the matter to Superior Court where Judge Elizabeth Donovan re-examined the ballots by hand.

In question were almost 1,000 punch cards that had been blanked by voting machines and tossed out, mostly at polls in Weymouth, Abington and Orleans.

The judge determined in many cases that electronic scanners read ballots as blank only because they had not been punched

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cleanly through. She gave the election to Delahunt by 108 votes.

Johnston was campaigning with First Lady Hillary Clinton at a Democratic unity rally when that thunderbolt struck. He promptly filed an appeal with the Supreme Judicial Court, arguing that if ballots were left blank or were only slightly indented, it was because voters hadn't made up their minds.

But that would have meant, in Weymouth alone, almost 23 percent of voters had intentionally cast blanks and, Delahunt argued, they turned out on a stormy night to do it.

The Supreme Judicial Court affirmed Judge Donovan's ruling.

Galvin said he knew of nothing like that happening before in voting for such a high state office, and ordered state monitors to the polls for the Nov. 5 presidential election in cities and towns that used the punch card ballot.

The problem with punch cards is that votes aren't always cleanly punched through, and when they are, chad can then shift around, jamming other holes so that those votes are misread.

Attleboro area election officials had long been aware of the pitfalls of punch card ballots, and for the most part had junked them before the statewide ban was imposed.

"You could run the ballots through three times and get three different results because those chad would fall off," said North Attleboro Elections Chairwoman Diane Szpila.

North Attleboro discarded punch cards after an acrimonious election to build a new middle school in January 1995. A recount was held when the new school was approved by a 158-vote margin out of 5,290 votes cast. The school lost eight votes in the recount, but overall the project prevailed.

"A lot of the chad were still hanging on when we did the recount," Szpila said.

Ruest, who was elections chairwoman at that time, called that election, "the straw that broke the camel's back."

"Hardly any of them went through the first time," she said.

Election officials are told to keep punch card ballots away from moisture, lest they become even more difficult to punch through. So where were those ballots stored for years in

Attleboro? On the basement floor of city hall, said Jessie Joubert, who worked for more than two decades in the city elections office.

Problems can also occur when the ballots are misaligned.

"We found a lot of ballots where the punches weren't where they should have been," Joubert said. "There was nothing we could do. The machine automatically canceled them out. We had a lot of those, I'll tell you."

In 1985, Tony Viveiros beat incumbent Thomas Dudson by one vote in the initial count for the Ward 2 city council seat. He lost by one vote in a recount.

"It was just like what you're seeing on TV now in Florida," he said. "Election people looking up at a ballot, trying to figure out what was the voter's intent. If there was a hanging chad, it had to be more than half-way through."

"I broke into tears when it was all over," Viveiros said.

And what of punch card ballots?

"I hate 'em with a passion," he said.

Bill Crowley, an Attleboro election commissioner, is more blunt. "They're a bitch," he said.

"We would have disagreements every election because the count was off all the time," Crowley said. "If we had 1,000 ballots, maybe the count would come out 995. On occasion, we'd run them through two or three times until the count came close to what it was supposed to be.

"That's sad, but that's the way it worked," he said. "Those machines just weren't 100 percent."

Punch card ballots are still widely used across the United States, despite their drawbacks, experts say.

In Massachusetts, four types of voting systems are used.

By far the most common is an optical scanning system which reads marks a voter makes on a ballot. It's in use throughout the Attleboro area and in 908 precincts in 147 cities and towns.

Old-style lever machines, which aren't manufactured anymore, are used in 434 precincts in 23 communities.

Paper ballots are still used in 79 towns.

Four communities, Dighton, Franklin, Lawrence and Milton, still use a variation of the punch card ballot, although unlike in Florida, the names of candidates are printed on the card.

But even those systems can stumble.

"In any system, people can make mistakes," said Brian McNiff, spokesman for the secretary of state's office. "They can make mistakes with an opti-scan."

"I'm not sure the secretary would ever get into the acceptance rate of errors," he added.

Crowley said optical scanners are far better than the old punch card system, although "they're still subject to error."

"We have people who still try to punch holes through the ballot, or make an X or they circle the little oval they're supposed to fill in," he said.

And, sometimes optical scanners misread marks even when the marks are penciled in correctly.

"Readers, anything that scans things optically, have an error rate," Mercuri said.

"Even the SAT people will admit to an error rate," she said, referring to college entrance tests which for years have relied on optical scanners.

With the electoral mess in Florida flickering on television sets 24 hours a day, there have been rumblings in Congress to devise some kind of unified voting system.

It'll never happen, said Bruce Schulman, a history professor at Boston University.

"It's one of those things like the Electoral College," he said. "Legislation will be filed to reform it, but it won't get very far.

"Technologically, it's possible and it should be done," Schulman said. "But it won't be done for two reasons. First, it's too expensive. That's why so many cities are still using this ancient stuff. Then, there's the political side. Laws and established tradition say that states and local governments administer elections."

A statewide unified voting system hasn't even been discussed

in Massachusetts, McNiff said.

A unified system is, so far, unworkable and unnecessary, Mercuri said.

"As long as you have a system that allows a manual recount, then you have the possibility of a recount," she said. "That's what most municipalities do.

"As long as you're willing to accept that, then every vote does count.

"Even a punch card you can hold in your hand; you can see the chad," she said. "You don't get that with an Internet system or a computer system where you touch the screen. There's no audit trail."

Besides, Mercuri said, "As a programmer, I could write an interface that would send 10 percent of Gore's vote to Buchanan. Even some high school students could do that."

And what of voter fraud?

So far, there have been no substantial charges of outright fraud in this election, although some college students in Wisconsin have admitted to casting multiple votes as a prank.

Those reports brought memories flooding back to Edmund Morrison, a South Attleboro man who said he cast three votes in North Attleboro during an April 1996 primary, just to prove it could be done.

Morrison said he did so because he had overheard a group of women in a North Attleboro restaurant talking about how they had voted more than once in the middle school election a year earlier.

Morrison had just moved from North Attleboro at that time, and still was listed on the town's voter registration rolls. He said he cast one vote as himself then used the names of two friends to cast opposing votes that canceled each other out.

"I didn't do any malice," he said. "I just wanted to show how easy it was to do, and that voters should be required to show some form of identification."

That little act could have cost Morrison a \$10,000 fine and up to five years in prison, but the court declined to prosecute because, other than his own word, there was no proof he had committed fraud.

To this day, Morrison is unapologetic.

“Those college kids proved, again, how easy it is,” he said.
“I think it smells to high heaven.”

And North Attleboro election officials are still unsure
Morrison really did what he said he did.

“I think it was wishful thinking on his part,” Ruest said. “He
was all too anxious to call the Boston Globe.

“I looked over the voting list a long time, but I couldn't find
anything.”

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10-23-02

Dems blast GOP efforts on voter fraud

By Jim Drinkard, USA TODAY

Mixed

WASHINGTON — Efforts by the Justice Department and the Republican Party to guard against voter fraud have ignited a long-smoldering dispute that could have an impact on close national elections less than two weeks away.

The Republican Party has compiled a national database of 3,273 names of people who it says apparently voted more than once in the 2000 elections. It is turning the list over to local authorities for investigation and possible prosecution.

But early looks at the data by state officials have found little evidence of multiple voting.

At the same time, the Justice Department is mounting what it calls an unprecedented effort to police voter discrimination at polling places and prosecute voting fraud. Attorney General John Ashcroft held a daylong "Voting Integrity Symposium" this month to train more than 300 representatives of FBI and U.S. attorney's offices across the nation "to prevent election offenses and to bring violators to justice."

Some Democrats accuse the GOP of aiming to intimidate voters — particularly minorities and new immigrants, who they believe lean Democratic.

"The last thing we need are partisan efforts that could make it harder for law-abiding citizens to vote on Election Day," said Sen. Chris Dodd, D-Conn., chairman of the committee that oversees elections.

The stakes are immense. Majorities in the House and Senate hang on a handful of races scattered across the country. Both parties say the outcome will hinge on which side does the best job getting its supporters to the polls.

The skirmish is emblematic of longstanding tension between the Republicans and Democrats. It was evident most recently in the struggle over legislation in Congress to fix the election process after ballot problems in 2000. That legislation was stalled for months while Democrats and Republicans argued over whether to include anti-fraud provisions, including identification requirements for new voters, that had been sought by Republicans.

Connecticut, the first state to check the GOP's multiple-voting data, found it "highly flawed."

Officials said that at least 51 of 54 names listed as voting both in Connecticut and elsewhere were erroneous.

Secretary of State Susan Bysiewicz, a Democrat, called the list "a deliberate attempt to distract election officials across the country from their responsibility to encourage voter participation."

In North Carolina, officials found that the first name on the double-voting list was that of state Rep. Martha Alexander, a Democrat who chairs the General Assembly's panel on election laws. "It's got to be two people with the same name and birth date," said Gary Bartlett, director of the state Board of Elections.

Shad Balch, a spokesman for California Secretary of State Bill Jones, a Republican, said, "It looks like we're going to be able to refute their claims."

- Voting more than once

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Party spokesman Kevin Sheridan said the project was carefully done using publicly available voting records and other material.

"The intent was to provide it to authorities interested in our research ... and to take any action they deem necessary to clean up the process or to bring legal action against people involved," he said. Although the GOP knows in some cases the political affiliation of the voters on its list, "we're not making that available," he said.

Regarding the Justice Department's anti-fraud effort, Wade Henderson of the Leadership Conference on Civil Rights called it "a solution in search of a problem" and "a warmed-over plan for voter intimidation."

There is concern among civil rights advocates that Justice's investigation of alleged fraudulent voter registrations in South Dakota on and near Indian reservations is scaring off potential voters.

