

Ballot probe yields charges

Albany Housing Authority ex-employee is indicted for alleged role in effort to manipulate absentee voting

By **MICHELE MORGAN BOLTON**, Staff writer

First published: Friday, December 16, 2005

Correction: An earlier version of this story contained some errors. Jamie Gilkey is 45 years old. Michael Brown and Jestin Williams are no longer defendants in a federal civil rights lawsuit filed in the case. The date of the 2004 Albany County legislative special election was April 27.

ALBANY -- An Albany County grand jury has indicted a Democratic Party insider for his role in an alleged conspiracy to manipulate absentee ballots in the 2004 primary for County Legislature.

Jamie Gilkey, 47, is named in a sealed indictment that Albany County Judge Stephen W. Herrick is expected to open this morning, sources familiar with the case said Thursday.

At issue are about 160 absentee ballots applied for by predominantly poor and minority tenants of the Albany Housing Authority, where Gilkey worked. The ballots were released by the county Board of Elections to Gilkey and Common Council member Michael Brown to deliver to the voters before the April 27 election. The grand jury was asked to determine if Gilkey improperly filled out the voters' applications by designating himself as the one to personally distribute the paper ballots.

"I have nothing I can say about anything," Gilkey said, when reached on his cellphone Thursday.

District Attorney David Soares declined public comment on any aspect of the grand jury process.

Soares' Public Integrity Unit has been investigating for six months after the newly elected district attorney pledged to provide a single system of justice for every Albany County resident.

Gilkey, a former reporter for The Record newspaper in Troy, recently worked at the Albany Public Library after losing his housing authority position.

He now freelances as a reporter with the Scotia-Glenville Spotlight.

Gilkey is also a defendant in a federal civil rights lawsuit filed by attorney Paul DerOhannesian on behalf of county legislators Lucille McKnight, Wanda Willingham, the Albany NAACP and several voters who sued in April 2004 under the U.S. Voting Rights Act.

Brown and Gilkey were supporting candidates Jestin Williams and Marilyn Hammond for county legislative seats against incumbents McKnight and Willingham.

In the primary, Willingham held a narrow lead over Williams, while Hammond led McKnight by a handful of votes.

State Supreme Court Justice Joseph Teresi ordered a revote for March in the Willingham-Williams race, and Willingham won. In the November general vote, McKnight ran on the Working Families Party line and defeated Hammond.

Last January, in a deposition in the lawsuit, Gilkey invoked the Fifth Amendment protection against self-incrimination 60 times when asked about his role in the disputed primary and handling of absentee ballot applications.

In July, Brown invoked the constitutional protection more than 160 times while under oath and even refused to acknowledge that he knew Gilkey or was a member of the Democratic Party.

The federal lawsuit also names the Albany Housing Authority, where Gilkey and Williams worked. In February, the housing authority settled its part of the litigation by agreeing to prohibit its employees from having anything to do with residents' voting activities.

Albany County Attorney Michael Lynch, who represents the Board of Elections, declined comment, citing pending litigation.

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Ward leader denies fraud

Democrat Jamie Gilkey charged with falsifying ballot in 2004 legislative primary

By **MICHELE MORGAN BOLTON**, Staff writer

First published: Tuesday, December 20, 2005

ALBANY -- A Democratic city ward leader denied allegations Monday that he intentionally altered an absentee ballot for a county legislative primary in February 2004 and then knowingly filed the forgery with the Albany County Board of Elections.

Jamie Gilkey of 89 Columbia St. was released on his own recognizance shortly after Albany County Judge Stephen W. Herrick read a two-count sealed indictment charging him with second-degree forgery and first-degree filing a false instrument.

Gilkey faces up to seven years in state prison if convicted of both felonies.

Attorney William Dreyer represents the Albany Public Library worker and freelance newspaper reporter. He entered a plea of not guilty for Gilkey and had no further comment.

Criminal charges unveiled on Monday follow a six-month investigation by District Attorney David Soares' new Public Integrity Unit. Soares wouldn't say if more charges are pending in what some see as one of the largest voter fraud cases in the state.

"There was an attempt here to deprive a person of liberties," Soares said. "I made a promise to prosecute cases with one standard of justice. We have done our job."

Gilkey is accused of altering the paperwork of Deborah Williams-Muhammad at or near her New Hope Terrace home on Feb. 11, 2004, by crossing out the address where the ballot should be sent -- writing, instead, "Hold for Jamie Gilkey."

Then, on Feb. 17, Gilkey, "did knowingly offer or present a written instrument containing a false statement ... with the intent to defraud the Albany County Board of Elections," according to documents.

Gilkey is also named in a federal lawsuit filed by county legislators Lucille McKnight and Wanda Willingham, the Albany NAACP and several voters, including Williams-Muhammad, who sued in April 2004 under the U.S. Voting Rights Act.

At issue are about 160 absentee ballots applied for by poor, sick and minority tenants of the Albany Housing Authority, where Gilkey worked. The ballots were released by the county Board of Elections to Gilkey and Common Council member Michael Brown to deliver to the voters before the March 2 election that year.

Last January, in a deposition in the lawsuit, Gilkey invoked the Fifth Amendment protection against self-incrimination 60 times. Brown later invoked the Fifth Amendment 160 times.

Monday, NAACP executive board member Aaron Mair said Gilkey is a pawn in a decades-old political machine: "My belief is, at the end of the day, you have to look to the party chairwoman who has pretty much turned a blind eye. Her silence speaks volumes."

City treasurer Betty Barnette leads the county Democratic Party.

"I, just like others in the county, will be watching the merits of this case unfold," Barnette said, scoffing at the thought she knew anything about the alleged scam: "No one has called me from Mr. Soares' office. Unless Mr. Mair has some proof, I would ask him to leave me alone."

Plaintiffs in the federal case called for a criminal investigation based on testimony in a state court proceeding and federal depositions, said their lawyer, Paul DerOhannesian: "(They) feel there are changes that the county of Albany needs to implement to avoid the manipulation and tampering of absentee ballots which it has failed to control," he said. "Effecting those changes is why we are pursuing the federal lawsuit."

RapidCityJournal.com

Friday, March 31, 2006

Indians still face obstacles in voting

By Mary Clare Jalonick, Associated Press Writer

LAKE ANDES — When Charon Asetoyer went to vote a few years ago, she was met with unfriendly words and an offensive gesture. A white man, apparently unhappy with the idea of an American Indian walking into the polls, asked her in vulgar terms what she was doing there.

She told him she was there because she had a right to vote and went back to her car to wait for him to leave. Only after he sped away did she walk inside.

Discrimination against Indians is commonplace here, she said. And nowhere is that more evident than in the polling booth.

Asetoyer, an Indian who lives on the Yankton Sioux Indian Reservation in the quiet flatlands of southeastern South Dakota, compares her home to the South in the 1960s.

“It’s outright racism,” she said.

Many on this reservation say that kind of behavior is normal in Charles Mix County, a poor, rural section of South Dakota farm country where Indians constitute about one-third of the population. Asetoyer, a quietly determined activist who moved here from California years ago, calls it a land-based struggle, where many of the conflicts are “border issues.”

The problem is not limited to South Dakota. As Congress considers reauthorize parts of the Voting Rights Act, many Indians say they aren’t satisfied with federal and state protections of their voting rights. Although the landmark law has brought them a long way from the day when some state governments required they be “civilized” to cast ballots, they say they still suffer from intimidation, restrictive voting requirements and long distances to polling places.

“There’s no question that there still is some subtle discouragement,” said former Sen. Ben Nighthorse Campbell, R-Colo., a member of Colorado’s Northern Cheyenne Tribe. “We’ve come a long way but we have a long way to go.”

A year away from reauthorization — parts of the Voting Rights Act are set to expire in 2007 — members of Congress are keeping quiet about possible changes to the law. But tribes expect changes, and they worry that could reverse a growing electoral clout among many Indian nations in their states.

Recent successes for Indian voters include the 2002 Senate election in South Dakota, when Sen. Tim Johnson, a Democrat, barely won re-election with 524 votes and a huge increase in turnout on reservations. In Washington state, a surge of Indian votes had a major effect on Democratic Sen. Maria Cantwell's narrow win in 2000. In Arizona, reservations helped seat Democratic Gov. Janet Napolitano in 2002.

Despite these achievements, tribes point to restrictive voting laws throughout the country. South Dakota's new voter identification law — passed after Johnson's election — requires residents to show photo identification at the polls, a problem for many on the reservations who don't have IDs. The law permits those without identification to sign an affidavit, but opponents argue there is confusion about what is allowed. The American Civil Liberties Union has challenged other voter-identification statutes seen as restrictive to Indians in Albuquerque, N.M. and Minnesota.

"The tribes are still very concerned about the targeted efforts to disenfranchise their vote," Jacqueline Johnson, executive director of the National Congress of American Indians, said. "We are having to change a mindset that exists."

Others imply the problems are exaggerated. Chris Nelson, South Dakota's Republican secretary of state, focuses on the positive — a huge differential in Indian turnout between 2000 and 2004, after two major Senate races — and said he has seen little evidence of voter intimidation.

Nelson said he is willing to support removing some federal protections on South Dakota's reservations. Shannon and Todd Counties — historically home to the state's largest population of Indians — are included in Section 5 of the Voting Rights Act, meaning that any major changes in election policy there must be federally approved.

Nelson said that thousands of local decisions have gone through the department without being rejected. The state is working to ensure that the Indian vote is protected, he said, lessening the need for federal help.

"Has the preclearance requirement done anything to improve the ability of Indians to vote in those counties? The answer is no," Nelson said.

He said the increase in turnout has nothing to do with federal law but with interest in particular elections and strong get-out-the-vote efforts in the state.

Former Sen. Campbell disagrees.

"If those federal protections weren't there, Indians wouldn't have a chance at voting," he said. "The law probably ought to go farther."

Indians in Washington and on the reservations are reluctant to say what exactly they would like to change about the Voting Rights Act, because there isn't much consensus yet. Some suggest adding counties with increased federal protections, instead of

removing them, and expanding a section of the law that allows bilingual assistance in polling stations.

Others suggest a larger number of polling places, more Indian poll watchers and more general oversight on election day.

One issue they all agree on is that current protections need to be retained.

“There are going to be some changes, and we really need to watch what those changes are,” Robert Cournoyer, chairman of the Yankton Sioux tribe, said.

Sen. Johnson said that Congress will have to maintain some protections to keep Indians’ trust in the system — and voting levels high.

“There’s still a lack of trust and confidence between Native Americans and state institutions, and keeping some federal oversight is something that Native Americans want to have,” he said. “Its presence contributes to a higher confidence level.”

If current trends continue, say some on the Yankton reservation, Indians could start to have more of a say about what happens in Washington. As their numbers have increased at the ballot box, Indian activists say the age-old perception that votes don’t count on reservations is slowly dissipating.

Oliver Semans, an Indian who has organized several South Dakota get-out-the-vote campaigns, said he has tried to strengthen participation by equating low voting levels with high poverty levels. This has worked to some extent, he said.

“You give us 20 years, we’ll have our country back,” Semans said.

Indians in Charles Mix County appear slightly less confident as tensions have escalated in recent years.

The county received national attention during the 2004 election, when the state ousted Senate Democratic Leader Tom Daschle in favor of Republican Sen. John Thune. The night before the election, Daschle’s campaign asked for a temporary restraining order against Republican poll watchers who were allegedly intimidating Indian voters. A judge granted the order for Charles Mix County, a ruling Republicans charge was purely political.

This year, a group of people in the county are quietly circulating a petition to divide the county, separating the reservation from the whiter areas.

Petition sponsors have not publicly identified themselves, but Asetoyer and others speculate it is intended to keep Indians off the county commission.

Sharon Drapeau, a native of the Yankton reservation who narrowly lost a race for the

county commission, said it may get worse for Indian country before it gets better as tensions rise.

“You have to get that scab off and let it bleed to clean it,” she said.

Some provisions of Voting Rights Act expire in 2007

Most aspects of the Voting Rights Act, first passed by Congress in 1965, will never expire. But some key provisions will expire in 2007 without congressional action:

- **Clearance:** This section of the law, commonly known as Section 5, requires local officials in nine states to get any changes to voting practices or procedures cleared beforehand by federal officials to ensure that local officials do not try to discriminate against minorities. Those nine states are Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Virginia and Texas. Parts of seven other states are affected — California, Florida, Michigan, New Hampshire, New York, North Carolina and South Dakota.

- **Language requirements:** Requires that large communities of people who speak limited English must have access to ballots in their native language. Under the requirement, known as Section 203, local jurisdictions must provide bilingual ballots and election materials if more than 5 percent of the voting age population or at least 10,000 citizens fall into a certain language minority group. The illiteracy rate of the minority group must also be higher than the national average. Only four minority groups are covered: American Indians, Asian Americans, Alaskan natives and Hispanics.

- **Election monitoring:** Allows the attorney general to assign federal election examiners and poll watchers to certain areas.