Ashcroft spokesman Mark Corallo dismissed the concerns: "The only people intimidated are the people who were going to cast fraudulent ballots, and that's the point here." Even so, the issue has flared in other places, as well:

- Party officials in Arkansas are trading charges of fraud and voter intimidation. Republicans say Democrats have generated bogus voter registrations; Democrats say Republicans have tried to photograph and intimidate minority voters waiting in line to cast early ballots in Pine Bluff.
- The Texas GOP on Oct. 10 announced a "ballot integrity" program to guard against voter fraud by "our less ethical opponents." The effort, detailed on the state party's Web site, calls for recruiting poll watchers who will look for irregularities on Election Day.

Find this article at:

http://www.usatoday.com/news/politicselections/2002-10-23-voterfraud_x.htm

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Bysiewicz defends state voting rolls

Lolita C. Baldor, Register Washington Bureau October 22, 2002

WASHINGTON — Recent suggestions that up to 54 Connecticut voters may have cast ballots in two different states in 2002 are not true, Secretary of the State Susan Bysiewicz said Monday after a weeklong investigation.

Bysiewicz said the data provided by the Republican National Committee was "highly flawed" since more than half of the people named never even voted in Connecticut in 2000.

"It appears that the RNC has made allegations that were completely unfounded," she said. "And I hope this was not an attempt to distract voting officials or discourage voters from participating on Election Day."

Of the 54 voters listed by the RNC as possibly voting in two states, 15 voted only in Connecticut; 29 voted only in a state other than Connecticut; three were only registered in Connecticut and four names were discounted because they had different dates of birth.

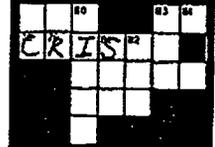
Ultimately, she said, the names of three voters have been referred to the FBI and U.S. Attorney because Bysiewicz has been unable to get the necessary voting information from the other state.

RNC spokesman Dan Ronayne made it clear when the initial documents were released Oct. 8 that Republican officials were not charging anyone with wrongdoing or election fraud. Instead, he said the RNC had analyzed its voter lists, compared records, found the discrepancies and released them to state authorities to point out possible problems.

"To say this was an attempt to take time away from the election is patent nonsense," he said, adding that RNC officials were

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"very disciplined" in their research.

Bysiewicz acknowledged that state officials found that some of the problems were caused by errors by local voting officials who entered the wrong names into the computer.

When voters cast their ballots on Election Day, the poll workers check off their names on large sheets.

That information is later transferred into the computer - which is where some of the errors occurred, Bysiewicz said.

She added that the problems with the 51 voters already cleared lead her to believe that the three names still being investigated also may simply be a case of human error.

Ronayne said Bysiewicz should examine and correct the problems, "instead of engaging in partisan accusations - after all, we all share the same goal: clean and fair elections."

"Our only motivation is to promote clean and fair elections, and the Secretary of the State has apparently found problems in the record-keeping in Connecticut as a result of an investigation brought on by our research," he said.

The RNC also turned over the names of about 7,700 voters who may be registered in Connecticut and one other state. Bysiewicz said she has referred those names to local voting officials in the various towns.

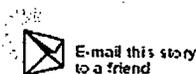
The officials have until the end of the year to research the voters and determine if the records are correct.

Lolita C. Baldor can be reached at lbaldor@nhregister.com and (202)737-5654.

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Despite Crackdown, Some Double Voting

Worst Problems Cited Involve D.C., Md.

DC / MD / VA

By Dan Keating

Washington Post Staff Writer

Thursday, October 31, 2002; Page B08

Double voting in the District and Maryland has persisted despite a 1998 effort to crack down on the practice, according to election records, and local officials say that an election reform law signed this week by President Bush will not fully address the problem.

Records indicate that two dozen voters cast ballots in both the District and Maryland in the Sept. 10 primary and that 90 voters did so in the November 2000 election. Double voting in the District and Virginia appears to be far less common -- the records show only six people voting in both the District and Northern Virginia in November 2000.

A provision in the new federal law requires states to create centralized, computerized voter rolls to prevent multiple voting by people registered in more than one place. The District and Maryland already have such records, however. The problem is that different jurisdictions seldom compare registration lists or voting records to spot duplicate names, Washington area elections officials said.

The last time such a review was done was in 1998, when D.C. elections officials looked at voting records and gave the U.S. attorney's office the names of 261 people who appeared to have double-voted in the District and Prince George's County during the previous three years.

But that investigation did not lead to any prosecutions, said Channing Phillips, a spokesman for the U.S. attorney in the District. Phillips said yesterday that officials could not find the paperwork explaining why no one was prosecuted, and Alice P. Miller, executive director of the D.C. Board of Elections and Ethics, said her office could not locate those records either.

Miller said the District has not made a more recent attempt to find double-voters, in part because the city's drive to obtain and install new voting equipment was a higher priority.

A review by The Washington Post found that more than 10,000 people are registered to vote in both the District and either Prince George's or Montgomery counties. The Post found people listed as having cast ballots in the District and Maryland on the same day by studying voter histories that were based on signatures collected when voters checked in at the polls.

When contacted by a reporter, the voters said that they had cast a ballot only once and that the records must be wrong.

"That must be a mistake," said Denise Daniels, 33, listed as voting in both Prince George's and the District in 2000 and 2002. "I'm going. I have to go. I don't know what this is about."

Harold Bobbitt Jr. also is listed as a double-voter.

"I moved to College Park," he said. "I'm no longer a District voter. I started voting in College Park in 2000, but I didn't vote in D.C. That might be a mistake in the D.C. computer."

Bobbitt noted that he has the same name as his father, Harold Nathaniel Bobbitt Sr. The voting records,

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however, indicate that ballots were cast in the District and Maryland in 2000 and 2002 by Harold Nathaniel Bobbitt Jr., age 46. And Bobbitt and his father are listed as having voted in last month's D.C. primary.

The most prolific repeat voter, according to the records, is Betty J. Johns, 69, listed as casting ballots in both Maryland and the District in the 1996 and 2000 presidential elections, as well as in the Democratic primaries in the District and Prince George's on Sept. 10. A woman who answered the phone at her residence said no one there would talk to a reporter.

Larry Poteat Jr., 22, moved to Prince George's County this year from the District but was listed as voting in both places in September. His father, Larry Poteat Sr., said that he voted in the primary in the District, yet there is no record of the father's vote.

"If they don't have me down as voting, something's crazy," the father said. "They gave both of the votes to [my son], in Prince George's and D.C."

Election officials said it is possible for precinct workers to make mistakes when recording who voted. Such errors also would be a serious problem, voting reform activists say, because they could make it impossible to compare the number of ballots counted with the number of people listed as voting. Matching those two figures is a first step in making sure that ballots were not discarded and that phony ballots were not counted.

In the District, vote fraud is a felony punishable by five years in prison or a \$10,000 fine. In Maryland, the punishment is a fine of up to \$2,500 and up to five years in prison.

When registering to vote, people are asked on a form where they were previously registered, but some don't fill it out. The form is then sent directly to the previous jurisdiction if it is in the same state. But if it is not in the same state, the form goes to the capital of the state where they used to live, which slows down the process, election officials said.

Officials said the best way to weed out such names is to compare lists of all registered voters, which the District initiated in 1998. Election supervisors in Prince George's and Montgomery said it would be up to the state to launch such an effort.

Reform advocates said cleansing registration lists of old names and maintaining accurate voting records are crucial steps in ensuring clean elections.

"It doesn't matter what kind of voting equipment you have if you have dirty voter rolls and you don't have the people to keep them clean," said Deborah Phillips of Arlington, former head of the Voting Integrity Project.

Posted on Sun, Jul. 31, 2005

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No fraud found in Duval vote

FBI probe finds no double ballots cast THE ASSOCIATED PRESS

JACKSONVILLE - Investigators found no evidence that anyone cast more than one ballot in the November election in Duval County, although an investigation into fraud allegations from early voting in the county continues.

County Elections Supervisor Jerry Holland said the FBI investigation didn't turn up any evidence that voters cast more than one ballot in the county either on Nov. 2 or in absentee voting.

Officials said in January that a review of voting records uncovered more than 50 cases in which it seemed the same person had cast an absentee ballot and voted on Election Day or otherwise voted twice in some way, such as voting in two places, leading U.S. Attorney Paul Perez to launch a federal investigation.

But Holland said each apparent case of double voting was attributed to a clerical error, such as someone signing the voter rolls at one polling place before being told they had to go to another location to vote. One case involved a father and son with the same name who signed in the wrong place.

About 380,000 people voted in the November election in Duval County, so the votes in question represented less than one-50th of 1 percent.

"These results show voters that they can have confidence in the elections office," Holland said.

Double voting is punishable by up to five years in prison and a \$10,000 fine.

The FBI will continue to look into some allegations of potential voter fraud that stemmed from early voting in the county, Holland said.

"These results show voters that they can have confidence in the elections office."

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Jerry Holland
county elections supervisor

FL Sun-Sentinel – October 25, 2002

FL

Florida has more double voters than any other state

By Sam Trantum
Staff Writer

More than 361,100 people were registered to vote in multiple states during the 2000 elections, and 1,636 of those apparently cast more than one ballot, according to the Republican National Committee.

Florida was the worst offender in both categories, with 67,065 duplicate registrants and 307 double-voters, according to the committee's report.

While the Republicans insist they released the report in an attempt to help state officials run clean elections, Democrats say it is a partisan ploy – part of the GOP's national strategy for Nov. 5.

Florida elections officials say have not looked into the Republicans' claims but at least two other states have investigated.

Connecticut Secretary of State Susan Bysiewicz, a Democrat, said her office found that 53 of 54 supposed Connecticut double-voters -- including six who allegedly had cast ballots in both Connecticut and Florida -- had not cast ballots in more than one state. The office did not investigate the claims of duplicate registration.

"We have highly flawed data and not one shred of evidence to support the very serious allegation of double-voting," Bysiewicz said.

She said her office had been unable to get the information it needed to figure out whether the 54th person on the list had voted in Virginia as well as Connecticut, so it referred the case to the FBI.

"Of course she's going to say that there's no cases of this happening," RNC spokesman Kevin Sheridan said. "The secretary of state is in an election fight, and she's defending her own record."

New York City elections officials also are investigating the Republicans' claims of voting fraud. There has been no resolution of the issue so far, spokeswoman Naomi Bernstein said.

Registering in more than one place is easy to do and isn't illegal if it isn't intentional.

"I think it's something that people do once. They move someplace and do it again," National League of Women Voters spokeswoman Kelly Ceballos said. "They might not be aware of it."

The problem is there's no good way to make sure someone doesn't vote in more than one state.

There's no official national voter database, and in many states there isn't even a statewide voter database. The RNC pieced together its national database by buying voter lists state by state, county by county.

Voting twice in the same election wouldn't be too hard, either. A voter could cast an absentee ballot in one state and vote in person in another, for example. Such double-voting

has long been rumored to be practiced by part-time residents of Florida.

"I'm sure that a lot of people that winter down here are registered down here just like they are up north," Boynton Beach resident Dan Winters said.

Casting multiple votes in one election is a felony, elections officials say.

By releasing the report on double-voting, the RNC was just trying to help ensure clean elections, Sheridan said.

"We tried to do nothing but be helpful to the authorities," Sheridan said.

But Bysiewicz said she did not think the RNC's intentions are so innocent.

"I believe this is a deliberate attempt to distract election officials across the country from their responsibility to encourage voter participation and administer fair elections," she said.

Republicans shouldn't spend so much time trying to keep people who shouldn't be voting from casting ballots, said Kevin Jefferson, president of the Democratic National Committee's Voting Rights Institute.

"What they should be doing is making sure that people are going to the polls, that they have the right to cast the ballot and have that ballot counted across Florida," Jefferson said.

Sam Tranum can be reached at stranum@sun-sentinel.com or 561-243-6522
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The Seattle Times

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Thursday, October 13, 2005 - 12:00 AM

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Voter names found twice

By Keith Ervin and Justin Mayo
Seattle Times staff reporters

Just one month before voters decide the future of King County's Democratic executive, Ron Sims, Republican Party leaders yesterday accused his administration of failing to remove thousands of duplicate registrations from the voter rolls.

GOP officials and Republican members of the Metropolitan King County Council said they officially will challenge the registrations of about 2,050 voters Monday.

In all, they said they found nearly 3,400 voters they suspect are registered twice with the county's Elections Office. They say they are challenging only those they can fully document.

Duplicate registrations can occur when voters re-register with new addresses or name changes if their old registrations aren't deleted from the voter database. The duplications alleged by the Republicans represent less than half a percent of King County's more than 1 million registered voters.

If duplicate registrations are not purged from the rolls, those voters could cast more than one ballot in an election, which is illegal. Republicans yesterday released the names of 16 voters they say voted twice in the contested 2004 governor's race.

Illegal votes, accounting errors and mishandled ballots in King County played a prominent role in Republican Dino Rossi's lawsuit challenging the election of Democrat Christine Gregoire as governor last year. Chelan County Superior Court Judge John Bridges ruled in June that he did not find a basis for overturning the election.

Election officials and Sims quickly said yesterday that at least one name on the GOP's duplicate-voters list appeared to be a mistake — and they questioned the Republicans' motives in making a media splash.

Elections Office spokeswoman Bobbie Egan said a woman singled out by the Republican Party as having voted twice in the 2004 general election and again in the 2005 primary actually appears to be two women with the same name but different birthdates.

At least two other names on the list of suspected double voters have been referred to the county Prosecutor's Office, and criminal charges have been filed against one person.

Elections Director Dean Logan said the Republicans seemed more interested in scoring partisan political points than in solving problems.

But Republican County Councilman David Irons, who is running against Sims for county executive, said his party's analysis of the voting list shows that Sims and Logan aren't doing their jobs.

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Irons has repeatedly called for Logan's dismissal and has proposed a county charter amendment that would put elections in the hands of an elected auditor.

"It's a sad day that we're here again talking about election flaws from this election and past elections," Irons said. "Dean Logan, why didn't you do the data search that, quite frankly, any high-school computer student could do?"

Logan took the unusual step of meeting with reporters before the Republican news conference to defend his record and attack his critics. About 40 election workers attended the meeting to show support for their boss.

"This has gone beyond interest in the elections and election integrity. In essence, this is a witch hunt trying to make this a top-tier campaign issue," Logan said later.

Logan said his office, as part of routine list maintenance, has purged the voter list of 9,100 voters' duplicate registrations and has dropped the names of 8,900 dead voters this year.

He said County Councilwoman Kathy Lambert, R-Woodinville, asked him several weeks ago to look at a Republican Party list of apparent duplicate voters and he agreed to do so. But instead of bringing him the list so he could check those registrations, Logan said, he learned yesterday morning the Republicans were preparing to release their findings directly to news media.

When Logan reminded her of that conversation yesterday, Lambert said, she told him that Republicans would give Logan their list and any future lists so errors in the voter rolls could be corrected.

The voter challenges being prepared by the Republicans will address two categories of suspected double registrations: voters who have exact matches of birthdate, address, and first, middle and last names; and women with matching first names, addresses and birthdates. The second group, numbering 3,702, are believed to have changed their last names because of marriage or divorce.

The Republicans are not at this time challenging 2,650 registrations of voters who they believe moved to new addresses but whose previous registrations were not purged. They will continue to investigate those voters, said party vice chairwoman Lori Sotelo.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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Friday, October 14, 2005 - 12:00 AM

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Election 2005

Woman allegedly voted twice in elections

By Keith Ervin

Seattle Times staff reporter

A woman accused by the King County Republican Party of voting twice in the November 2004 election and again in last month's primary is under a criminal investigation for double voting, a county election official said yesterday.

The Elections Section referred the case to the county prosecutor's office Aug. 31 to investigate whether she voted twice in 2004, election spokeswoman Bobbie Egan said.

The woman, who lives in a downtown Seattle apartment building, has not been charged with a crime. The Seattle Times does not generally name suspects until they are charged.

She was on a list of 16 voters identified by the Republican Party as having voted twice in the 2004 election. The Seattle woman was the only person on the list accused of voting twice in each of two recent elections.

Egan said Wednesday the woman's name appeared twice in the voter-registration database with two different dates of birth, so it seemed there might be two voters with the same name.

Egan didn't realize on Wednesday that the woman's name had been forwarded to prosecutors, she said yesterday. She said she didn't know how election officials learned she might have cast extra ballots.

The woman apparently has had two registrations since 2004, but routine computer checks for duplicate registrations didn't bring up her name because she was registered under two different birth dates, Egan said.

Republican leaders said Wednesday they had found more than 3,000 voters who appear to be registered more than once, allowing the possibility of double voting. Their investigation of voter records is continuing.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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Wednesday, June 22, 2005, 12:00 A.M. Pacific

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6 accused of casting multiple votes

By Keith Ervin

Seattle Times staff reporter

Criminal charges have been filed against six more King County voters for allegedly casting more than one ballot under a variety of circumstances in last November's election, prosecutors said yesterday.

Two defendants, William A. Davis of Federal Way and Grace E. Martin of Enumclaw, were accused of casting absentee ballots in the names of their recently deceased spouses, Sonoko Davis and Lawrence Martin, respectively.

A mother and daughter were also charged with casting a ballot in the name of the mother's dead husband. The mother, Harline H.L. Ng, and her daughter, Winnie W.Y. Ng, both of Seattle, signed their names as witnesses to the "X" marked on the ballot of Jacob Ng, who had died in February 2004.

Jared R. Hoadley of Seattle was accused of casting a ballot in the name of Hans Pitzen, who had lived at the same Seattle address as Hoadley and who died last May.

Dustin S. Collings, identified as a homeless Seattle resident, was charged with casting two ballots, both using the alias of Dustin Ocoilain, a name that was listed twice on the voter-registration rolls.

The defendants are charged with repeat voting, a gross misdemeanor that carries possible jail time of up to one year and a fine of up to \$5,000.

Election officials asked prosecutors to investigate the voters after news reporters and a blogger reported that they may have voted twice. The voters will be arraigned July 5 in King County District Court.

Two other voters previously received deferred sentences — and avoided jail time — after they pleaded guilty to charges of repeat voting.

The King County Sheriff's Office is investigating several other cases, prosecutors reported yesterday. The investigations resulted from the intense scrutiny surrounding the governor's election in which Democrat Christine Gregoire defeated Republican Dino Rossi by 129 votes after he narrowly won two earlier vote counts.

After the November election, prosecutors also successfully challenged the voter registrations of 648 felons whose right to vote had not been restored.

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Original URL: <http://www.jsonline.com/news/metro/sep05/357575.asp>

Man charged with voting twice says he filled out extra card by mistake

By **GEORGIA PABST**
gpabst@journalsentinel.com

Posted: Sept. 21, 2005

A 25-year-old Milwaukee man charged with voting twice in the Nov. 2 presidential election said Wednesday he filled out two on-site voter registration cards that day by mistake, but only voted once.

Testifying in his own defense, Enrique Sanders said he couldn't remember for whom he voted, though he knew it wasn't President Bush.