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South Dakota poll worker faces forgery charges

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Saturday, November 2, 2002, Pierre, South Dakota (CNN) — A South Dakota election worker will be arrested on charges of forging absentee ballot applications, the state's attorney general announced Friday.

Many voters will continue with older voting technology, while newer methods are being tested around the country. CNN's Kate Snow reports.

Becky Red Earth-Villeda, also known as Maka Duta, is expected to be charged on multiple counts of forgery in Minnehaha County, where Sioux Falls is located, according to a statement from Attorney General Mark Barnett.

"Maka Duta will be arrested in the ordinary course of events," said Barnett. *"No evidence has been obtained that shows she has cast or made an attempt to cast actual ballots."*

A local Sioux Falls newspaper, the Argus Leader, reported that the woman apparently tried to burn the original applications, but then decided to retrieve them, according to Barnett.

The woman told the attorney general she copied the applicants' names from the original documents because they had been filled out wrong, then she apparently tried to replicate the voter's signature on the corrected form, the newspaper reported.

County auditors alerted the state's Division of Criminal Investigation about allegations of bogus ballot applications, according to Barnett's office. At least 30 DCI agents are working on the case and have interviewed over 400 people in 25 South Dakota counties.

DCI agents also conducted a lengthy interview with Maka Duta Tuesday.

The information obtained is still being processed.

"Voters should proceed as normal and go to the polls on the 5th," said Barnett.

It is not clear how many absentee ballot applications are believed to have been forged, but Barnett told the Argus Leader between 80 and 100 are suspected in one county alone.

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Agents probe election wrinkle

STORY TOOLS

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Shelby County General Elections Sample Ballot

Imposter alleged, but vote goes on

By Halimah Abdullah and Marc Perrusquia

Contact

August 3, 2006

Hours before polls were set to open to decide the largest ballot in Shelby County's history, agents with the Tennessee Bureau of Investigation opened a late-night criminal probe at the elections operation center.

Elections officials called in the TBI after someone impersonating a precinct official picked up ballot supplies, including a list of registered voters, for Precinct 49-1, said election commissioner O. C. Pleasant Jr.

Election Commission chairman Gregory Duckett and Dist. Atty. Gen. Bill Gibbons also confirmed that TBI agents were at the operations center investigating a single precinct.

The TBI action began late Wednesday afternoon as election workers made last-minute preparations for today's vote, which features the largest ballot in Shelby County history with 141 races.

Duckett said the loss of the precinct box and the investigation would not affect the integrity of the election.

"Some precautionary measures have been put in place to insure that the election will not be compromised," Duckett said.

The day before an election all the officers in charge of the county's 279 precincts come to the operations center and pick up metal ballot boxes and election supplies, said election commissioner Richard Holden.

The supplies include things such as ballot applications, signs, and the poll book with the names of registered voters.

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When picking up their supplies, the officers are supposed to present an appointment letter and identification.

Elections officials discovered the problem when the real precinct worker arrived at the operations center, Pleasant said.

"They said somebody had come by and picked it up on your behalf. She said, 'No, I didn't send anybody by,' " Pleasant said.

Precinct 49-1 is located at Alton Elementary School at 2020 Alton in South Memphis. It is a majority black precinct with 843 voters.

"It's being put under surveillance to watch and see if anybody comes during the night to try and do something at the polling place," Pleasant said.

The TBI has been leading a Voter Task Force to answer criminal and legal questions during the elections, a signal of continuing concerns with the process that began with allegations of vote fraud in last fall's District 29 state Senate race.

In June, three Shelby County poll workers were indicted on charges they faked votes in an effort to throw that election to Ophelia Ford.

As voting begins this morning, voters will brave predicted 100-degree temperatures and could face waits of more than an hour and an additional eight to 10 minutes in the voting booth.

Throw in the three-way split in the hotly contested GOP Senate race. Mix in the at-times vitriolic tenor in the 20-candidate Ninth Congressional District primaries and the 44-candidate Charter Commission race. Toss in dozens of ballot-stretching judicial elections and newer model touch-screen voting machines and you get a recipe for a potential political perfect storm.

The U.S. Justice Department will have observers at the polls to ensure compliance with the Voting Rights Act.

"Candidates have been working pretty hard on getting out the vote," said Marcus Pohlmann, a political science professor at Rhodes College.

"That, coupled with the sheer number of races and the handful that are actually contested, will mean that turnout will be high."

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If early-voter turnout -- 78,899 -- is any indication, such predictions will bear out. That turnout reflects 13 percent of the county's 604,000 registered voters. The earlier record was 24,000 votes cast four years ago in the county primary.

"Don't be surprised Thursday night if the results are late coming -- it's the longest ballot in Tennessee history and most counties are using voting machines they've never used before," said State Election Coordinator Brook Thompson. "I expect it is really going to be a late night."

Thompson expects between 1.2 million and 1.3 million of Tennessee's registered voters to cast ballots. Some 447,910 voters cast ballots during the three-week early voting period.

Tennessee is the only state holding an election today. The state Constitution says judicial and county general elections shall be held on the first Thursday in August.

Reporters Pamela Perkins and Richard Locker contributed to this story.

commercialappeal.com - Memphis, TN

Indicted poll worker denies being on the run

By Marc Perrusquia

Contact

June 23, 2006

As a 69-year-old grandmother, Verline Mayo couldn't help but chuckle when asked about authorities' claims she was a fugitive who led deputies on a two-day chase.

The now-fired Shelby County poll worker was indicted Tuesday on charges she faked votes to help Ophelia Ford win last fall's District 29 state Senate race. But when it came time to book her, authorities couldn't find Mayo.

By Wednesday, when Dist. Atty. Gen. Bill Gibbons announced indictments against Mayo and two other election workers, she still hadn't been found.

"It's safe to say that this individual was tipped off and is evading arrest," Gibbons told reporters at a Wednesday morning news conference.

Mayo turned herself in minutes later, then bonded out of jail.

Safe at home Thursday, Mayo vented, denying the charges against her and insinuations she had run from the law.

"I had a good feeling they were going to charge me," Mayo said by phone from her North Memphis home. "... (But) nobody tipped me off."

Mayo said she initially didn't know she was wanted. She said she plans to file a complaint against the Sheriff's Office for "Gestapo" tactics used in pursuing her. She said deputies followed her to a hospital and later "broke into" her daughter's house.

Sheriff's spokesman Steve Shular said deputies were only doing their jobs when they pursued Mayo to a Baptist hospital and later went through a window at a relative's home.

"Once there's a warrant for someone's arrest, we're instructed to go get them," he said.

Shular said the sheriff's fugitive office received a warrant to arrest Mayo about 3:30 p.m. Tuesday and went to Baptist where she was being treated in the emergency room for a minor injury. But she checked out moments before deputies arrived.

A deputy later called Mayo and told her of the warrant but "the call was disconnected by Ms. Mayo," Shular said. On Wednesday morning, deputies briefly searched the North Memphis home of Mayo's daughter after entering through a window. Deputies believed the home possibly was Mayo's primary residence, giving them legal authority to enter, he said.

Meantime, the Tennessee Bureau of Investigation is probing Gibbons' concern that someone may have leaked indictment details to Mayo, said TBI spokesperson Jennifer Johnson.

As for Mayo, who faces 20 felony counts of voting fraud, she says she's innocent but has few resources to fight back.

"I deny all these charges," she said. "(But) the only justice you can get is what you pay for."

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commercialappeal.com - Memphis, TN

Three Shelby County poll workers charged with election fraud

By Marc Perrusquia

Contact

June 21, 2006

Three Shelby County poll workers and three others have been charged with election fraud in connection with Ophelia Ford's razor-thin Dist. 29 state senate victory last fall.

Poll workers Gertrude Otteridge and Mary L. McClatcher have been indicted on multiple counts of making false entries on election documents, official misconduct and other crimes.

A third poll worker, not yet in custody, also was charged.

Three voters also were indicted late Tuesday by a Shelby County grand jury for illegally registering or voting in the Sept. 15 special election.

Dist. Atty. Gen. Bill Gibbons is scheduled to release details at an 11 a.m. news conference Downtown.

The charges follow an investigation by The Commercial Appeal last winter that found that someone forged the names of two dead voters on ballots cast in the Sept. 15 election in Precinct 27-1, a now-dissolved North Memphis precinct that voted heavily for Ford.

Ford, a Democrat, defeated Republican challenger Terry Roland by just 12 votes in a race in which 8,748 ballots were cast, and her victory came under intense scrutiny. Following intense political tussling, that included a lawsuit in federal court, the Senate voted in May to void Ford's victory and oust her from office.

She has not been charged with any wrongdoing.

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Chillicothe Gazette

Board dismisses situation over multiple vote

The Gazette staff

The Board of Elections Tuesday unanimously voted to take no further action in a situation concerning a resident who voted twice in the November election.

Kenneth Hitchens was present at the meeting and explained it was just a misunderstanding and he didn't vote twice on purpose.

After he voted Oct. 24 at the board of elections office during a visit to change his address, he simply forgot about it, Hitchens said. Then, a few days later when he received his voter registration card with his precinct on it, he went to his polling place to vote.

"I just did what the card said," Hitchens said.

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017284



Ballot fraud constant concern

By Rich Cholodofsky
TRIBUNE-REVIEW
Friday, April 16, 2004

GREENSBURG - All that prevents absentee ballot fraud is a carefully crafted signature, county elections officials said this week.

Handwritten names on applications for absentee ballots and also on the envelopes sent along with ballots provide a safeguard against bogus voting.

"It's signature comparison. That's the only method anyone can use. How else would you know?" said Paula T. Pedicone, director of the Westmoreland County Election Bureau.

Signature comparisons are used by most stores to ensure shoppers are the proper owners of credit cards.

Elections officials said signatures also are the best method to properly identify voters who cast absentee ballots usually sight unseen. Signatures of registered voters are kept on file with county election bureaus and compared with a new signatures required of them before they vote.

Absentee ballots bear new signatures required as part of an application request and also on the envelope sent with the ballots.

"The only reason we wouldn't count an absentee ballot is if the envelope isn't signed. The signature is the key, if it is not there or if (the ballot) is too late," Pedicone said of why a ballot would be discounted.

The county election bureau must receive applications for absentee ballots by April 20 for voters to participate in the April 27 primary. All properly signed ballots must be returned to the county by 5 p.m. April 23.

Elections officials concede that the absentee ballot system could be targeted for potential fraud, but the signature requirement has prevented most attempts.

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Pedicone said she can't recall any instances in Westmoreland County where the validity of absentee ballots was called into question.

Just seven years ago in Fayette County, authorities prosecuted three people, including former U.S. Rep. Austin J. Murphy, for a scheme in which absentee ballots were forged with the names of residents at a Wharton Township nursing home.

Authorities were able to use handwriting experts to determine the ballots in question were not signed by the nursing home residents.

Fayette County set up a procedure in which each application for an absentee ballot is numbered to protect against potential fraud.

Laurie Nicholson, director of the Fayette County Election Bureau, could not be reached for comment.

State officials said there are no other election laws or requirements in place specifically geared to prevent fraud.

"After (signatures), it is for each county to decide what to do," said Pennsylvania Department of State spokesman Brian McDonald.

Other forms of identification will be required this year for all first-time voters, both via absentee ballots and at the polls.

Under the federal government's Help America Vote Act, all first-time voters are required to present identification in addition to a signature comparison. Most other forms of identification, including drivers' licenses, firearms permits or bank statements, can be used, McDonald said.

The secondary identification also is required for first-time voters who cast absentee ballots. Voters will be required to send in a copy of another form of identification with the absentee ballots, McDonald said.

If voters show up at the polls or cast absentee ballots without the secondary form of identification, those votes will be considered provisional. They will be counted only after county election officials confirm they were submitted by properly registered voters.

Earlier this year the state Supreme Court further tightened the threshold election bureaus can use to keep track of absentee ballots.

The state's high court ruled those ballots either must be mailed in or hand-delivered by the voter. No third parties can bring in absentee ballots.

That ruling came as Democrats and Republicans fought over nearly every one of the more than 2.2 million votes cast last November in the race for Superior Court judge. That election eventually was won by Republican Montgomery County attorney Susan Gantman, who defeated Westmoreland County Judge John Driscoll, a Democrat, by just 28 votes.

Republicans and Democrats went to court challenging the validity of hundreds of absentee ballots brought to the Allegheny County Election Bureau members on behalf of a group of Democratic voters. Those votes eventually were ruled invalid.

Westmoreland County never has accepted absentee ballots submitted by third parties, Pedicone said.

Driscoll still is contesting Gantman's election in federal court, challenging several counties, including Westmoreland, for not properly differentiating the use of alternative ballots.

Alternative ballots, like absentee ballots, are sent in via mail. But unlike absentee ballots, alternative ballots can be submitted to the election bureau until the day of an election and are only to be used by elderly, handicapped voters whose polling places are not accessible to them.