After irregularities appeared in Milwaukee's vote, a joint state and federal investigation led to illegal voting charges against more than a dozen people. Sanders is one of the first to go to trial.

"There's no evidence he was paid to vote and he's not even sure who he voted for," his attorney, Brian Mullins, told jurors during closing arguments. He said Sanders has a learning disability and has trouble reading and remembering.

But Assistant U.S. Attorney Richard Frohling asked jurors, if Sanders didn't care about the election, why did he wait in line at the Franklin Pierce School polling place for more than 1 1/2 hours to cast his ballot?

"He wanted to make sure his vote counted and it was important enough to make his vote count twice," he said.

Frohling said Sanders' two registration cards each show different numbers. Election officials testified that a number means a person was issued a ballot.

But Sanders insisted he did not vote twice. He said he went to the poll with his girlfriend, but the line was long so he took her home and returned alone.

Tiffany Harrell testified that she and Sanders got registration cards, and she said she thought Sanders put the card in the visor or door of his car.

Sanders said when he returned, he filled out one registration form in line with the address 1133 W. Highland. But there is no address and he actually had lived at 1133 N. 18th St.

He said when he gets rushed or is in a crowd, he tends to make mistakes. At the desk, he said, he told the poll worker he made a mistake and filled out another card. He said he didn't know what the worker did with the other card and said it might not have been destroyed as it should have been.

But Milwaukee police officers on said voting cards indicated that Sanders had been given two ballots.

Frohling said Sanders originally told police he couldn't explain why there were two registration cards. Milwaukee Police Officer Neil Saxton testified that Sanders' demeanor was different, too: "He spoke more clearly and concisely and didn't act like he didn't understand."

The jury is expected to decide the case today. Sanders faces up to five years in prison and a \$10,000 fine if convicted.

Earlier in the day, Kimberly Prude was convicted by a different federal jury of voting in the election. She was an ineligible felon at the time.

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WJ

Nothing points to fraud in 9 double voting cases

But U.S. attorney expects other charges in election investigation

By GREG J. BOROWSKI
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Posted: Aug. 22, 2005

Investigators found no evidence of fraud in nine cases of potential double voting cited this month by the state GOP, but U.S. Attorney Steven Biskupic indicated Monday the ongoing investigation will likely lead to more charges.

The state Republican Party used U.S. Postal Service change of address records to track voters from city to city.

At an Aug. 9 news conference, party officials said that they had found nine cases where people were listed as having voted in the November presidential election in Milwaukee while also casting ballots in Chicago, Madison or Minneapolis.

Biskupic said investigators reviewed each case cited and found assorted clerical errors and other inconsistencies, but no fraud.

He is leading the ongoing investigation with Milwaukee County District Attorney E. Michael McCann. They launched the probe after the Journal Sentinel found widespread irregularities in the vote, including thousands more votes tallied in Milwaukee than people recorded as having voted.

Biskupic and McCann have said more than 200 felons illegally voted in the city while still on probation or parole. At least another 100 people voted fraudulently, including voting twice, from non-existent addresses or voting in the name of a dead person.

So far, 10 felons have been charged with voting illegally. Two others have been charged with double voting. In addition to those federal cases, two were charged in Milwaukee County Circuit Court with falsifying voter registration cards. None of the cases has gone to trial.

"There still is no evidence of a widespread conspiracy," Biskupic said. "But there still is plenty of evidence of double voting and the like."

The GOP highlighted its allegations on the same day Republican lawmakers sent to Gov. Jim Doyle a bill that would have required voters to show a photo ID at the polls. Doyle quickly vetoed the bill, as he had done with two previous versions of the measure.

Doyle spokeswoman Melanie Fonder said Monday that the Republicans were grandstanding with their allegations of fraud.

"It's very clear this was just politics and not about real election reform," she said.

Amendment possible

After Doyle's veto, Republican lawmakers said they are now considering working to put a photo ID requirement on the ballot as a proposed constitutional amendment, which would bypass the governor. Such an amendment would require passage in two sessions of the Legislature and then be approved in a statewide vote. Backers say it is needed to help curb fraud and tighten up a system that is among the most open in the nation. Critics say the bill would disenfranchise the elderly and the poor.

Doyle has indicated he would back a requirement that voters show an ID, such as a utility bill, but has balked at the GOP demand that it be a

Election Investigation



Quotable

“ There still is no evidence of a widespread conspiracy. ”

- U.S. Attorney Steve Biskupic (left), at a news conference in May with District Attorney E. Michael McCann

Archived Coverage

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

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photo ID.

At its news conference, the GOP said it had nine cases of apparent double voting but refused to provide details to the media. The party's news conference was held outside a home on Milwaukee's east side.

The Journal Sentinel reviewed voting records at that address and found three people recorded as voting: Stuart and Gayle Schenk and their son, Joseph. The Schenks told the newspaper that Joseph had moved to Chicago to join the Franciscan order of the Roman Catholic Church and did not vote here.

They could not be reached for comment Monday.

Poor recordkeeping

In a letter issued Monday, Biskupic's office outlines what it found in each of the nine cases.

Six of the names were incorrectly included in the city Election Commission's database of Nov. 2 voters because of clerical errors.

For instance, names were not recorded correctly in polling place logbooks. Or the wrong name was recorded when names from the books were later scanned into a computer.

In the other three cases, the letter says, the individuals voted only in Milwaukee. For instance, someone with a similar name but different birth date voted in the other city.

The letter underscores the level of recordkeeping problems in the Election Commission office.

During its investigation, the newspaper found hundreds of cases where people were listed in the database as voting twice, something city officials blamed on a computer glitch. The newspaper also found dozens of cases where the number of voters recorded in logbooks was different from the votes counted in the precinct.

"These raised a flag with us because of everything that has gone on over there," said Rick Wiley, executive director of the state Republican Party. "We're going to continue our investigation into what we consider a mess over there."

Wiley said the party last week sent 10 more names of potential double voters to investigators.

He also said before holding its news conference, the party had sent 49 cases of potential double voting within the city of Milwaukee to investigators. Of those, Wiley said, investigators had indicated 48 of the cases were not cases of fraud, while the other is being looked at as a fraudulent vote.

"The governor continues to blame this on clerical errors," Wiley said. "But the investigation has made it clear. People have been charged with voting fraudulently in this election."

Sue Edman, the new executive director of the city Election Commission, said she is working to clean up the system to cut down on clerical problems.

From the Aug. 23, 2005, editions of the Milwaukee Journal Sentinel
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LOCAL NEWS

Posted Jan. 11, 2005

Charge reduced in voter fraud

WF

College student gets probation for casting 2 ballots

By Dan Wilson
Post-Crescent staff writer

APPLETON — A college student who voted in two cities last spring received probation Monday after a felony charge was reduced to a misdemeanor in a plea agreement.

Outagamie County Circuit Judge Dee Dyer placed Michael R. Howard of Appleton on probation for one year and ordered him to perform 150 hours of community service. Dyer also ordered the record of Howard's conviction expunged after he successfully completes probation.

Howard, 20, 1036 E. Moorpark Ave., was charged with felony voter fraud, but Assistant Dist. Atty. John Daniels told Dyer the facts justified amending the charge to making a false statement on a voter registration form, a misdemeanor.

Howard voted in the nonpartisan election last April by absentee ballot in Appleton and in person in Eau Claire, where he attends college.

"He did not vote twice for the same individuals," said Daniels. "Therefore, the state does not believe at his young age he should be labeled a felon for the rest of his life."

According to Daniels, the elections in both cities were local, and there were no state or national issues on the ballot.

Dyer asked Howard, who has good grades, how he could contemplate voting twice in the same election.

"I became aware of the city council elections and not thinking, I did it," Howard said.

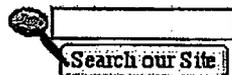
Dan Wilson can be reached at 920-993-1000, ext. 304, or by e-mail at dwilson@postcrescent.com

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Ex-Candidate Accused of Voting Twice in Elections

NY

By Karen Freifeld
STAFF WRITER

October 23, 2002

The former Conservative party candidate for lieutenant governor was arraigned yesterday on an indictment charging him with illegal voting.

Daniel Mahony, who was once Tom Golisano's running mate, allegedly voted twice in two general elections. In November 2000 and November 2001, he voted with both an East 14th Street address and an East 55th Street address, according to the Manhattan District Attorney's office. Mahony has denied that charge.

The politician was removed from this year's ballot because he said that, as of Aug. 14, he was no longer a resident of New York State. But prosecutors said a check of records show he is still listed as a tenant at the East 14th Street address.

Additionally, prosecutors in District Attorney Robert Morgenthau's office said their investigation uncovered evidence that Mahony faked a photo that he used as evidence in trying to get a parking fine reduced.

For that, Mahony was charged with a felony count of offering a false instrument for filing. Like the felony illegal voting charge, it is punishable by up to four years in prison.

Mahony, who was led to a Manhattan State Supreme Court courtroom yesterday in handcuffs but released on his own recognizance, pleaded not guilty.

Alan Futerfas, his attorney, later said he thought the charges were "unwarranted," and was disappointed they were brought. He also said he had never before seen a felony charge for a parking ticket.

The attorney said Mahony was an official resident of Connecticut.

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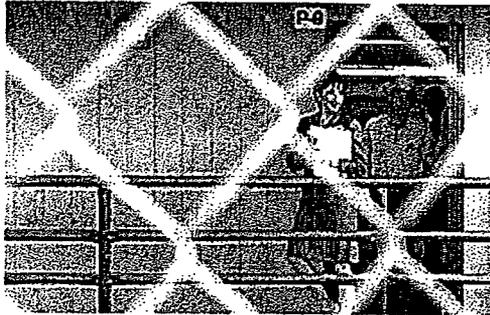


County Probes Voter Fraud

May 12, 2005
James Osborne
The Monitor

San Juan mayor's victory upheld

SAN JUAN — Mayor-elect San Juanita Sanchez's three-vote victory stood up in a recount Wednesday, but the city election will undergo further scrutiny when a county investigation into voter fraud begins later this week.