No alternative ballots have been requested so far this spring in Westmoreland County, Pedicone said.

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CROSS COUNTRY

'A Rich History of Corruption'

Voter fraud in Pennsylvania? Gov. Rendell isn't worried.

BY JOHN FUND

Thursday, April 13, 2006 12:01 a.m.

HARRISBURG, Pa.--Over five years after the near meltdown of the Florida presidential recount, politicians are still arguing over how best to reform state election laws. Ground zero in that battle now is Pennsylvania, which features two close statewide races, for governor and U.S. senator.

Democrats claim anything that impedes or discourages someone from voting is a violation of the Voting Rights Act. Republicans insist the state's rancid history of voter fraud requires preventive measures. The conflict of visions, to borrow Thomas Sowell's phrase, couldn't be more complete.

Take the bill the GOP-controlled Legislature passed, which would require voters show a form of official ID or a utility bill; another bill would end Philadelphia's bizarre practice of locating over 900 polling places in private venues, including bars, abandoned buildings and even the office of a local state senator. City officials admit their voter rolls are stuffed with phantoms. The city has about as many registered voters as it has adults, and is thus a rich breeding ground for fraud.

But Democratic Gov. Ed Rendell vetoed both bills last month, saying that in a time of voter apathy "the government should be doing everything it can to encourage greater participation." He warned that requiring an ID could disenfranchise the homeless, nursing-home residents and the poor. Mr. Rendell says there is no evidence people routinely impersonate others to vote. He also says requiring an ID at the polls doesn't combat absentee ballot fraud. True enough; election officials properly worry that some 25% of voters now don't show their face when voting. In 1998, Austin Murphy, a former Democratic congressman, pleaded guilty to fraudulently voting absentee ballots for nursing-home residents near Pittsburgh.

But Mr. Rendell's history doesn't inspire confidence that he takes fraud of any kind seriously. In 1994, Philadelphia Democrat Bill Stinson was booted from office as a state senator by a federal judge who found his campaign had rounded up 250 tainted absentee ballots. Mr. Rendell, then Philadelphia's mayor, had this reaction to the Stinson scandal: "I don't think it's anything that's immoral or grievous, but it clearly violates the election code." In 1997, Mr. Rendell admitted to the Journal's editorial board that Philadelphia judges had "a rich history of corruption" that called into question how fairly city laws are enforced.

Now governor, Mr. Rendell isn't eager to depart from business as usual. In 2004, a court had to order him to make changes in the deadlines for absentee military ballots so they would be counted. At the same time, his secretary of state asked prison wardens to post a document outlining how prisoners could vote absentee. When GOP Rep. Curt Weldon held a news conference to denounce illegal voting by prisoners, a TV camera crew captured voter operatives behind him carrying absentee ballots out of the prison.

Still, many liberals insist fraud isn't an issue in Pennsylvania. "Show us the fraud," said Elizabeth Milner, chairman of the state's League of Women Voters, urging a veto of voter ID. Well, Donna Hope of Philadelphia can show her, because in 2004 an organizer for Voting is Power, an offshoot of the Muslim American Society, registered her to vote despite her admission that she was a noncitizen. Although she was turned away from the polls for that reason that November, someone eventually voted in her name.

Ms. Hope, a citizen of Barbados, said the women registering her told her that if she "had been in the U.S. for seven years or more you can register to vote." Jocelyn Budd, the woman who is listed on Ms. Hope's registration form, recalls canvassing her street but not specifically registering her. "I heard that people were forging [registration] cards to meet goals, but I never falsified any information," she says.

As for the group that registered Ms. Hope, Noreen S. Ahmed-Ullah of the Chicago Tribune reported in 2004 on internal Muslim American Society documents which showed it is the "public face" in the U.S. of the Muslim Brotherhood, an international group that has spawned violent organizations including Palestinian Islamic Jihad and Hamas.

MAS leaders say the documents obtained by the Tribune are either outdated or inaccurate. Shaker Elsayed, a top MAS leader, says that while the group was founded by Brotherhood members, it is independent. An MAS spokesman denies the group has any connection to registration fraud.

Irregularities like these are representative of mushrooming fraud, and the general public clearly believes some safeguards are needed. Despite claims by NAACP chairman Julian Bond that voter ID laws represent "an onerous poll tax," polls show upward of 80% favor them. Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check "requiring ID can help poor people." He notes that his native Georgia is deploying a mobile bus to issue free voter IDs.

But no antifraud laws will work if prosecutors and judges don't crack down on election irregularities. Several tell me they fear being accused of racism and aiding voter-suppression tactics if they pursue touchy fraud cases. One district attorney told the U.S. Government Accountability Office that he doesn't pursue phony voter registrations because they are "victimless and nonviolent crimes."

Even those few who are prosecuted often view the punishment as the cost of doing politics. Barbara Landers, a former Democratic state Senate aide, was convicted in 1994 on 30 counts of misleading absentee voters in the Stinson scandal. She was given a suspended sentence and fined only \$1,000. Last month, she pleaded guilty to misappropriating up to \$115,000 in state grants meant to help the needy. "If the book had been thrown at her for voter fraud, she might have been deterred from subsequent behavior," one Philadelphia prosecutor told me.

The integrity of the ballot box is just as important to the credibility of elections as access to it. In not closing off opportunities for fraud and chaos, Pennsylvania is inviting trouble in its fall elections that could rival that of Florida in 2000.

Mr. Fund is a columnist for OpinionJournal.com.

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The Patriot-News

Voter fraud rarely occurs, officials say

Some question need to require identification

Friday, February 17, 2006

BY JACK SHERZER

Of The Patriot-News

With all the debate over whether voters should show identification when they come to the polls, some might think the courts are clogged with ballot-casting miscreants after every election.

Nope.

Local election and law enforcement officials said they can count on one hand, with fingers left over, prosecutions against people who tried to vote twice or pretended to be someone else to cast a ballot.

If the state election bureau, state police or attorney general's office kept statistics on it, the idea that it's a big problem might be put down as an urban myth. But those agencies don't keep track of it and officials said it hasn't been a problem.

But it's getting a lot of talk because of the Voter Protection Act, which has passed the state House and Senate. It would require voters to show a photo ID or at least something with their name on it, such as a utility bill or paycheck.

"I don't think Dauphin County has a problem," said county District Attorney Ed Marsico. In the 2004 election, when provisional ballots were introduced, there were half a dozen suspected cases of abuse, but none was prosecuted, he said. Before that, there might have been one case about 15 years ago, Marsico said.

In Cumberland County, District Attorney David Freed reported the same.

"We get complaints [on] just about everything else relating to voting except voter fraud at the polls," Freed said. "Pure voter fraud, somebody trying to vote with a fake ID or doing it in an intentional fashion, trying to defraud the election board, the complaints are extremely rare."

"I've been in this business 26 years and I don't remember one case that we ever had to take to the district attorney," said Elaine F. Ludwig, Lebanon County's chief clerk of elections.

With the statewide registration data base and provisional ballots, voter fraud is not a problem, Ludwig said. Introduced in 2004, provisional ballots allow someone whose eligibility is in question to vote on a paper ballot that is examined later.

How about Philadelphia?

"There have been instances, but I wouldn't say in every election," said Peter Berson, a Philadelphia assistant district attorney and assistant chief of the government fraud unit. In the 2004 election there might have been a couple dozen complaints, but no charges, he said.

"It wasn't any kind of widespread 'stuff the ballot box initiative' that maybe some people would portray it to be," Berson said. He said provisional ballots have helped.

Gov. Ed Rendell -- who was Philly's district attorney and later its mayor -- questioned where all the fraud talk was coming from.

Rendell has signaled he'll veto the bill and said "nobody has come anywhere close" to showing why it is necessary.

"I think it is some urban legend that feeds on itself without anyone looking for substantial fact," Rendell said. "I actually think it's an attempt to manipulate the voting system and it's pretty despicable because other states are trying to find ways to expand the voting system and get more people to vote."

Even in the last two presidential elections -- which in Philadelphia were monitored by poll watchers -- there weren't significant problems, Rendell said.

Yesterday, House Majority Leader Sam Smith, R-Jefferson, wrote a letter to Rendell urging him to sign the bill and highlighting past fraud cases, though they all

dealt with nominating petitions.

But Smith's spokesman, Steve Miskin, said there's likely more voter fraud occurring than the amount being cited, and said even one case is too many. He asked if it is really too much to ask people to show identification after Sept. 11, 2001.

Miskin said anyone who showed up to vote without an ID could still use a provisional ballot, so nobody would be disenfranchised.

"In this day and age when there are very close elections, even a small amount of fraud can affect the outcome of an election," Miskin said. "Anytime there is one vote that's stolen, it disenfranchises every other voter. ... If the governor is to veto this bill it would be similar to condoning fraud."

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For Immediate Release:
8/24/2006

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New Forms of Voter Suppression Spreading Across America

PFAW Foundation issues report documenting 'The New Face of Jim Crow'

People For the American Way Foundation issued a report today that documents the recent spread of new regulatory, legislative, and administrative tactics that suppress votes.

"Jim Crow is being reincarnated as an entrenched bureaucrat or politician raising barriers to the ballot box, and it is becoming much harder for many Americans to exercise their right to vote. The barriers range from obvious to insidious to unintentional, and they are proliferating across the nation," said PFAW Foundation President Ralph G. Neas. "Racial minorities, students, the poor and senior citizens are bearing the brunt of new rules and regulations that discourage and limit voting."

The report, titled [The New Face of Jim Crow: Voter Suppression in America](#), includes overviews of how the following policies and other emerging strategies are erecting new barriers to the ballot box:

- Overly strict voter identification requirements that make it harder for the up to 10 percent of Americans who do not have government-issued photo IDs to cast a vote;
- Burdensome voter registration rules that hobble the efforts of churches, community activists and nonprofits to register voters in traditionally disenfranchised communities, including minorities, students and immigrants;
- Provisional ballots that are cast, but often go uncounted—for example, more than one million provisional ballots went uncounted in 2004;
- Long lines and unequal distribution of resources at the polls, disproportionately affecting low-income neighborhoods;
- Felon disenfranchisement policies that make it difficult for men and women who have finished their sentences to regain voting rights and sometimes disenfranchise non-felons.

These policies are often put in place with the stated rationale that they are needed to reduce voter fraud, but almost no evidence indicates that such fraud is a problem. There is also scant evidence that such policies reduce what little fraud does exist.

"Every American citizen has the right to cast a vote that counts," said Neas. "It should be

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the goal of public officials to make it easier, not harder to vote. And it definitely should not be easier for some groups of citizens to vote than others. That's not fair, it's not democracy, and it's not the American Way."

Interviews with PFAW Foundation legal and public policy experts about these suppression strategies can be arranged via our communications department at 202-467-4999.

<http://www.pfaw.org/pfaw/general/default.aspx?oid=22237>

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Board seeks state police probe

Charges include votes by people who are not United State citizens, people voting under assumed names, and ballots listed under names of people who did not vote

01:00 AM EDT on Thursday, September 21, 2006

BY RICHARD C. DUJARDIN
Journal Staff Writer

PROVIDENCE -- Allegations of voter fraud in several precincts in last week's Democratic primary emerged during a hearing at the state Board of Elections yesterday, prompting the board to call for a state police investigation.

Laura Perez, who lost to incumbent Grace Diaz in a race for House District 11, and Eulogio Acevedo, who came in third in a five-way race for City Council in Ward 8, said they were not seeking to overturn last week's election but that election officials should be aware of what they had found.

Perez said she saw one man who is not a United States citizen casting a vote in a District 11 precinct and said four neighbors told her they did not vote but a list provided by the Providence Board of Canvassers showed that someone voted under their names. She said she knows of someone who voted under an assumed name.

Acevedo, who was in a hotly fought race in which Leon F. Tejada edged Wilbur W. Jennings by 11 votes, appeared before the board with his wife, Maryelyn.

Maryelyn Acevedo said she knew three people who gave their mail ballots to workers from another political campaign but the votes apparently never made it to the board of elections. But her biggest concern, she said, was many of the 650 new registered voters in Ward 8 whose names were added this year.

She said campaign workers visited those addresses to distribute campaign material, but were told by people living at those addresses that they had never heard of those individuals.

"There were many many cases like that," she said. "There were at least 30."

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The board's vice chairman, Thomas V. Iannitti, and member John A. Daluz said the state police will investigate as it did two years ago because of voter fraud in East Providence.

The allegations of voter fraud surfaced as the board postponed until 4 p.m. Wednesday a hearing on a Jennings' challenge to Tejada's 11-vote win.

Jennings' attorney, Keven McKenna, wants the board to call a new election because some mail ballots never reached state election headquarters.

To support his case, he called Vue Xiong, of 50 Netop Drive, who testified that he filled out his ballot and handed it to Scott A. Slater, son of Rep. Thomas W. Slater, D-Providence, at 7:30 p.m. election night.

Scott Slater testified that he picked up Xiong's wife's ballot earlier in the day and picked up Xiong's after Xiong returned home from work. He said he gave the sealed ballot to campaign worker Deborah Wesiah for delivery to the state. According to a list provided by the state, Xiong's ballot was not received or counted.

McKenna said he would be able to identify two other people from Ward 8 whose mail ballots were not counted either, and that with more time he might be able to find other mail ballot recipients whose ballots were not delivered or countered.

The board gave McKenna until Wednesday to find witnesses.

According to Robert Rapoza, director of elections, 13 ballots were disqualified from the tally because they had been rejected by a voting machine either because the voter voted for two or more people in the same race or failed to connect the lines next to a candidate's name with the black markers.

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Online at: http://www.projo.com/ri/providence/content/projo_20060921_elect21.3287bd3.html

017296

35,000 DEAD ON VOTING LIST IN PROVIDENCE?

People: McKenna, Keven A

Author(s): KAREN A. DAVIS Journal Staff Writer

Section: Business

Publication title: Providence Journal. Providence, R.I.: Aug 24, 2002. pg. B.04

Source type: Newspaper

Abstract (Document Summary)

Democratic mayoral candidate Keven A. McKenna had sought to have the names removed, in an appeal of last week's decision by the Board of Canvassers to keep the voting list intact. The state board listened to McKenna's arguments at a hearing yesterday morning.

The board also denied McKenna's request to disqualify thousands of voters whose mailed voter notification cards were returned to the canvassers marked undeliverable or addressee unknown.

What they're doing is better than nothing," McKenna said, after the hearing. The future of Providence should be determined by voters who actually live in Providence, not be deceased voters, and voters voting twice under different names."

Full Text

Copyright Providence Journal/Evening Bulletin Aug 24, 2002

* Removing the names of deceased city residents from a list of eligible voters is among the tasks now facing the Providence Board of Canvassers.

* * *

PROVIDENCE - The state Board of Elections yesterday agreed that the Providence Board of Canvassers has been negligent in its duty to clean up its list of registered voters, but denied a mayoral candidate's request to purge as many as 35,000 people from the primary election rosters.

Democratic mayoral candidate Keven A. McKenna had sought to have the names removed, in an appeal of last week's decision by the Board of Canvassers to keep the voting list intact. The state board listened to McKenna's arguments at a hearing yesterday morning.

McKenna has alleged that the city voting roster is flawed: it lists some voters twice, retains the names of people who have died or moved out of state and includes people who fraudulently claim to live at a city address. He presented the board with a list of more than 100 registered voters who would have to be more than 100 years old, or deceased.

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McKenna took up the issue of the voting roster after sending campaign mailings to residents at three public housing high-rises and having 302 of the mailings returned by the postal service, stamped addressee unknown."

We all truly believe that Mr. McKenna has taken the high-ground on this issue," state board chairman Roger Begin said at the end of the three-hour hearing. We believe the Board of Canvassers in Providence has been negligent."

McKenna came to the state board with several requests, including removing the names of deceased voters.

That request was granted; the board ordered the canvassers to immediately contact the city and state keepers of vital statistics to get the names of residents who have died from January 1990 to Aug. 15 of this year. City officials must compare those names with its voting records and immediately expunge the names of the deceased.

McKenna's requests to remove the names of people he believes do not live in Providence and eliminate duplications created by people who are listed under married and maiden names were denied.

Robert Fontaine, executive director of the state board, said federal law is clear: voters cannot be removed from municipal voting lists within 90 days of an election unless they make the request in person or in writing to have their names taken off.

Armed with federal law and state statutes, the five-person state board did, however, fire a shot of disapproval at the way the city has kept its voting list.

It ordered the canvassers to after the Nov. 5 general election initiate a citywide mailing to verify the status of the city's voting list. If a voter is found ineligible to remain on the list, the canvassers must wait for the passing of two federal elections before they can label such voters inactive."

The board also denied McKenna's request to disqualify thousands of voters whose mailed voter notification cards were returned to the canvassers marked undeliverable or addressee unknown.

Laurence K. Flynn, executive secretary of the Board of Canvassers, has said that a computer miscue left out apartment numbers or other errors that caused between 23,000 and 27,000 of the cards to be returned to the board.

McKenna has charged that the seven boxes of returned cards number closer to 35,000 and were returned primarily due to voter fraud or because voters no longer live at their registered addresses.

State officials were insistent that the city has a duty to correct the computer problems

and notify those voters; they also took issue with the fact that city canvassers were a month late in mailing out the notification cards, as the state required following legislative redistricting.

The board ordered the canvassers to resend the cards by Friday. Asst. City Solicitor Raymond Dettore said canvassing officials will begin mailing the cards on Tuesday.

What they're doing is better than nothing," McKenna said, after the hearing. The future of Providence should be determined by voters who actually live in Providence, not be deceased voters, and voters voting twice under different names."

People: McKenna, Keven A, Flynn, Laurence K

Author(s): KAREN A. DAVIS Journal Staff Writer

Section: News

Publication title: Providence Journal. Providence, R.I.: Aug 16, 2002. pg. B.01

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Abstract (Document Summary)

PROVIDENCE - The city Board of Canvassers voted yesterday to send certified letters to 302 would-be voters, agreeing that Democratic mayoral candidate [Keven A. McKenna] had reasonable cause to suspect those voters no longer live at their registered voting addresses.

The board voted to deny McKenna's request that they disqualify between 20,000 and 40,000 voters whose voting place notification cards were returned to the city as undeliverable or "addressee unknown."

Board member Mark Lomazzo who cast the dissenting vote in the 2- to-1 decision to deny McKenna's request said he agreed with McKenna's claim about the prevalence of out-of-town voters.

Full Text (733 words)

Copyright Providence Journal/Evening Bulletin Aug 16, 2002

* The Providence Board of Canvassers agrees to look at 302 discrepancies, but denies a bid by mayoral candidate Keven A. McKenna to disqualify thousands of registered voters.

* * *

PROVIDENCE - The city Board of Canvassers voted yesterday to send certified letters to 302 would-be voters, agreeing that Democratic mayoral candidate Keven

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A. McKenna had reasonable cause to suspect those voters no longer live at their registered voting addresses.

The three-person board also voted to look into McKenna's claim that five people on the voting list have died and should be purged from the rolls.

However, the board voted to deny McKenna's request that they disqualify between 20,000 and 40,000 voters whose voting place notification cards were returned to the city as undeliverable or "addressee unknown."

Laurence K. Flynn, chairman of the canvassing board, said a glitch in the computer system caused mistakes to be made in the mailing of the notices. In most cases, the city's computer division erroneously mailed the notification cards to street addresses, as opposed to mailing addresses, Flynn said. In other cases, an apartment number was left off the address, causing the card to come back as undeliverable.

Flynn said the board plans to resend at least 20,000 voter place notification cards before the Sept. 10 primary. But, he said, that project is on hold by order of the city finance director, who wants to get the city tax bills printed first, Flynn said.

McKenna alleges that those would-be voters who he estimates number closer to 40,000 do not live in the city and are fraudulently qualified to participate in the Democratic primary election, an election that could determine the city's next mayor.

McKenna said he will meet the 48-hour deadline in which he has to decide whether to appeal the decision to the state Board of Elections.

"I find it outrageous that the city does not provide the resources to keep the voting lists up to date," McKenna said. As a result, "people who do not live in the city could be voting to determine the next mayor of the city of Providence," he said.

McKenna said he believes many city employees who live in Narragansett or elsewhere are among those seeking to fraudulently cast votes.

Board member Mark Lomazzo who cast the dissenting vote in the 2- to-1 decision to deny McKenna's request said he agreed with McKenna's claim about the prevalence of out-of-town voters.

He said he personally knows of three out-of-town residents who registered to vote in the city and used relatives' addresses to do so.

"What we do . . . it's a joke," Lomazzo said.

And, yet, board member George T. Smith Jr. acknowledged mistakes not fraud caused many notification cards to be improperly addressed.

017300

"You can't take away their right to vote because of our misinformation," Smith said.

McKenna first took on the the accuracy of the city voting roster in June after mailing campaign literature to residents of three high- rise apartments and having 302 of his mailings returned and marked "addressee unknown."

Yesterday, McKenna told the board, he has since talked with Providence Housing Authority executive director Stephen O'Rourke, who checked his tenant list and confirmed that none of the 302 people live in the elderly high-rises.

While Flynn insisted that the 20,000 or more returned notification cards do not signal massive voter fraud, McKenna tried to show that the system has multiple flaws.

As an example, he brought up the matter of a woman who is listed on the voting list twice once under her married name and once under her maiden name at two different Cumberland Street addresses.

Flynn questioned how the board would know about changes in names or addresses, unless notified by residents.

Calling it the "most sacred document in a democracy," McKenna said he believes the board and the city have a duty to actively find out whether voters have died, moved or changed their names due to marriage.

McKenna said canvassing board computers should be connected with those in the state Department of Vital Statistics and city Probate Court, to better track deaths and marriages.

City election officials have said federal law prevents them from acting on the people who they suspect no longer live at their registered addresses. But, McKenna told the board that the rules are different for primary races, which are not bound by the laws that apply to general elections.

People: McKenna, Keven A, Flynn, Laurence K
Author(s): KAREN A. DAVIS Journal Staff Writer
Section: News

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Abstract (Document Summary)

PROVIDENCE - Mayoral candidate [Keven A. McKenna] has asked the Board of

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Canvassers to purge the city voting roster of citizens who vote from addresses at which they do not live.

"Hopefully, that astounding percentage of wrong addresses is not indicative of the entire voting list of the City of Providence," McKenna wrote in a June 16 letter to the city board, secretary of state's office and state Board of Elections. "However, I would hope that number would inspire your agencies to do their job and clean up the Providence voting rolls."

In his letter, McKenna asked the agencies to "restore integrity" to the voting system by doing a return mail purge of voter rolls; instituting a timely system of removing felons from the rolls, and developing an automatic electronic purging system that matches voting addresses with the city tax division and School Department, car registrations, the state Division of Taxation and the U.S. Postal Service.

Full Text (524 words)

Copyright Providence Journal/Evening Bulletin Jun 19, 2002

* Mayoral candidate Keven A. McKenna challenges the addresses of 302 voters, after mailings were returned "address unknown."

* * *

PROVIDENCE - Mayoral candidate Keven A. McKenna has asked the Board of Canvassers to purge the city voting roster of citizens who vote from addresses at which they do not live.

Noting that 56 percent of his mailings to registered voters at four city high-rises have been returned to him, McKenna is challenging the addresses of 302 voters.

McKenna who got a list of 96,124 registered voters from the Board of Canvassers said he became concerned about the accuracy of the voting roster after his mailings came back to him stamped "address unknown."

"Hopefully, that astounding percentage of wrong addresses is not indicative of the entire voting list of the City of Providence," McKenna wrote in a June 16 letter to the city board, secretary of state's office and state Board of Elections. "However, I would hope that number would inspire your agencies to do their job and clean up the Providence voting rolls."

Laurence K. Flynn, chairman of the Board of Canvassers, said anyone who challenges the veracity of a voter's address must identify the voter and show reasonable cause to prove that the person does not live there. Flynn said a hearing is scheduled to allow a complainant to make his or her case and allow the challenged voter to respond.

Following that procedure, Flynn said, the board will "take a look at" McKenna's

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complaint.

However, Flynn said "you can't put a blanket challenge in on a bunch of registered voters [and] I believe that's what he's doing here."

In his letter, McKenna asked the agencies to "restore integrity" to the voting system by doing a return mail purge of voter rolls; instituting a timely system of removing felons from the rolls, and developing an automatic electronic purging system that matches voting addresses with the city tax division and School Department, car registrations, the state Division of Taxation and the U.S. Postal Service.

Flynn said addresses are automatically matched with state and federal agencies every four years. And his office periodically updates voter records, including routinely getting notification from the state vital statistics division when someone dies.

Still, Flynn said, he is not surprised that candidates have mail returned to them.

"We live in a transient city," said Flynn, who has been with the board for 19 years. "People move around in the city. . That's how it's always been."

McKenna implied that he is skeptical of the suggestion that a transient population is the reason for wrong addresses. In his letter, he suggested that a flawed system or corruption by public employees could be a more plausible reason for discrepancies.

While such discrepancies might not make much difference in statewide races, McKenna believes that they are very important in city races, where victory margins have historically been slim.

"The electoral future of Providence should not be determined by strangers," McKenna said in a statement. "The voting roll is the most sacred document in a democracy. Its integrity should not be allowed to be compromised by bureaucratic incompetence or by voter fraud."

E.P. voter fraud saga continues; charges dropped against one suspect

EAST PROVIDENCE - Though it is less than a year until the next city election, the aftermath of the 2004 election still remains, with the state evaluating claims of voter fraud in both the primary and general elections in East Providence.