Hidalgo County Elections Administrator Teresa Navarro emerges from behind closed doors Wednesday at Austin Middle School in San Juan after a ballot recount from Saturday's mayoral race.

Hidalgo County Elections Administrator Teresa Navarro said she could go to a grand jury as early as next week, once she reviews election records to determine just how many people voted more than once in the city election.

On Monday two women admitted to having voted twice after being pressured to do so by politiqueras.

"It's under review until next week. From there it could go to the grand jury and then it could be investigated by the District Attorney's office," Navarro said.

"Depending on what we're able to get, if we feel something was orchestrated we proceed with the case ... a lot of the time a voter will say an election worker coerced them, but it depends on the individual."

Illegal voting is a Class A misdemeanor, carrying a possible \$4,000 fine and one-year jail sentence, according to the Texas Election Code.

Suspicion first arose Monday morning when three uncounted ballots were found under a box in the vote counting room by City Secretary Vicki Ramirez. All three votes for mayor were cast for veteran City Commissioner Eleazar Romero. Two of the voters admitted they voted during the early voting period before being taken by the politiqueras to vote "curbside" Saturday.

Curbside voting allows an elderly or disabled voter to cast their ballot from a vehicle without having to enter a polling station. The election official outside — in this case Ramirez — is supposed to make sure the individual is in fact elderly or disabled and cross-reference their name against a voter list before allowing them to cast a ballot.

"From what I understand, that didn't happen," Navarro said.

Ramirez declined to comment.

Romero said again he has no knowledge of any wrongdoing within his campaign.

"That's the county's deal, and I don't really have anything to say about that," he said.

"I played no part in that. If something did take place, I had no knowledge of that."

Both Sanchez and Romero accompanied county election officials around the city's polling stations Wednesday morning, as they checked the voting machine tallies against those recorded by city election officials. In tow were around 25 of Sanchez's friends and family, who waited anxiously for word Monday's election result would hold up.

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After officials counted up the paper mail-in and curbside ballots, the final tally was announced as 1,126 to 1,123 in favor of Sanchez.

For Sanchez, who lost to outgoing Mayor Robert Loredó in 2003, the news ended a difficult few days in which she had to sit in on a meeting concerning the three uncounted votes only hours after the funeral of her father, who died in a household accident Friday.

"It was a sigh of relief in that I'm finally on the different end of this," Sanchez said.

"But I had faith. I've been through so much this week, with the passing of my father, it puts everything in perspective."

Romero said he would not contest the election result in court.

"I'm going to let this one go by; she won fairly," he said.

"I wish Ms. Sanchez all the luck in the world."

Sanchez will be sworn in as mayor at a special meeting Tuesday evening. Asked if she expected any difficulties in serving alongside commissioners whom she has openly criticized for years, the 41-year-old attorney was optimistic.

"I'm anxious to get started and work with everyone who's there," she said.

"If they're willing to do the things they said they wanted to do for the city, which are a lot of the same things I want, then I think we can work together."

James Osborne covers PSJA and general assignments for The Monitor. You can reach him at (956) 683-4428.

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Five local voters cast two ballots each in primary

By: Lauren Hutton, Courier Staff

March 25, 2004

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A handful of Montgomery County voters tried to get more bang for their ballot during the March 9 primary elections.

According to Montgomery County Elections Administrator Carol Chedsey Gaultney, five of the county's registered voters cast a ballot in both the Republican and Democratic primaries, which violates the election code. None of the races was affected by the discovery.

"It came to my attention late last week when entering voter history into the computer," Gaultney said. "Most people don't understand the primary system in Texas."

That was the case for Jay Marshall Smith, 22, of Conroe, who said it was his first time to vote.

"When I went to vote, I did not see a sign that (the poll) was only for Republican voters," he said Wednesday. "By the time I figured it out, it was already too late."

Smith, who then went to vote in the Democratic primary, said he hopes to see better signs next election.

Gaultney has passed the voter information to District Attorney Michael McDougal, who can decide whether to prosecute the Class C misdemeanor violation, punishable by a fine of up to \$500 fine.

Montgomery County Republican Party Chairman Dr. Walter Wilkerson said the District Attorney's office at least should interview the voters to learn their motives.

In these cases, according to Montgomery County Democratic Party Chairman Raymond McNeel, district attorneys usually do not prosecute because they have larger fish to fry.

McDougal did not return calls Wednesday.

"The larger concern is making the public aware of this problem," McNeel said. "What I care about is that the public know they can't do this."

Another person who learned his lesson was Dieter Hellerbach, 70, of The Woodlands.

His wife Edda said her husband was new to voting in America, since he was from Germany.

"He did not understand what the primary was about," she said.

When voters go to the primary polls, they must sign the polling book, which is a "voter's affidavit."

This says that the voter understands that it is a criminal offense to knowingly vote in a primary election or participate in a convention of another party during the same voting year.

Gaultney said this also means county residents who voted in either primary

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cannot lawfully sign a petition to get Ralph Nader, who intends to run for president, on the ballot. Additionally, voters cannot vote in a different party's runoff election, such as the April 15 runoff for Railroad Commissioner. To learn more about the primary system and voting rights, visit the Montgomery County Elections Central Web site at www.pleasevote.us. Visitors can sign up to receive a newsletter with updates on voting in the county.

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Reader Opinions

Post your opinion and share your thoughts with other readers!

▶ Name: Don Reynolds

Date: Mar, 26 2004

Hello,
Well, here's my recent voting experience. Like any good voter, I showed up at BB Rice, the sign at the door confused me a little...it said that Democrats had to vote elsewhere, I forget the exact wording and rationalization, but since I had decided to vote Republican, I turned right and walked down the hall. I was the only voter in the building, what's going on there? Showed them my card and they informed me I was at the wrong place, and gave me directions to the right one. I backtracked, down Loop 336 to the Conroe YMCA. Parked, and did a walking tour of the facility. I'd never been there before. After walking a mile or so, and was about to give up, I spotted some movement in a small building out back and despite having to walk another mile, decided to check it out. Turned out it was the polling place. Again, I was the only voter there. The poll people told me how they were starving, seems like someone forgot to pick up there order of food at Vernon's. I offered to help, but they assured me they were ok and could stick it out. Like a good MC Democrat, I cast my vote for Jenkins, Dean, and left. The whole experience leaves me wondering if some "powers that be" are trying their best to keep MC citizens from voting.

dr

▶ Name: Sam Brandon

Date: Mar, 25 2004

It is true that something needs to be done to prevent something like this to happen again. However, it appears to me that on the Republican side they rubber stamp the voters card. Does the Demos do the same? If, so how come the second voting table didn't see it? Maybe, the both election judges need to determine how that system failed. It shouldn't cost a lot of time or money as a volunteer.

Someone dropped the ball. If, this would have been the general election I'm affraid you would probably see Demos screaming to recount. This may not be a big issue, but it does say that our penciling in process is a little out dated. Does anyone agree with that?

Number of Opinions: 2

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Oct. 18, 2003, 2:47PM

TX

Hearne man sentenced in illegal voting case

Associated Press

COLLEGE STATION -- A man has been fined \$2,500 and sentenced to five years probation after he pleaded guilty to illegal voting for casting 34 ballots during the May municipal elections in nearby Hearne.

Charles Workman did not cast a vote in his own name during the election, in which incumbent Mayor Ruben Gomez was re-elected.

But authorities said he did vote for nearly three dozen other residents using absentee ballots. He also forged forms saying some people had moved from one home to another.

Workman will not be allowed to campaign or collect absentee ballots during his probation, Robertson County District Attorney John Paschall told the Bryan-College Station Eagle for today's editions.

The district attorney said Workman is the fifth person to plead guilty to similar charges brought by a grand jury in August. At least one person will serve jail time for his role, he said.

Paschall could not immediately recall the names of the other four individuals.

Workman was one of 17 people indicted in the voting fraud case in August. Another Hearne resident, Corona Williams, was indicted on seven counts of illegal voting Wednesday.

Allegations of voter fraud surfaced shortly after the May 3 election. The election had a 45 percent voter turnout, which is high for Hearne, and nearly 50 percent of the votes were absentee ballots, mailed in by people who claimed to be disabled.

Illegal voting is a third-degree felony punishable by two to 10 years in prison and a fine of up to \$10,000.

017054

Absentee Votes Worry Officials As November 2, 2004, Nears by Michael Moss

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absentee ballots in Florida](#) |

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September 13, 2004 — As both major political parties intensify their efforts to promote absentee balloting as a way to lock up votes in the presidential race, election officials say they are struggling to cope with coercive tactics and fraudulent vote-gathering involving absentee ballots that have undermined local races across the country.

Some of those officials say they are worried that the brashness of the schemes and the extent to which critical swing states have allowed party operatives to involve themselves in absentee voting — from handling ballot applications to helping voters fill out their ballots — could taint the general election in November.

In the four years since the last presidential election, prosecutors have brought criminal cases in at least 15 states for fraud in absentee voting. One case resulted in the conviction of a voting-rights activist this year for forging absentee ballots in a Wisconsin county race. In another case, a Republican election worker in Ohio was charged with switching the votes of nursing-home residents in the 2000 presidential race. And last year in Michigan, three city council members pleaded guilty in a vote-tampering case that included forged signatures and ballots altered by white-out.