More than 200 names were suspected initially, but the Attorney General focused on nine individuals. Last week, the office of the attorney general announced it would be dropping charges against one person alleged to be involved. According to the attorney general's office, the case against Ralph J. Accinno, of 61 Brian Hollow Road, Coventry, was dismissed because the court determined the statute of limitations had run out.

"Mr. Accinno was charged with voter fraud," said Mike Healey of the attorney general's office.

"Voter fraud carries only a one-year statute of limitations."

Though the alleged crimes happened in the fall of 2004, with the general election held that year on Nov. 2, the state police did not forward information to the attorney general's office for consideration until Oct. 30, 2005. The office reviewed the information presented and filed charges against the individuals on Nov. 1, 2005, two days later.

Mr. Accinno does not have a criminal history, according to a prior interview with the attorney general's office.

The attorney general's office maintained that the crime was not completed until the general election took place, meaning the charges were filed in time. However, the courts ruled that Mr. Accinno had allegedly turned in his absentee ballot on Oct. 29, 2004, and the case was dismissed.

Of the nine individuals who faced charges, two others, William C. Chase of West Greenwich and Donna Hammann of Earl Avenue, were previously dismissed on grounds that neither had signed their voter registration cards. Four other cases, those of Francis B. Sergeant Jr. of Providence, Anthony K. Gomes of Robinson Street, Thomas A. Correia of Bristol and Steven J. Sullivan, of Second Street, were previously handled through a diversion program which involves community service for first-time, non-violent felony offenders. None of the men had a prior criminal record, and two were elderly.

Antonio T. Ramos previously plead "no lo contendre" and received a deferred five-year sentence, which is not technically a felony conviction, though he must keep the peace and maintain good behavior for those five years.

The final case, that of Albert D. Oliveira, remains to be settled. The attorney general's office has not been able to locate either Mr. Oliveira or an address for him. A warrant for his arrest was issued on Jan. 9, 2006.

By Kimberly Harper

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017305

Posted on Fri, Apr. 14, 2006

Eastover election panel says there was no fraud, counts ballots

By JOY L. WOODSON
jwoodson@thestate.com

Odell Weston and Walter Jones were declared the winners Thursday of the Eastover Town Council elections after 43 challenged votes were reviewed.

Eastover Election Commission chairwoman Ella Suber said none of the ballots challenged in Tuesday's election was thrown out on the basis of fraud.

About half of the challenged ballots were deemed valid and counted Thursday night, Suber said. Those ballots changed the results of the election, in which Geraldene Robinson and Jones on Tuesday were declared the winners.

The other half of the ballots were thrown out and not counted, largely because they had improper signatures, no signature at all or no signature of a witness, Suber said.

Weston and Jones each picked up 21 votes after the challenged votes were counted.

~~Robinson has accused Mayor Christopher Campbell of intimidating home-bound and elderly residents to vote for Weston and Jones.~~

Agents from the State Law Enforcement Division are continuing to investigate allegations of fraud.

Threatening, forging or coercing voters or votes is illegal.

"Let me assure you, and the good people of Eastover, that there has been no misconduct on my part on the matter of absentee ballots during Tuesday's election — of this I am absolutely positive," Campbell said Thursday in a written statement.

He later added that Robinson asked residents to vote by absentee ballot.

Two other candidates, Richard Johnson and Jo-Ann Simmons, said they also were concerned about fraud. But three election protest letters filed Thursday night by Robinson, Johnson and Simmons did not indicate fraud as a reason for the protest, Suber said. The letters allege there was improper notification of the election.

"This is ridiculous," Suber said after reading the letters.

~~After the election Tuesday, SLED officials seized absentee ballots, voter registration rolls and computers used to count ballots.~~

The investigation is being done in conjunction with the 5th Circuit Solicitor's Office, which filed a petition for seizure with the court. ~~That petition states there is belief that absentee ballots were possibly forged or falsely submitted.~~

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No town officials were named as suspects. And it was not known who contacted the solicitor's office.

Campbell stands by the election, saying "SLED is doing what they are required to do — investigate a complaint."

Campbell's supporters defended the mayor and their votes. They said there were similar accusations during the 2000 mayoral election when Campbell beat then-incumbant Robinson.

Edna Scott, 79, said she voted absentee and her sister, not the mayor, helped her fill out her form. She is disabled and uses a wheelchair.

"As a voter, each of us have our choice of candidates," she said. "I was not intimidated, not forced, but using the right of the voter to cast an absentee ballot."

Another voter, Dr. Vernishia Robinson, said she voted absentee because she works long hours and can barely make it home before 7 p.m. — the time polls closed.

"I was not pressured or coerced," she said, as she took a brief break between patients. "I voted for the candidates of my choice, and I'm upset that anyone would challenge my vote."

Reach Woodson at (803 771-8692

Dead men voting: In Daschle's home state, fraud wanders off the reservation

© 2002 Wall Street Journal
John Fund's Political Diary

Note: At the time this was written Senator Tom Daschle, a Democrat from South Dakota, was Majority Leader of the United States Senate.

October 16, 2002 — Today the Senate will approve and send to President Bush a landmark bill that will upgrade voting machines and begin to curb the voter fraud that is creeping into too many close elections. It can't come soon enough. Last week, a massive vote-fraud scandal broke out in a U.S. Senate race in Tom Daschle's home state of South Dakota that could determine control of that body.

The FBI and state authorities are investigating hundreds of possible cases of voter registration and absentee ballot fraud. Attorney General Mark Barnett, a Republican, says the probe centers on or near Indian reservations. *"All of those counties are being flooded with new voters,"* says Adele Enright, the Democratic auditor of Dewey County. *"We just got a huge envelope of 350 absentee ballot applications postmarked from the Sioux Falls office of the Democratic Party."*

Steve Aberle, the Dewey County state's attorney, says many of the applications are in the same handwriting. At least one voter, Richard Maxon, says his signature was forged. Mr. Aberle, a Democrat with relatives in the Cheyenne River tribe, says many Native Americans have wanted little to do with *"the white man's government."* But this year many tribal elections have been scheduled for November 5, [2002] the same day as the critical election for Democrat Tim Johnson's Senate seat. A Democratic Senatorial Campaign Committee memo last month noted that the *"party has been working closely with the Native population to register voters and Senator Johnson has set up campaign offices on every reservation."*

More and more counties are uncovering fraud. Rapid City officials are investigating two brothers who may have forged registrations. Denise Red Horse of Ziebach County died September 3 in a car crash. But both Ziebach and Dewey counties found separate absentee-ballot applications from her dated September 21 in bundles of applications mailed from Democratic headquarters. Maka Duta, who worked for the Democratic Party collecting registrations in Ziebach, bought a county history book that contains many local names. Some are turning up in the pile of new registrations. At least nine absentee ballot requests have been returned by the post office. Mable Romero says she received a registration card for her three-year-old granddaughter, Ashley. Some voters claim to have been offered cash to register to vote. In both Dewey and Ziebach counties, the number of registered voters easily exceeds the number of residents over 18 counted by the 2000 census.

Renee Dross, an election clerk for Shannon County, says her office has received some 1,100 new voter registrations in a county with only 10,000 people. *"Many were clearly signed by the same person,"* she says. Some registrants actually live in neighboring Nebraska. As in most states, South Dakotans are on an *"honor system"* and don't show photo ID to register or vote. Only the unprecedented flood of applications raised any suspicions.

State Democrats told the Christian Science Monitor they expect 10,000 new votes from the Indian reservations this year. In 1996, Senator Johnson won by only 8,600 votes. Russell LaFountain, the director of Native Vote 2008, says his organizers are encouraging *"strong absentee balloting."* Pine Ridge Reservation residents told me that 11 workers are being paid \$14 an hour to contact voters. The statewide Indian voter project is run by Brian Drapeaux and Rich Gordon, two former staffers for Senator Daschle. Democratic officials say they've fired Ms. Duta and claim they were the first to bring the fraud to light. Ms. Enright, the Dewey County auditor, says that claim isn't true and is *"pure spin."*

Voter fraud isn't unknown on reservations. Democrats have often given out free tickets to Election Day picnics for voters on the Pine Ridge Reservation, where 63% of people live below the poverty level. In 1998, that prompted U.S. Attorney Karen Schreier, a Democrat, and Attorney General Barnett, a Republican, to write an unusual joint letter to county auditors noting that

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"simply offering to provide" food or gifts "in exchange for showing up to vote is clearly against the law." Amazingly, Kate Looby, the Democratic candidate for secretary of state this year, has criticized laws barring the holding of picnics for those who vote. She also wants to drop restrictions on absentee voting.

Making voting easy is desirable, but only if legitimate voters don't have their civil right cancelled out by those who shouldn't vote. In 1980, only about 5% of voters nationwide cast absentee or early ballots. Now nearly 20% do. *"Absentee voting is the preferred choice of those who commit voter fraud,"* says Larry Sabato, a professor at the University of Virginia. He suggests media outlets set up *"campaign corruption hotlines"* and begin taking voter fraud seriously. The Miami Herald won a Pulitzer Prize in 1998 after its stories on how 56 absentee-ballot *"vote brokers"* forged ballots in a Miami election. The sitting mayor was removed from office.

In Texas, Democrat state Rep. Debra Danburg, who chairs the state House elections panel, has tried without success to reform absentee-ballot laws that are so loose she says they make *"elderly voters a target group for fraud."* Eric Mountain of the Dallas County district attorney's office says some campaigns have paid vote brokers \$10 to \$15 a ballot. Many seniors are visited at home and persuaded to have someone mark an absentee ballot for them. Others have absentee ballots stolen from their mailboxes.

The law Congress is passing addresses some of the problems the federal government created with the 1994 Motor Voter Law. Let's hope the latest scandal in South Dakota — uncovered only due to incredibly sloppy cheating—prompts states to examine their own absentee-ballot laws so they will stop being treated as an engraved invitation to fraud.

NEWS Channel 3
Wreg-TV/DT Memphis

Posted by Dan Taylor

No Action on Request to Void Election of Ophelia Ford

Dec 23, 2005, 10:08 AM EST

NASHVILLE, Tenn -A Senate committee looking into allegations of voter fraud in a special election declined Wednesday to seek throwing out the vote.

The winner of the September 15th election was Ophelia Ford and her victory was certified with a 13 ballot majority.

But *The Commercial Appeal* newspaper reviewed voter files and reported two people listed as voting in the election had died the previous month. The TBI was called in by the district prosecutor.

Terry Roland, the Republican candidate who lost the election, has repeatedly complained of voting irregularities.

Wednesday members of the Senate committee reviewing the election said they hadn't had time to review documents presented by Roland's attorney just before they met. They also noted the TBI hasn't had time to complete its investigation. The election was held to fill the seat of Ford's brother, longtime legislator John Ford, who resigned after he was indicted in a federal probe into allegations of bribery. In all, six current or former public officials are awaiting trial in Operation Tennessee Waltz.

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SOUTHERN STANDARD

Three more invalid votes found in state Senate election

NASHVILLE, Tenn. Copyright 2006 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed. -- Officials have identified three more convicted felons voting in a disputed state Senate election in Memphis.

State Sen. Mike Williams, chairman of a special Senate committee investigating the election, said Tuesday that the three felons found by state election officials pushes the total number of improper votes to 12 -- one shy of the 13-vote margin of victory for Democratic state Sen. Ophelia Ford.

"We're going to ask our attorney to go to Memphis to see if he can find one more vote," said Williams, R-Maynardville.

The election victory placed Ford in the state Senate seat her brother John Ford held for three decades before resigning in May after a federal corruption indictment.

Republican challenger Terry Roland and his supporters have said as many as 150 other votes were improper, including ballots cast in the names of voters who were dead. Ford has not be accused of wrongdoing.

The full Senate voted last month to void the election, but a federal judge interrupted that process and said the Senate could proceed only if it has consistent standards for dismissing election results.

The push to oust Ford was led by Senate Majority Leader Ron Ramsey, who is also a member of the investigative committee. The Blountville Republican has said the election "stinks to high heaven" and that there was already enough evidence to void it.

The first of two Senate votes needed to oust Ford passed 17-14, but the federal judge intervened before the second vote.

Williams abstained and Sen. Don McLeary of Humboldt was the only Democrat to vote in favor of the measure. McLeary has since switched to the Republican Party.

Williams said the Senate vote was "more partisan than it was procedure" and opened the Senate up to the federal court decision.

Williams' committee last week hired former state Appellate Judge Ben Cantrell, a Republican, to help guide it through the court's decision and to investigate further questionable votes.

The committee voted last month to void nine votes, including some cast on behalf of dead

voters, felons and nonresidents.

State Election Coordinator Brook Thompson said the most recent improper votes were found through a check of records at the Administrative Office of the Courts and by confirming that one voter turned up by The Commercial Appeal newspaper had a criminal record.

Thompson said his office is working on a report on potential felons registered to vote across Tennessee.

While it is unknown for which candidate the disputed ballots were cast, improper votes equaling or exceeding the margin of victory would be enough to call the election into question, Williams said.