The increasing popularity of absentee voting is reshaping how and when the country votes. Since the last presidential election, a growing number of election officials and party operatives have been promoting absentee balloting as a way to make it easier for people to vote and alleviate the crush of Election Day. At least 26 states now let residents cast absentee ballots without needing the traditional excuse of not being able to make it to polling places. That is six more states than allowed the practice in 2000.

As a result, as many as one in four Americans are expected to vote by absentee ballot in the presidential race, a process that begins today, nearly two months before Election Day, as North Carolina becomes the first state to distribute ballots.

But some experts say that concerns about a repeat in problems with voting machines is overshadowing the more pressing issue of absentee ballot fraud.

"Everybody was worried about the chads in the 2000 election," said Damon H. Slone, a former West Virginia election fraud investigator, "when in fact by loosening up the restrictions on absentee voting they have opened up more chances for fraud to be done than what legitimate mistakes were made in Florida."

Yet many states — including battlegrounds in the presidential campaign — have abandoned or declined to adopt the safeguards on absentee voting that election officials have warned they will need to prevent rigged elections, an examination by The New York Times has found.

Only 6 of the 19 states where polls have shown that voters are almost evenly divided between President Bush and Senator John Kerry still require witness signatures to help authenticate absentee ballots. Fourteen of the 19 states allow political parties to collect absentee voting applications, and 7 let the parties collect completed ballots, raising the possibility that operatives could gather and then alter or discard ballots from an opponent's stronghold.

Most of the swing states even let party operatives help voters fill out their absentee ballots when the voters ask for help. And political parties are taking advantage of vague or nonexistent state rules to influence people who vote at home. In Arizona this month, a county judge ruled that a campaign consultant had improperly held on to more than 14,000 absentee ballot applications he collected this summer to help nearly a dozen Republican candidates in the primary. But holding on to such applications for at least a few days is now common practice by both major parties in states like Arizona, which require only that they be turned in within a "reasonable" period of time. This allows campaigns to bombard voters with mailings and house calls just as their ballots arrive.

Some operatives boast that this absentee electioneering lets them avoid the century-old anti-fraud rules that force them to stay out of polling places. But while acknowledging the value of legitimate get-out-the-vote campaigns, election officials say absentee voting is inherently more prone to fraud than voting in person since it has no direct oversight.

"Loosening the absentee balloting process, while maybe well intentioned, has some serious consequences for both local races and the general election," says Todd Rokita, secretary of state in Indiana, where fraud investigations are under way in at least five communities.

The more blatant cases of criminal misconduct have prompted some state officials to seek new legal powers in fighting fraud, including making it a crime to lie about not being able to vote in person in those states that require an excuse.

A matter for the states

Top

The Justice Department says the Constitution mandates that states run elections, and it generally can intervene only on civil rights matters like ensuring that non-English-speakers are not excluded.

In the mayoral race last year in East Chicago, Indiana, federal officials declined to act on the pleas of one candidate's supporters, who foresaw trouble in absentee voting. Two weeks before the election, in the Democratic primary, the campaign of the challenger, George Pabey, was tipped to shenanigans, and his supporters asked the United States attorney there to safeguard the balloting. The prosecutor referred the matter to the Justice Department's civil rights division, which did not show up until a year later, to monitor a different election.

Mr. Pabey lost the race. Last month, the state Supreme Court voided the election after a judge found that the *"zealotry to promote absentee voting"* resulted in residents being coerced into voting with offers of jobs and other assistance.

There are now criminal investigations of the election by local, state and federal authorities, with five people already charged. Some voters who agreed to vote absentee in return for polling-place jobs say they had no idea this was improper.

"That's how I thought it was, you get paid to vote," Larry Ellison of East Chicago, 32, said in a recent interview, adding that he needed the \$100 he received for his vote to buy medicine for his seizures.

In North Carolina, three university students were charged with felonies last year, accused of voting both absentee and at the polls after they responded to campus fliers that offered free concert tickets worth \$22.50 for voting absentee.

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Signatures and excuses

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Since 2000, when mail-in votes became crucial to President Bush's narrow victory in Florida, several groups that studied election irregularities have issued warnings about absentee voting. One commission, whose co-chairman was former President Jimmy Carter, found that most election officials had grown lax in handling absentee ballots.

"For practical reasons, most states do not routinely check signatures either on applications or on returned ballots, just as most states do not verify signatures or require proof of identity at the polls," wrote John Mark Hansen, dean of the social sciences division at the University of Chicago, who directed research for the commission's 2001 report.

Also in 2001, an international association of election officials called the Election Center produced a report that noted the growing importance of absentee voting and concluded, *"Strict procedures and penalties to prevent undue influence and fraud must be adopted by jurisdictions seeking expanded absentee access or all-mail elections."*

Gary Bartlett, an association member and the director of elections in North Carolina, said, *"It seems like whenever there is hanky-panky in elections, it's usually through absentee voting."*

In 2002, North Carolina stopped requiring an excuse to vote absentee, but at the same time it barred anyone but voters and their relatives from handling absentee applications. In addition, the state requires two witness signatures on absentee ballots, which Mr. Bartlett says is a powerful tool against fraud.

In Oregon, where all voters now cast their ballots by mail, officials have adopted several safeguards, including the use of a scanner that produces an image of the voter's registration signature for instant comparison with the signature on the absentee envelope. But Melody Rose, an assistant professor of political science at Portland State University, who has studied the state's elections, said she was concerned that political operatives could still collect ballots.

"We are a battleground state, and it is likely to be a very tight race," Ms. Rose said. *"What is to stop some individual from saying, 'This is a red neighborhood' or 'This is a blue neighborhood and I'm going to go and volunteer to take ballots and dump them in the river.'"*

The ballot gatherers

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This year, the Pennsylvania Supreme Court barred election officials from letting political operatives collect completed ballots, citing fraud concerns. But some efforts to limit the role of operatives in absentee voting have been derailed by political jockeying, and the fears, expressed mostly by Democrats, that such controls could diminish turnout.

Three towns in Connecticut tested a program last summer that barred political parties from handling ballot requests. But while the effort was deemed a success, the Legislature declined to make the ban permanent statewide, said Jeffrey B. Garfield, executive director of the State Elections Enforcement Commission.

Campaign workers *"tend to target people who are elderly, infirm, low-income, non-English-speaking,"* Mr. Garfield said. *"So there is a psychology of almost fear and intimidation."*

In other cases, new controls have caused interest groups to seek new ways to grab absentee votes. Two years ago, after Iowa placed new restrictions on who can handle ballot applications, political activists discovered an arcane rule that lets almost any people [sic] who can gather 100 signatures set up their own polling place where residents can vote early.

After several churches did so last year to fight a casino initiative, unions in Cedar Rapids said they hoped to collect 1,000 votes for Mr. Kerry on October 10, 2004, by setting up voting booths at a Teamsters hall during a rally for workers and their families.

The local elections director, Linda Langenberg, said the law required only that their voting booths be set up more than 30 feet away from any electioneering; nonetheless, Ms. Langenberg

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said, she is concerned. *"I won't let them have voting in the same building where they are having a rally,"* she said.

Elsewhere, some experts contend that regulators have undermined efforts to fight voting fraud. In West Virginia, Mr. Slone said that three years ago he was forwarding information to the Federal Bureau of Investigation about absentee votes being swapped for \$15 and flasks of whiskey when a new secretary of state replaced him with compliance officers who he said did not have the skill to ferret out fraud.

"Absentee voting is one of the most abused things in the state," Mr. Slone said in an interview. And while it mostly surfaces in local elections, he said, the same culprits may be turning out votes in national races, too.

The West Virginia secretary of state's office denies that it has diminished its antifraud effort.

In East Chicago, many voters said their faith in the election process was shaken by the debacle last year in the mayor's race.

The challenger, Mr. Pabey, won the race based on polling-place votes but lost to Mayor Robert A. Pastrick by 278 votes when the absentee ballots were counted. Within days, a civic group, Women for Change, sent 50 volunteers — nurses, secretaries, mill workers — knocking on doors of absentee voters to investigate.

The admissions they got from dozens of voters led Judge Steven King of Lake County Superior Court to render a 104-page decision chock-full of testimony from poor residents like Shelia Pierce. Ms. Pierce said she had been facing eviction when she let an operative working for the mayor's campaign, Allan Simmons, fill out her absentee ballot in return for the promise of a \$100 job working outside the polls on Election Day. She said he later threatened her to keep her from testifying.

Mr. Simmons has been charged with three counts of attempted obstruction of justice and six counts of ballot fraud. He has denied the charges. Mr. Pastrick has not been charged with wrongdoing and has denied any involvement in fraud.

In the same election, Elisa Delrio says a local official offered her a \$160 job at the polls and even took her absentee ballot to the hospital where she was having surgery. But when she voted instead for Mr. Pabey, her ballot, which she handed to the official, disappeared and was not counted, election records showed.

"It made me so angry," Ms. Delrio says. *"Voting is sacred."*

Judge King stopped short of voiding the election, saying the 155 votes he had thrown out did not change the outcome, but the Supreme Court of Indiana concluded that it was impossible to determine the true winner. A new election is scheduled for October 26, 2004.

Alexis Rehrmann contributed to this article.

Absentee Voting Practices Result In Felony Charges Against Orlando, Florida Mayor, Judge, Campaign Manager, And Others

'Ballot king' was paid by Orlando Mayor Dyer, other politicians to collect absentee ballots in Florida by Mark Schueb

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Gag order lifted, revealing claims about top officials

January 8, 2005 — The lawyer for Orlando, Florida's "ballot king" said Friday that his client was paid by Orlando Mayor Buddy Dyer and a who's who of Central Florida politicians to gather absentee votes, an allegation that if true means they may have broken the law.