Ford, who fought the ouster on grounds that it disenfranchised voters in the majority black district, has asked the state to pay more than \$57,000 to her lawyers for their work her federal lawsuit.

The state attorney general's office, meanwhile, is appealing the federal court decision.

If Ford is ousted, the Republican-controlled Shelby County Commission will name an interim senator.

Also Tuesday, the Senate State and Local Government Committee unanimously advanced a measure to purge dead voters' names from elections records every 30 days in an effort to prevent repeats of the Memphis vote.

See SB2866 on the General Assembly Web site at: <http://www.legislature.state.tn.us/>

WMCV.com

Accusations surround September's special election

Dec 12, 2005, 08:19 PM EST

Some serious accusations about September's special election to replace Senator John Ford.

Terry Roland's attorney's told a Tennessee Senate panel today that **four convicted felons -- 44 people who lived outside the district and even a person who died weeks before the election -- voted in the special election District 29 Senate Seat.**

"And we've come up with these names of people who don't reside where they say they resided, we've got a presumption that they should not be voting in this district," said Roland's attorney Richard Fields.

Attorney's for Ford and the Shelby County Election Commission argued that no election is perfect.

Roland's attorneys are asking that results of the special election be voided. The senate panel is scheduled to reconvene in Nashville December 21st.

On September 15th -- Ophelia Ford won the election for the District 29 Senate Seat.

Ford beat Republican Terry Roland by 13 votes. The special election was held because Ford's brother -- John Ford -- stepped down after being indicted in the Tennessee Waltz corruption scandal.

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Tennessean.com

Thursday, 10/12/06

Two more apparently fake voter slips found

Other states have reported group tied to Democrats

By JESSICA FENDER
Staff Writer

Two more questionable voter registration forms have surfaced in Metro Nashville — but these were handed in by a political group that supports Democratic causes, election officials said Wednesday.

ACORN, a low-income community advocate organization, has made national news this month for allegedly submitting thousands of incomplete or apparently fraudulent forms in other states.

The two registration slips in Tennessee included accurate names and addresses but with the wrong Social Security numbers, signatures and birth dates.

Those were the same problems discovered last week in a dozen forms submitted in Davidson and Williamson counties by a canvassing group hired by the Republican National Committee.

ACORN canvassers have registered more than 500,000 people nationwide, including thousands in Tennessee, spokesman Kevin Whelan said. He did not know about the questionable forms in the Nashville area until contacted by The Tennessean.

"If there are any mistakes that appear to be any kind of misconduct — intentional or unintentional — we want to know about them," Whelan said. "We wouldn't continue to employ anyone not meeting (our) standards of integrity."

Whelan said workers are paid by the hour, not by the number of people they register. He said a second pair of eyes looks over cards, checking for irregularities and incomplete information.

Metro elections commission staff contacted the people whose names appear on the potentially fraudulent forms. The people said they had not filled out the forms and were

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already registered, according to staff notes.

Brook Thompson, state election coordinator, said questionable forms will go to the district attorney's office for investigation and potential prosecution. •



Posted By Roswell Encina

Voter Admits Voting In District 29 Despite Living in Another District

MEMPHIS - Jennings Bernard is no stranger to Memphis politics. He even has a daily talk radio show.

Bernard has rubbed elbows with some of Shelby County's top leaders. He even has a picture of himself side by side with the chairman of the election commission.

So you think Bernard should know better. For the past three decades he has voted in District 29. A district he doesn't live in.

"Over 32 years I have voted at my mother's house," says Bernard.

Bernard admits he's registered to vote at his parents address in the Hollywood area of Memphis which is District 29. But he really lives in the Fox Meadows community in District 33.

"We often see this happening all the time," says Bernard. "People have been doing it for years."

Bernard is one of 44 contested voters the State Senate is looking into. A member of the senate committee investigating this says Bernard's vote needs to be thrown-out.

"Just because you have a business in the district or know the issues in the district. There are no reason you could continue to vote in that district. So his vote needs to be disqualified," says TN. Senator Ron Ramsey.

Jennings Bernard says he'll always consider North Memphis home. But because of all this controversy he went ahead in registered in the district he really lives in.

"If it was a problem and I was voting for 32 years at the wrong place," says Bernard. "I think its incumbent on the election commission to find out if I was working in the wrong place, that's your job!"

The clincher: Bernard says he didn't vote for either Ophelia Ford or Terry Roland in this contested race. Bernard says he voted for perennial candidate Prince Mongo.



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Voter fraud probe sought

Shelby ballots cast by 156 alleged outsiders

By Michael Erskine

Contact

August 12, 2006

The chairman of the Shelby County Democratic Party asked for a criminal investigation Friday into allegations of "possible fraudulent voting" in the Aug. 3 election.

Party chairman Matt Kuhn sent a letter to Dist. Atty. Gen. Bill Gibbons requesting he look into a claim that more than 150 citizens who live outside of Shelby County voted in the county election.

Jennifer Donnals, communications director for the DA's office, confirmed Gibbons received the letter.

"At this time, Gen. Gibbons will review it and make a determination, probably some time next week, on what action to take," she said.

In his letter, Kuhn cited a spreadsheet produced by John Harvey, a recent write-in candidate for sheriff. Using a database of driver's license information from across the state, Harvey found 156 people with addresses in Tennessee counties outside of Shelby who voted in early voting in the recent Shelby election.

In addition, he found five voters who appeared to be registered in both Shelby and Fayette counties.

Last month, a Nesbit man was charged by a Shelby County grand jury with voting twice -- once in Mississippi and once in Tennessee -- in the 2004 presidential election.

Kuhn wrote that he hoped Gibbons would "continue to vehemently prosecute those citizens who use a multiple franchise to invalidate the integrity of our Shelby County Elections."

"Should your investigation reveal any evidence of nonresidents voting in our Shelby County elections, we would hope that they would be prosecuted to the

fullest extent permissible under Tennessee law."

-- Michael Erskine: 529-5857

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Four sue over vote outcome

Democrats claim irregularities, seek new elections in November

By Lawrence Buser

Contact

August 15, 2006

Four Democratic candidates who lost by narrow margins in races for clerks' positions filed suit Monday asking a judge to declare the Aug. 3 election void because of irregularities and to declare them winners or order new elections in November.

Juvenile Court Clerk candidate Shep Wilbun and Probate Court Clerk candidate Sondra Becton are plaintiffs in a suit filed by attorney Mark Allen.

Criminal Court Clerk candidate Vernon Johnson and Shelby County Clerk candidate Otis Jackson are plaintiffs in a suit filed by attorney Javier 'Jay' Bailey.

Both suits were filed near closing time Monday afternoon in Chancery Court. No hearing date has been set.

The suits allege a wide variety of irregularities, including voting by nonresidents, improper vote counting, voter intimidation, security breaches and mishandling of voting machines.

"There is substantial evidence to indicate that the integrity of the election process has been compromised so as to justify judicial intervention," Bailey said in his suit.

Allen said the election "should be declared null and void since fraud or illegality so permeated the conduct of the election as to render it incurably uncertain."

He alleges in the suit that 356 people voted twice during the early voting period and that another 3,000 voters from early voting could not be verified as being properly registered.

The lawsuits say "unofficial" and "preliminary" returns show:

In a bid to regain his old job, Wilbun, a former County Commissioner, lost to

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Juvenile Court Clerk Steve Stamson, 73,954 votes to 73,165. Becton, running against her former boss, lost to incumbent Probate Court Clerk Chris Thomas, 71,654 to 71,050.

Johnson, a bail bondsman, lost to Criminal Court Clerk Bill Key, 68,491 to 67,698. Jackson, a management consultant and former basketball star, lost to Shelby County Clerk administrative assistant Debbie Stamson, 72,123 to 71,645.

Figures provided to The Commercial Appeal by the Shelby County Election Commission, which are said to represent all 279 voting precincts, showed the races to be even closer than the totals reflected in the suits.

The final totals showed Steve Stamson winning by 313 votes over Wilbur, Thomas by 445 over Becton, Key by 621 over Johnson and Debbie Stamson by 303 over Jackson.

At its regular scheduled monthly meeting, the Election Commission certified all final vote totals from the Aug. 3 elections late Monday afternoon.

Greg Duckett, chairman of the election commission, said after the meeting that the commission had not received any notice about the lawsuit.

-- Lawrence Buser: 529-2385

Staff reporter Yolanda Jones contributed to this story.

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Cross-check Dist. 29 voters, Roland asks

Ophelia Ford likely will be seated in legislature while questions are resolved

By Richard Locker

Contact

January 7, 2006

NASHVILLE -- Attorneys for Republican Terry Roland have asked state officials to cross-check voters in the contested Senate District 29 election with death certificates and a national Social Security database.

Because of that request and a TBI investigation of the election expected to be finished this month, the chairman of a Senate committee hearing Roland's contest of the election said Friday the panel will likely be unable to settle the issue before the Tennessee legislature convenes Tuesday.

That means the declared winner of the election, Democrat Ophelia Ford, will be provisionally seated Tuesday unless a majority of the Senate votes against her. The state Constitution gives the Senate sole authority to seat its members.

Ford, D-Memphis, defeated Roland, a Millington businessman, by 13 votes in the Sept. 15 election. But Roland contested the results, charging that at least 68 votes were improperly or illegally cast, including at least two cast in the names of people who died weeks earlier.

A Senate committee of three Democrats and three Republicans was appointed to investigate the election and make a recommendation to the full Senate on whether to seat Ford, seat Roland, or call a new election.

After news of the two dead "voters" surfaced last month, Dist. Atty. Gen. Bill Gibbons asked the TBI to investigate. The chairman of the Senate committee, Sen. Mike Williams, said Friday he will ask the panel to delay its recommendation so it can deal with the new requests received from Roland's attorneys late Thursday and to await results of the TBI probe.

"I don't want the committee to make a recommendation for or against anyone without as



Mark
Humphrey/Associated
Press file photo

Although Democrat Ophelia Ford was sworn in as District 29 senator in September, a probe of "dead" people voting in the race against Republican Terry Roland won't be over before the Senate convenes Tuesday.

much information as possible," said Williams, R-Maynardville.

"The last correspondence we got from the Roland attorneys is to get a national Social Security database for a cross-check with voters. The state election coordinator says it would take at least two weeks to do that but I think this is of such importance that I would be in favor of doing that. And TBI says it thinks it can have a report to us by mid-January."

Although the committee may wait, Senate Republicans could challenge Ford's provisional seating Tuesday -- reportedly out of a concern that once seated, the state Constitution requires a two-thirds Senate vote to remove a member. The GOP has a 17-16 edge over Democrats in the Senate -- a majority required to sustain an election contest but short of the two-thirds required to oust a sitting member.

There are conflicting legal opinions on the issue.

Meantime, Shelby County Democrats said Friday they plan to file suit next week in Chancery Court to block a Roland move to invalidate 9 or 10 votes in the special election because voters failed to sign ballot applications.

The county Democratic Party leadership voted to retain attorney Jay Bailey, who said he will work free of charge. Invalidating the ballots would wrongly disfranchise voters for making simple mistakes, Bailey said.

"I do hope my vote will count," said voter Louvenia Hampton, 75, who appeared alongside party officials at an afternoon news conference. Hampton said she believes a poll worker failed to point out that she needed to sign her ballot application.

Contact Nashville bureau chief Richard Locker at (615) 255-4923.

Staff reporter Marc Perrusquia contributed to this story.

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Absent poll worker got election-day pay

Yet 'signed' forms of 2 dead voters in precinct under probe

By Marc Perrusquia

Contact

January 15, 2006

A Memphis poll worker was paid \$95 for helping in the Sept. 15 election, yet records show she was out of town, and her supervisor says she never came to her assigned polling place.

The whereabouts of poll worker Vatricia A. McKinney are critical in ways that involve more than just taxpayer money.



Verline Mayo

McKinney's initials appear on ballot forms cast in the names of two dead voters -- records at the center of a voter fraud probe that could void Ophelia Ford's razor-slim state Senate victory.

McKinney's signature also appears on a form certifying voting machine totals at North Memphis' Precinct 27-1, where someone cast votes in the names of two elderly voters who had died weeks before the election.

However, McKinney, a public housing official, actually was in New York that Election Day on a taxpayer-funded trip, The Commercial Appeal has found.

Her sister -- untrained as a poll worker -- secretly filled in for her, in apparent violation of state election law.

McKinney, 52, and her sister, Mary L. McClatcher, 51, declined comment.

Precisely how it came that someone signed the names of two deceased voters into the precinct poll book that day remains unknown.

The precinct's ballot safeguards seem to have failed, and at different points in the day each of its three election judges left their posts.

"There were some unusual things going on," agreed Verline Mayo, the poll officer in charge at Precinct 27-1.

The precinct's dead voter scandal has triggered a criminal probe and has brought the

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Tennessee state Senate to the cusp of voiding Democrat Ford's narrow win over Republican challenger Terry Roland.