Answering media questions at the Orange County Courthouse minutes after an unofficial gag order was lifted, attorney Dean Mosley for the first time described a statement that campaign consultant Ezzie Thomas gave prosecutors four months ago in exchange for immunity.

According to his lawyer, Thomas told prosecutors that he did the potentially illegal work for the campaigns of Dyer; former Orlando Mayor Glenda Hood; U.S. Senator Mel Martinez; state Senator Gary Siplin, D-Orlando; Circuit Judge Alan Apte and perhaps others.

"The problem is that you're not supposed to be paid to collect absentee ballots," Mosley said.

That practice, which political experts say permeates elections throughout Florida, is emerging as the focus of an ongoing state criminal probe of possible fraud during last year's mayoral election.

Mosley said Thomas was known to specialize in gathering absentee votes, and that's why he was hired — even though paying ballot brokers became illegal when Florida lawmakers cracked down on election fraud six years ago.

In 1998, the Legislature tightened absentee-voting laws, a response to voter fraud in the 1997 Miami mayoral election that included paying residents for their votes, ballots cast by people who lived outside the city and much more. A judge eventually nullified that election.

The new law made it a crime to pay or accept money "for distributing, ordering, requesting, collecting, delivering or otherwise physically possessing absentee ballots."

Mosley's description of his client's statement to prosecutors provides the clearest picture yet of the 10-month-old probe of possible election fraud. The investigation began with questions about the 2004 election that kept Buddy Dyer in the Orlando mayor's office, but has since widened with Thomas' testimony to include other politicians.

The allegations center on Thomas, a retired businessman who for years has tried to increase voting in Orlando's black community. Thomas' election work, which often involved helping elderly residents vote by absentee ballot, was at first on a strictly volunteer basis as president of the nonprofit, nonpartisan Orange County Voters League.

But in 1998, Thomas began profiting from his expertise at bringing in scores of absentee votes by hiring himself out to political campaigns looking for an edge on Election Day.

He has said he works only for candidates whom he supports. That has mostly been Democrats, but he also has worked for Republicans, including Glenda Hood — mayor of Orlando at the time but now responsible for ensuring the integrity of Florida elections as Florida secretary of state.

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On Friday, Mosley verified that Thomas' statement to prosecutors — given with the promise of immunity — concerned ballot-collection work for Martinez when he ran for county chairman in 1998, Hood's 2000 mayoral campaign, Siplin's and Apte's campaigns in 2002, and Dyer's mayoral campaigns in 2003 and 2004.

None of those politicians returned calls seeking comment on Friday, though Dyer's lawyer said the mayor had done nothing wrong and is the victim of politically motivated attacks.

Thomas also has worked on the campaigns of state Rep. Bruce Antone, D-Orlando; Orange County Commissioner Homer Hartage and judicial candidate Norberto Katz, but Mosley did not say whether those campaigns were discussed with prosecutors.

While Dyer and other politicians have never hidden the fact that they have hired Thomas to help on their campaigns, the mayor has denied that Thomas' only task was to gather absentee votes. Dyer's campaign treasurer reports, for instance, indicate Thomas was paid \$10,000 for vague "get-out-the-vote" efforts.

But Mosley indicated that Thomas was hired only because of his work with absentee voters.

"His specialty was absentee-ballot work," Mosley said Friday. "It would be logical to conclude he was paid for the work he specializes in."

Dyer's criminal attorney, Robert Levanthal, called Mosley's comments "inappropriate and suspect." He said Thomas was hired for general campaign work in Orlando's black community — not to gather absentee ballots.

"People are taking potshots at Mayor Dyer for their own political purposes," said Levanthal, adding that Thomas was hired by other campaign managers, not by Dyer himself.

Even though political experts say it is common to pay campaigners to encourage absentee voting, no one has been prosecuted for it since lawmakers made it a third-degree felony. Most interpret the law to prohibit only paying ballot brokers per vote and paying voters directly.

"All the campaigns rely very heavily on absentee ballots," Levanthal said.

State investigators began looking into the 2004 mayor's race within several weeks of the March election, after receiving a complaint from Brian Mulvaney, whose brother, Ken Mulvaney, finished in second place.

At the same time, Ken Mulvaney filed a separate civil lawsuit, seeking to have the results thrown out. His initial allegations centered on whether Thomas mishandled or altered ballots for Dyer, but the investigation has now evolved to focus on the untested state statute governing so-called "ballot brokers" such as Thomas.

Mulvaney's lawsuit remains unresolved, and the candidate has been thwarted in attempts to get Thomas to testify about his role in the election. In a closed-door hearing in November, Thomas persuaded the court to protect him from having to testify in the civil case, lest his words be used against him in the state's ongoing criminal probe.

On Friday, the Orlando Sentinel successfully petitioned the court to have transcripts of that closed hearing released. That record, which describes the nature of Thomas' statement to prosecutors, has not yet been transcribed, but the judge's ruling left Mosley free to describe what was said.

Mulvaney said he will eventually prove his case.

"I'm very confident, and have been from Day One, that there was fraud in the mayoral election," Mulvaney said.

That's what 5th Circuit State Attorney Brad King is trying to determine. He inherited the case from Orange/Osceola State Attorney Lawson Lamar, who excused himself because Apte was once a prosecutor in his office.

King has remained tight-lipped about the investigation but said this week not to expect a resolution to the case for at least two to three months.

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Orlando, Florida, mayor and judge indicted in absentee ballot case

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Also indicted with Mayor Buddy Dyer were Ezzie Thomas, who worked for the Dyer campaign; Orange County Circuit Court Judge Alan Apte; and Patricia Beatty Phillips, the campaign manager.

March 12, 2005 — Mayor Buddy Dyer turned himself in on Friday to face a felony charge of paying someone to collect absentee ballots before his election in a tight race last year. Governor Jeb Bush swiftly suspended Mr. Dyer, as required by Florida law, in a case that has roiled this city for months and even caused a brief firestorm in the presidential election.

A grand jury handed up sealed indictments on Thursday for Mr. Dyer and three others: Patricia Beatty Phillips, his campaign manager; Ezzie Thomas, who worked for the Dyer campaign as a get-out-the-vote consultant; and Judge Alan Apte of Orange County Circuit Court, who was charged with illegally paying Mr. Thomas to collect absentee ballots before his own 2002 campaign.

The indictments, unsealed on Friday, came after a long investigation that drew criticism from state and national Democrats during the re-election campaign of President Bush, Governor Bush's older brother. Some elderly black residents of Orlando said that agents from the Florida Department of Law Enforcement, which conducted the investigation and reports to Governor Bush, had intimidated them during interviews at their homes about the absentee ballots they cast in the mayoral race last March.

Democratic groups then accused Governor Bush's administration of trying to suppress the black vote in Orlando, a coveted swing city, before the presidential election, an accusation that Mr. Bush dismissed as outrageous.

Governor Bush suspended Mr. Dyer hours after the mayor surrendered at the Orange County Jail, where he was released on his own recognizance. Florida law calls for the governor to suspend public officials charged with felonies while their case is pending and to remove them if they are convicted. The charges - for Mr. Dyer, Ms. Phillips and Judge Apte, paying for absentee ballot collection, and for Mr. Thomas, receiving payment for such collection - are third-degree felonies that carry a potential sentence of up to five years.

Brad King, the special prosecutor who conducted the investigation, is a Republican.

"Orlando is obviously a very important government," said Jacob DiPietre, Mr. Bush's spokesman, *"and the governor thought it important, for continuity, to act as soon as possible."*

Mr. Dyer, who has said all along that his campaign paid Mr. Thomas \$10,000 for get-out-the-vote work but that he was not aware of any illegal activity, held a brief news conference Friday to proclaim his innocence. He said the charges were *"politically motivated."* He then added, *"I do not believe any employee of my campaigns intentionally violated any campaign laws while conducting the business of the campaign."*

A city attorney said Councilman Ernest Page, the mayor *pro tem* and a Republican, would take over the mayoralty until a special election was held. He said the Orlando City Council would meet within 10 days to set the date for the election.

Mr. Dyer, a 47-year-old Democrat, vowed to fight the charges and return to his job, which pays \$144,349 a year. He first won election to the nonpartisan mayoralty in 2003.

The indictments follow a civil suit filed by Ken Mulvaney, a local businessman who was Mr. Dyer's Republican opponent in last year's mayoral race. Though Mr. Dyer, a former state senator, defeated Mr. Mulvaney by nearly 5,000 votes, he avoided a runoff by only 234 votes. Mr. Mulvaney sued, charging that several thousand absentee ballots should be disqualified as fraudulent. The lawsuit is still pending. Mr. Mulvaney's brother, Brian, filed a criminal complaint with similar allegations.

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At issue is whether Mr. Thomas, a retired television repairman and activist in Orlando's black community, mishandled absentee ballots while working for the Dyer campaign. A state law passed in 1998 prohibits providing or accepting "*pecuniary gain*" for "*distributing, ordering, requesting, collecting, delivering or otherwise physically possessing absentee ballots.*" The law was passed after the results of a Miami mayoral race were thrown out because of absentee ballot fraud. No one has been prosecuted under the law until now.

An initial state investigation last May found no evidence of wrongdoing, but the Florida Department of Law Enforcement reopened the case weeks later, saying it was acting on new information. The Orlando Sentinel has reported that some voters interviewed by the department said Mr. Thomas helped them fill out absentee ballots or collected their ballots while they were still unsealed.

Mr. Thomas's lawyer, Dean Mosley, said on Friday that his client was an "*old man*" — he is 74 — and was unfairly accused. Mr. Thomas testified Wednesday under limited immunity. He cannot be prosecuted for his own statements but can be based on evidence presented by others.