Ford won by 13 votes in a race in which nearly 8,500 ballots were cast.

Ford has been provisionally seated, yet senators say they will consider voiding the Dist. 29 election when the Tennessee Bureau of Investigation completes its probe.

Roland claims the election was plagued by widespread irregularities, and the controversy escalated last month after The Commercial Appeal found that ballots were cast in the names of two dead voters.

Joe L. Light, 70, died Aug. 6, and Archie L. Kirkwood, 72, died Aug. 30, yet signatures of both were written Sept. 15 into the poll book, the alphabetic roster of a precinct's registered voters kept on site on Election Day.

Records show Mayo, sisters McKinney and McClatcher and Kirkwood all once lived in the now-razed Oates Manor public housing development. There, McKinney and McClatcher had lived in an apartment next door to Kirkwood.

Ballot applications -- forms voters fill out before entering the voting booth -- suggest the Kirkwood and Light votes came back to back.

Ballot application no. 012028 was filled out in Kirkwood's name, and application no. 012029 in Light's name.

Each application lists the initials "VAM" -- Vetricia Ann McKinney -- as a poll worker processing the ballots. Poll workers are the army of citizen volunteers who get a modest day's pay to man voting sites.

Altogether, the "VAM" initials appear on ballot applications for 13 of the 31 votes cast at the precinct on Election Day, records examined by the newspaper show. A series of other records indicate a key role by McKinney at the poll that day:

McKinney's full signature appears on the precinct's Certificate of Results, a return sheet on which poll workers record voting machine totals, seal numbers and protective counter numbers designed to guarantee an election's integrity.

Thirteen days after the election, McKinney signed and cashed a \$95 check from Shelby County government's election payroll for her work.

Yet the day of the Sept. 15 election, McKinney was in New York on a five-day bus tour.

Public records maintained by Memphis Housing Authority show McKinney was among some 20 people who took the Sept. 11-16 tour as part of MHA's leadership retreat.

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McKinney is a public housing resident who also serves as the tenant representative on MHA's policy-making Board of Commissioners. Records show MHA paid McKinney a \$282 travel advance on Sept. 9. Overall, MHA estimates it spent \$673 to send McKinney on the retreat that included visiting lawmakers in Washington, touring affordable housing sites in Baltimore, and sightseeing in New York.

MHA special investigator Tony Olden, a chaperone on the trip, said he was in New York with McKinney and the others on Sept. 15 as they toured Rockefeller Center and Broadway. Olden said the group finally rolled back into Memphis about 10:30 p.m. on Sept. 16, the day after the election.

Asked whether McKinney ever made it to the Precinct 27-1 polling place on Election Day, officer in charge Mayo said, "No, she didn't come."

Instead, McKinney's sister came. Mayo identified that sister as Mary McClatcher, a FedEx employee who keeps an apartment in Frayser.

"Her sister worked in her place at the last minute," said Mayo. McClatcher wasn't paid, but Mayo said she believes McKinney gave her sister her pay.

State law allows a polling site election officer to fill a vacancy on the spot, provided the substitute is given an oath to uphold the law, and the move is reported to the local Election Commission.

That didn't happen, said Shelby County elections administrator James Johnson, who heads the Election Commission's professional staff. Johnson said he's never heard of McClatcher, and her name isn't among the county's roster of poll workers.

"They're supposed to call and let us know who that person is," Johnson said. "I don't have any records that say (Mayo called in the replacement.) Because all records indicate that Vetricia McKinney signed for this information ... Signed in the morning. Signed in the evening."

Mayo, 68, didn't say why she didn't report the substitution, but former congressman Harold Ford Sr., who has been conducting his own review of the irregularities, said Mayo only reluctantly told him of the substitution.

"She said there was something that was wrong. There was a person who was supposed to work who did not work and (she) didn't report that to the Election Commission."

Election Commission Chairman Greg Duckett has said he believes a poll worker or someone with specialized election knowledge forged the dead voter ballots -- a contention Mayo rejects. She told a reporter it would have been "easy" for two people to have come in off the street and posed as Light and Kirkwood.

"See the thing about it, (voting) was so slow that day, and I left," Mayo said. She said

she went to vote in a different precinct, and in that time less-experienced poll workers could have been fooled.

Both sisters declined interviews.

"I have nothing to tell you. Talk to the TBI," McKinney said.

Said McClatcher: "Sir, whatever you need to know, you need to talk to the Election Commission. I have nothing to say."

--Marc Perrusquia: 529-2545

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Panel voids Ford's election

By John Rodgers, jrodgers@nashvillecitypaper.com
April 14, 2006

A special state Senate panel voted Thursday to recommend voiding Sen. Ophelia Ford's election, concluding its six-month-long investigation.

The committee, which consisted of three Republicans and three Democrats, voted 4-1 to void Ford's election.

Two Democrats, Minority Leader Jim Kyle (D-Memphis) and Roy Herron (D-Dresden), voted with two Republicans to void Ford's win while Sen. Joe Haynes (D-Nashville) was the only Senator voting to uphold it. Sen. Jeff Miller (R-Cleveland) was not present for the final tally.

"The election needed to be overturned because of all of the mistakes and the fraud and the illegality that did go on," said Senate Majority Leader Ron Ramsey (R-Blountville), who has been his party's point man on voiding Ford's contested election.

The panel will now send that report to the full Senate for a final vote to possibly oust Ford. But Ford's attorney, David Cocke, said he would move to go back to federal court, likely next week, as a result of the Senate panel's action.

Ford (D-Memphis) defeated Republican Terry Roland by 13 votes in a September special election for District 29. Ford replaced her brother, John Ford, who resigned from his seat after being indicted on corruption charges in the Tennessee Waltz sting.

Ophelia Ford was present at the first two hours of the hearing, but left prior to the start of the second half of the proceedings.

Haynes said no evidence of illegal or improper votes exists, making voiding the election unnecessary.

"I'm not willing to take away votes of the 29th District based on inferences," Haynes said. "I think that's wrong, and my conscience won't let me do it."

The "inferences" Haynes referenced include questionable votes from two people whose voter registrations were connected to business addresses.

Haynes said he doesn't think questionable ballots should be added to the 12 ballots the committee appeared to agree were improper.

"We think the burden of proof to set aside an election is a lot more than inference," Cocke said.

The 12 improper ballots the committee agreed upon consisted of two ballots cast with the names of dead people, seven cast by convicted felons, and three cast by people voting from outside the district.

Roland's attorneys were trying to reach 13 or more improper votes to satisfy existing state case law in *Emery v. Robertson County*, which found that an election can be voided if, in this case, 13 or more illegal votes were cast.

In the end, however, the committee never declared there were 13 or more illegal votes. Rather, its members voted to void the election based on another standard in the same case law that allowed nullifying an election if it were "incurably uncertain."



Ophelia Ford attended the first two hours of a legislative panel hearing that recommended voiding her election of a state Senate seat. Photo by Josh Anderson.

"And that's one of the standards the court outlined in *Emery v. Robertson County*," said the committee's special counsel, former state Court of Appeals judge Ben Cantrell.

Roland's attorneys had challenged the residency addresses of 44 Memphis-based voters, with the Senate sending affidavits to verify their residences. Based on the responses, Cantrell confirmed, however, that just one person voted outside of Senate District 29.

Cocke, Ford's attorney, said he would move to take the case back to court before a final Senate vote, which would take place Wednesday at the earliest.

In January, federal judge Bernice Donald prohibited the Senate from proceeding in possibly voiding Ford's election until a hearing could take place in Memphis.

After the January hearing, Donald ruled, among other findings, that a voter's constitutional rights must be ensured before an election could be voided.

Cocke said the seven convicted felons who voted "didn't get any due process notice."

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Senators will continue Ford vote review

They'll meet in Nashville Tuesday, a day ahead of Memphis court hearing

By Richard Locker

Contact

January 20, 2006

NASHVILLE -- A Senate committee is resuming its probe of Shelby County's Senate District 29 election after the Republican push to expel Sen. Ophelia Ford was halted by a Memphis federal judge.

The special committee plans to meet here Tuesday to hear final arguments by lawyers for Ford and her Republican opponent, Millington businessman Terry Roland. It will also review a report by the state election coordinator comparing Social Security numbers of voters in the special Sept. 15 election and deceased people.

The committee chairman, Sen. Micheal Williams, R-Maynardville, said Thursday he plans to ask the bipartisan panel to vote on its recommendation to the full Senate on whether to seat Ford or void the election. Roland's formal contest of the election, which initiated the committee's review, asks that the election be vacated.

Williams said he does not expect a separate TBI investigation to be finished by next week. But the TBI probe requested by Shelby County Dist. Atty. Gen. Bill Gibbons is focused on possible criminal activity in the election -- particularly the use of two dead people's identities to cast two votes -- and not on who won or lost and other issues the committee is examining.

Fallout from U.S. Dist. Judge Bernice Donald's restraining order late Wednesday intensified in Nashville Thursday before the legislature adjourned for the weekend. Senate Republican Leader Ron Ramsey deferred indefinitely his resolution to void the election and expel Ford when the measure was called up on the Senate's agenda.

Its passage had been a virtual certainty until Ford's attorneys filed a federal lawsuit in Memphis Wednesday afternoon to block it. "I'm surprised and disappointed, but that's part of it," Ramsey said.

The restraining order bars the Senate from affirming or voiding the election and removing Ford until at least next Wednesday, when Donald holds a hearing on the due process, voting rights and equal protection issues raised in Ford's lawsuit.

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A key issue in the suit is the Senate Republican majority's push to approve the resolution *before* the investigating committee completes its work. After failing to persuade his party leaders to wait on the committee, Williams halted the panel's work on Tuesday, saying "there's no need" to continue if the Senate was going to void the election before it submitted its findings.

But with the resolution on hold, Williams announced the committee will meet Tuesday to conclude its work and write a report to the full Senate -- in advance of Wednesday morning's court hearing in Memphis.

"We want to hear the final arguments of both sides and then vote our recommendation," Williams said.

Also Thursday, members of the Black Caucus rallied in support of Ford and against the Senate Republicans' planned move.

"We are profoundly disappointed in the Senate's action," said caucus chairman Rep. Johnny Shaw, D-Bolivar. "It was the Senate that asked for the investigation of the election. We're not making a racial issue out of this; we're saying the process needs to work. The TBI report isn't in yet."

Ford was present for both the Senate session and an earlier Democratic Caucus meeting to explain the restraining order to its members. Said she: "I am very pleased about the court order. I have no further comment to the media."

There was concern among senators about whether they are to appear in Donald's court Wednesday. Ford's complaint listed as defendants all 32 members of the Senate other than herself.

Sen. Mark Norris, R-Collierville, said that as a Memphis lawyer and defendant, he feels obligated to attend and argued against the Senate's plan to reconvene at 10 a.m. Wednesday -- an hour and 15 minutes after the Memphis hearing begins.

Contact Nashville bureau chief Richard Locker at (615) 255-4923.

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Poll worker now faults machines in dead vote

By Marc Perrusquia

Contact

January 24, 2006

In a new twist to Shelby County's dead voter scandal, the officer in charge of a North Memphis voting precinct now says she encountered late-night voting machine troubles.

Verline Mayo gave the account Monday while defending her poll workers at North Memphis' Precinct 27-1, where someone used the names of two dead voters to cast ballots in the disputed Sept. 15 state Senate election.

A majority of senators, alleging fraud and other irregularities, want to void the District 29 election narrowly won by Ophelia Ford.

In a series of interviews since last month, Mayo has said she believes any fraud was committed by people posing as voters -- not by poll workers as Election Commission Chairman Greg Duckett says he suspects.

On Monday, Mayo added to her account, saying for the first time that she had difficulties getting her voting machines to tally, a problem that she says caused Precinct 27-1 to report returns as much as an hour late.

During that time, poll workers may have innocently filled in blanks on paper ballot applications, she said.

"There's no record that happened," said James Johnson, Shelby County elections administrator. Johnson said Precinct 27-1 didn't report late.

He said he doesn't know why Mayo is now saying that, but said her accounts are beginning to sound "like a cover story."

Records show someone signed the names of Joe L. Light, 70, and Archie L. Kirkwood, 72 -- both of whom died weeks before the Sept. 15 election -- to vote at Precinct 27-1.

An investigation by The Commercial Appeal also found that poll worker Vatricia A. McKinney, 52, whose initials appear on ballot applications for both dead voters, actually was in New York that day. Though McKinney was paid \$95, her sister, Mary L. McClatcher, 51, secretly worked in her place.

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In television interviews Monday, a tearful McKinney admitted she didn't work the polls that day but said she'd told Mayo ahead of time she wouldn't be there. Meantime, McClatcher told Fox News 13 she signed her sister's name and initials on election documents at Mayo's direction.

Mayo confirmed that she told McClatcher to sign in as McKinney, who was to give her pay to her sister. Doing otherwise would have required McClatcher to wait several weeks to get paid, Mayo said.