Politicians from both parties have paid Mr. Thomas to get out the vote, including Glenda Hood when she was running for mayor here and Senator Mel Martinez when he was seeking a county office. Both are Republicans.

Mr. Dyer, one of the state's more prominent Democrats, ran unsuccessfully for state attorney general in 2002 before becoming mayor of this city of 186,000 in 2003. In a deposition earlier this year, he said he had no knowledge of what Mr. Thomas did for his campaign. On Friday, Mr. Dyer said that Mr. Thomas "*simply helps older African-Americans participate in the voting process.*"

Dennis Blank contributed reporting for this article.

The Demopolis Times

Thursday January 26, 2006

Serving Marengo, Sumter, Greene, Hale, & Perry
counties

Judge overturns Greensboro mayor's election

Monday, January 23, 2006 9:59 PM CST

David Goodwin / Managing Editor

After finding that 162 votes in the 2004 Greensboro mayor's race were cast illegally, Hale County Circuit Judge William Shashy set aside the election Greensboro mayor J.B. Washington Monday, and declared challenger Vanessa Hill the rightful winner.

After throwing out 162 absentee ballots for a variety of reason - including forgery, lack of voter identification and absence of postmarks - Shashy declared Hill the winner of the long-disputed Sept. 14, 2004 election, 664-614.

Hill had only received second- and third-hand reports of the decision Monday afternoon, but said, "If indeed that is so, I congratulate the people of Greensboro."

"I hope my supporters, as well as those who didn't support me, will work together to make Greensboro a more pleasant place to live and to help it grow for the people," she said.

Hill's attorney, Walter Braswell of Birmingham, credited the victory to a network of volunteers in Greensboro and throughout the state who refused to allow the election to be stolen.

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Alabama
Absentee ballots remain a concern

Fraud probes lessen number, but it is still above average

By Adam Jones
Staff Writer
Tuscaloosa News
June 4, 2006

TUSCALOOSA | Despite successful voter fraud prosecutions linked to absentee ballots in Greene County, an abnormally high number of absentee ballots have been reported in Black Belt counties such as Hale and Perry counties.

But some Black Belt politicians contend most fraud investigations have turned up little and argue that the high number of absentee ballots can be attributed to the fact that many voters in the region work outside their counties.

Perry County had the most absentee ballot requests for Tuesday's selection with about 2,080, nearly 24 percent of the county's 8,800 voters.

The state average for absentee ballots is 3 percent in any given election. More absentee ballots than that is considered abnormal.

Probate Judge Donald Cook, who is not seeking re-election, said he had hoped efforts to curb absentee voting would cut down the practice.

"I really though we had done something toward cleaning up the absentees, but it doesn't look like that's happened," he said. "Any election we have is always determined by what's in the absentee box, but that's how it's been done for three decades at least."

Absentee ballots were lower than normal in neighboring Hale County, which has seen absentee numbers more than 1,000 and approaching 15 percent of registered voters. This election, there are about 825 absentee ballots, said Probate Judge Leland Avery. That's about 7 percent of the county's registered 11,300 voters.

Avery said publicity of absentee ballot abuse in recent elections, an investigation by Attorney General Troy King into voting fraud and an offer by State Auditor Beth Chapman to offering reward for tips leading to a voter fraud conviction have helped deter absentee voters.

"That's about half of what it usually is," Avery said. "People don't want to get involved with absentees because of the voter fraud investigation."

Beverly Bonds, an officer with the Democracy Defense League in Hale County, said the number of absentee requests surprised her, but said the publicity of vote fraud has helped.

"A lot of people have changed their minds about this," she said.

In Greene County, 425 absentee ballots were requested. Calls to the county registrars' office Friday to get the number of registered voters of Tuesday's primary elections were unsuccessful. Greene County has a population of about 9,700, according to census data.

Even if every person in the county were registered and voted Tuesday, absentee ballots would be above the state average of 3 percent of votes cast.

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"Any time there's over 4 percent of the registered population, anytime there's anywhere near 4 percent, it's abnormal and highly suspicious," said Kirkland Byers, founder of the Alabama Voting Integrity Project, in a previous interview. "From my experience, there could be a lot of challenged absentee ballots again."

In some documented cases of fraud in Greene County and elsewhere, workers applied for absentee ballots for people who no longer lived in the county and had ballots sent to fraudulent addresses. Workers collected the ballot, cast the vote and returned it.

Elsewhere, Sumter County officials had 892 absentee requests, about 9 percent of the more than 9,800 voters.

Similar-sized counties such as Pickens and Fayette had less than 2 percent of registered voters request an absentee ballot. In Tuscaloosa, with more than 86,000 voters, less than 1 percent will vote absentee.

Alabama
AG King announces election hotline

The Associated Press
July 16, 2006

The Alabama attorney general's office will make a toll-free hotline available to voters and election officials for Tuesday's primary runoff election.

Attorney General Troy King said his office will answer questions, examine any allegations of election fraud and actively investigate any legitimate complaints of wrongdoing in the election.

Anyone can call 1-800-831-8814 with any questions about election law or to report information about any alleged violations or voter fraud.

Information from: Montgomery Advertiser,

017067

PRESS-REGISTER

Tyson examining disputed ballots

Saturday, August 26, 2006

By **BILL BARROW**

Capital Bureau

MONTGOMERY -- Mobile County District Attorney John Tyson Jr. confirmed Friday that his office is looking into possible voter fraud in the disputed Democratic runoff for Alabama House District 98 between Darren Flott and James Gordon.

"I've sent my investigators to pick up the ballots and the information associated with them so that we can review it to determine whether or not we need to formally open a criminal investigation," Tyson said.

Tyson declined to comment further about the District 98 election but added, "In general, voter fraud is a fraud committed against every other voter in Alabama. Our intention both now and in the future is to see that election laws are observed."

At issue are scores of absentee ballots that Alabama Democratic Party officials earlier this week found to be forged, some on behalf of mentally incompetent citizens.

In Montgomery, a spokesman for Alabama Attorney General Troy King said the attorney general's office has not received a complaint about the District 98 case.

"We do investigations that we have not received a formal complaint on, but that is not the usual case," said Chris Bence. "Since we don't have a complaint, I can't address whether or not we would be involved in it, because it's the policy of the office not to discuss matters that are or could become investigations."

Tyson, a Democrat, and King, a Republican, meet in the Nov. 7 general election for attorney general.

The Democratic Party ruling, released Wednesday, threw out 78 votes from original runoff winner Flott and four votes from Gordon, who filed an election contest after July 18 returns reflected a Flott victory.

The decision erased Flott's margin and made Gordon the party's nominee. Flott has appealed within the party's quasi-judicial procedures. The party's final decision can be appealed to state Circuit Court.

With no Republican in the race, the eventual winner is expected to succeed Rep. Bill Clark, D-Prichard. Clark endorsed Gordon.

The party's decision made no determination about who might be responsible for any ballot fraud. Gordon suggested after the July 18 runoff that Flott's campaign made a concerted effort to increase the candidate's absentee ballot support. Flott has denied any illegal actions or any special effort to distribute or gather absentee ballots.

July returns showed Flott with 320 percent more absentee votes than he received in the June primary. Gordon posted about a 70 percent increase. Absentee ballots were 15.5 percent of the total runoff turnout. In

June, absentee votes were 4.6 percent of the total cast.

According to state election law, anyone "guilty of any kind of illegal or fraudulent voting must, on conviction, be imprisoned in the penitentiary for not less than two nor more than five years, at the discretion of the jury."

Knowingly providing false information in order to vote is a Class A misdemeanor punishable by a jail sentence of not more than one year and a maximum fine of \$2,000.

Bence, King's spokesman, said he would expect the party to file a complaint about fraud with appropriate authorities. "I would expect any party, Democrat or Republican, Libertarian or anybody, that if they become aware of a law being broken, especially relative to the election process, that they would file a complaint," he said.

Democratic Party Executive Director Jim Spearman told the Press-Register earlier this week that the party does not have specific rules requiring that it forward findings of fraud to investigators. But, he added, the party would not withhold any information authorities sought.

The state Democratic

Executive Committee is scheduled to meet today in Montgomery. It was not clear late Friday whether anything concerning the District 98 dispute will be discussed.

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PRESS-REGISTER

Both sides raise questions about ballots

Tuesday, August 22, 2006

By **DAN MURTAUGH**
Staff Reporter

Attorneys for candidates Darren Flott and James Gordon spent Monday alleging that scores of absentee ballots were forged in last month's Democratic runoff for Alabama House District 98.

A panel of state Democratic Party leaders did not rule Monday on the election contest that Gordon had filed after Flott won by 65 votes. Amy Burks, vice chairwoman for the state party, said a ruling probably would be handed down today.

Gordon's attorneys alleged that signatures were forged on at least 75 absentee ballots, including 29 that belonged to people who were mentally incompetent.

Flott's attorneys questioned the validity of 55 more ballots because of signature inconsistencies and other problems.

The ballots in question were not opened, so neither side knows for whom they were cast.

Returns from the July 18 runoff show Flott with 283 absentee votes to Gordon's 143. That 140-vote advantage is more than double Flott's overall margin of victory. Gordon posted a 75-vote advantage among ballots actually cast July 18 in precincts around the district.

Gordon led a three-man field in the June 6 primary. In that round of voting, he garnered 85 absentee votes, while Flott received 69. Absentee votes were 15.5 percent of the total July turnout and 4.6 percent of the total turnout in June.

Flott, a respiratory therapist, and Gordon, a chiropractor, are both from Eight Mile. They sat quietly next to one another during the hearing at the Riverview Plaza Hotel. The hearing began Aug. 14 in Montgomery but moved to Mobile at the