Mayo, 68, a former public housing leader who for years has been Precinct 27-1's officer in charge, then gave this explanation for the dead voter ballots:

Poll workers are supposed to initial ballot applications just before voters enter the booth, but workers may have waited until the end of the day. When poll workers finally initialed the applications, they may not have initialed the correct ones.

Mayo offered that explanation because several poll workers -- including McClatcher -- knew deceased voter Kirkwood and would not have been fooled by someone posing as her.

Mayo said poll workers had extra time to fill in blanks because of problems getting the two voting machines to tabulate.

Mayo said she called Election Commission inspector Eddie Hayes to come help fix the problem -- an allegation Hayes denies.

"She's changing her story every three days, it seems to me," said Hayes, who earns a living as a funeral director for the Ford Funeral Home, owned by relatives of Ophelia Ford.

Hayes said he's worked as an Election Day inspector for about 20 years, long before he went to work for the Ford Funeral Home.

The Election Commission's Johnson said there's no records of any vote tally delay at Precinct 27-1, and poll workers aren't supposed to initial ballot applications after the fact. "That's not the way they're trained."

-- Marc Perrusquia: 529-2545

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Ford Sr. sees GOP hand in dead vote

Republican leader calls former congressman's claim 'absurd'

By Marc Perrusquia
December 16, 2005

As a Shelby County voter fraud investigation lurches forward, former congressman Harold Ford Sr. isn't waiting for answers.

Ford said Thursday he's opened his own investigation into allegations that two dead voters cast ballots in the September state Senate race that his sister, Ophelia Ford, won by 13 votes.

Ford said he's not prepared to make any accusations, yet suggested evidence of any skulduggery will lead to Republicans, not his own Democratic Party.

"It's gotten to (where people are saying), 'Hey, we're out here voting dead people.' It is clear that is not the case. We know that for a fact," said Ford.

"We're going to get all the facts. The other side's got all the information, and I think that they are well aware of what took place and what went on."

Shelby County Republican Party Chairman Bill Giannini called Ford's statements "absurd."

"Tell Harold Ford Sr. that the folks at the Flat Earth Society say hello," Giannini said.

"All we said from day one is we wanted this (tight election) to be looked at. And for Harold Ford Sr. to get involved in it at this point is certainly puzzling."

Emotions have flared since Ophelia Ford won a squeaker Sept. 15 over Republican challenger Terry Roland for the Dist. 29 Senate seat vacated by another Ford sibling. John Ford resigned in May after his indictment on bribery charges.

Contesting the results, Roland is asking the Senate to overturn the election, alleging widespread voting irregularities.

Meantime, an investigation by The Commercial Appeal found that the names of two elderly voters who died weeks before the election were used to cast ballots in a North Memphis precinct.

Requesting a criminal probe, Shelby County Election Commission Chairman Greg Duckett said he believes as many as five ballots may have been forged in heavily

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Democratic Precinct 27-1. Those ballots include the two cast in the names of dead voters as well as three others, he said.

Duckett said authorities are suspicious, in part, because ballot applications for all five votes appear to contain similar handwriting.

Duckett said at a Wednesday press conference he suspects the culprit is a poll worker or someone with specialized election knowledge, a suspicion advanced Thursday by longtime commissioner O.C. Pleasant.

"It took several persons involved to make happen what did happen," Pleasant said. "I don't know where it will lead to."

Citing the criminal probe, election officials have declined to release the names of poll workers who manned the Precinct 27-1 polling place at Fire Station No. 6, at 924 Thomas.

Verline Mayo, the official in charge of the polling place, said she had no clue how votes were registered for Joe L. Light, 70, and Archie L. Kirkwood, 72, both of whom died weeks before the election.

"I don't know how that could have happened," said Mayo, 68, a longtime North Memphis resident who has worked as an Election Day poll worker since 1964 and who has overseen Precinct 27-1 for several years.

"We've got a pretty good clean record up there."

Speaking in her North Memphis home, Mayo said she didn't have all the names of the poll workers who worked with her on Election Day.

Dist. Atty. Gen. Bill Gibbons said he called the Tennessee Bureau of Investigation on Tuesday to open a criminal probe but said the investigation likely won't start in earnest until next week.

Not waiting around, Ford Sr. said he's already made several calls and intends to interview all 32 of the living voters who cast ballots in Precinct 27-1. Including ballots of the two dead voters, 34 votes were cast in the precinct, and 32 of them were for Ophelia Ford.

"We want the truth to come out," said Ford, 60, a lobbyist who served in Congress until 1997. His son, Rep. Harold Ford Jr., succeeded him.

Ford Sr. first called the newspaper on Wednesday to make it clear that his family business, N.J. Ford & Sons Funeral Home, didn't bury Light or Kirkwood. On Thursday, Ford confirmed that J.E. Herndon, the funeral home operator who buried

Kirkwood, also works for the Ford Funeral Home as an embalmer.

"This was an inside job," he said. "Why would Ophelia Ford want to get into the Election Commission and vote the dead?"

Despite his own suspicions, Ford said he believes fraud may be limited to the ballots of the two dead voters. The other three ballot applications with similar handwriting likely involved a poll worker assisting illiterate voters, he said.

Republicans invested a lot of money in North Memphis' Democratic precincts in advance of the election, Ford said, indicating that that's the trail to follow.

"I see the trend where this is going to be headed," he said, "and it's not coming to us."

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Joe Ford suggests independent election probe

County colleagues rebuff idea of hiring investigator

By Michael Erskine

Contact

December 20, 2005

Shelby County Commissioner Joe Ford said Monday the commission should look at hiring an independent investigator to probe voting irregularities in his sister's controversial state Senate win.



Joe Ford

Ford, who made his suggestion during the commission's regular meeting, said he had no plans to introduce such a proposal himself.

"I just wanted to bring that to the table," he said, citing the emotional strain the controversy has put on his family and the need to resolve it quickly.

Dist. Atty. Gen. Bill Gibbons has asked the Tennessee Bureau of Investigation to conduct a criminal probe into the September special election to fill the Dist. 29 state Senate seat.

Ophelia Ford, Joe Ford's sister, was victorious by just 13 votes in winning the seat vacated by another sibling, John Ford, who resigned in May following his indictment on bribery charges.

An investigation by The Commercial Appeal found the names of two voters who died weeks before the election were used to cast ballots in a heavily Democratic North Memphis precinct.

Joe Ford's comments Monday came during a discussion about the pending purchase of new voting machines by the Election Commission.

Steven J. Mulroy, a law professor and member of the Democracy Project, a coalition of local citizens groups, urged commissioners to buy machines that use a "voter-verified paper audit trail." Such a feature would allow voters to see a paper record of their choices before they finish casting their ballots.

Election officials have not decided whether to invest in such a feature, but Ford said it sounded like a good idea to him, and launched into his comments about hiring an investigator to probe the recent election.

Ford's fellow commissioners did not respond during the meeting, but many were clearly

surprised by his suggestion.

Three commissioners interviewed after the meeting all said they had no intention of intervening in a matter that should be left to criminal investigators.

"It will be taken care of, and I don't think the commission needs to get into that," said Commissioner Joyce Avery.

Chairman Tom Moss and Commissioner Deidre Malone echoed Avery's sentiments.

"I just think we need to be aware of it, and we need to be updated on it. And I think that's what our role should be," Malone said.

Moss said he did not expect the commission would have much interest in hiring an investigator.

Ford later said in an interview he may ask Moss to put the item on the commission's agenda after the holidays if the matter hasn't been resolved.

He said he knows the idea of spending taxpayers' money to hire another investigator would not go over too well with his colleagues.

"Will it happen? Probably not," Ford said, adding, "We want to just be treated fairly."

-- Michael Erskine: 529-5857

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Commercial appeal.com

Roland to ask to void election

Senate panel to meet today about District 29 balloting

By Richard Locker
December 21, 2005

NASHVILLE -- Lawyers for Republican Terry Roland will ask a state Senate committee today to recommend the Senate District 29 election be declared void because "there were widespread violations of election laws," they said in a new filing.

Democrat Ophelia Ford was declared the winner by 13 votes in the special Sept. 15 election to replace her brother, former senator John Ford. But Republicans contend in a Tuesday filing that it should be voided because "more than 13 illegal votes were counted."

The six-member committee of Senate leaders, three Democrats and three Republicans, meets here at 9 a.m. today to try to settle the contest and report its recommendations to the Senate.

Ultimately, the 33-member Senate must decide whether to seat Ford when it convenes Jan. 10 or declare the seat vacant. The Shelby County Commission would appoint an interim senator until a new election.

The Senate also would decide whether to order a special election or wait until the regular election, when the District 29 seat is on the ballot for a full four-year term.

In their latest filing, Roland's lawyers took issue with the conclusion last week by state Election Coordinator Brook Thompson that only six or seven improper or illegal votes have been confirmed, including two cast in the names of people who died weeks before the election.

Thompson's report to the committee concluded that election law is so complex on what constitutes legal residence that it would take testimony from and investigation of each of 40 voters that Republicans claim do not live at the address where they are registered to vote.

"We think the evidence is pretty clear that the election should be declared void," GOP attorney Maclin Davis of Nashville said. "But in order for us to ask that Terry Roland be declared the winner, we would have to prove that 14 votes for Ms. Ford were illegal. It's very difficult to prove who somebody voted for."

The only Shelby member of the committee, Senate Democratic Leader Jim Kyle, said

Tuesday he doesn't know what the panel will do today.

"I think if we can resolve it, we will. We have to file a report to the Senate by Jan. 10 when we go into session and that is the first order of business."

Other members are Republicans Michael Williams, Maynardville; Jeff Miller, Cleveland; Ron Ramsey, Blountville, and Democrats Roy Herron, Dresden, and Joe Haynes, Nashville.

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EDINBURG

AG's Office Investigating 2004 Hidalgo County Election

March 17, 2006, 03:34 PM EST

Reported by Ray Pedraza

The Texas Attorney General's Office is investigating 12 Texas counties, including Hidalgo, over allegations of fraud in a recent democratic primary.

Could politiqueras have changed the outcome of a big race?

On Thursday, there was a swarm of activity at the Hidalgo County elections department as workers sorted through three thousand mail-in ballots from the 2004 democratic primary.

Elections Administrator Teresa Navarro says Texas Attorney General Greg Abbot has requested the ballots because of allegations of fraud.

"Basically what we're doing to help the Attorney General's Office is we're collecting all of the mail-in ballot information, and making them copies since the originals cannot be released. And we're going to ship them to the attorney general's office for their review," explained Navarro.

The request to her office came through an official document obtained by Action 4 News.

According to the memo, the AG's office received "allegations of improprieties with an unknown number of absentee mail-in ballots in that election".

And Navarro says the same request is being made from 11 other Texas counties.

"So that could only lead you to believe that it's probably not a local race, it's probably a federal race that they are looking at," said Navarro.

So, what candidate is making a fuss? Navarro says she can't release that but she can tell us what will happen if there is evidence to support the allegations.

"They will be able to conduct the investigation to determine if they're able to find any one person who did tamper with the mail-in ballot that belonged to another voter. And as a result of that, you could see indictments."

Navarro says Abbot has been very aggressive in pursuing complaints about politiqueras and mail-in ballots. She says this is just more proof of that.



State targets election fraud

Attorney general calls problem an epidemic in Texas

12:00 AM CST on Sunday, January 29, 2006

By GROMER JEFFERS JR. / The Dallas Morning News

Attorney General Greg Abbott has directed his office to work with law enforcement officials in 48 counties to stamp out voter fraud.

In announcing the effort last week, Mr. Abbott called voter fraud a Texas epidemic and said the "integrity of our democratic election process must be protected."

The initiative includes counties with populations over 100,000, including Dallas County. And it will focus on 14 counties where Mr. Abbott has previously investigated or prosecuted violations of the state's election code. Dallas County is not among those.

"We're trying to get the word out that this has been a problem in our state," said Tom Kelley, a spokesman for Mr. Abbott.

Election and law enforcement officials from various counties had not heard about Mr. Abbott's initiative or from his office when the plan was announced Wednesday.

"I don't have any firsthand knowledge of this," said Dallas County Elections Administrator Bruce Sherbet. "We have not been contacted by anybody."

The Dallas County district attorney's public integrity unit had also not been officially informed of the plan.

After sporadic issues involving potential voter fraud, Dallas County has not had a major case of election code abuse since 2003.

That was the year the Legislature, on the strength of a push from the Dallas area, passed legislation setting guidelines for mail and absentee voting. The guidelines include a requirement that those conducting absentee ballot campaigns must disclose certain information if they handle a ballot or application, including their names.

"We haven't had a single incident come up since 2003," Mr. Sherbet said.

During the last legislative session in Austin, Republican lawmakers pushed election reform measures, including a failed bill that would have required voters to present a photo ID to cast a ballot.

State Rep. Rafael Anchía, D-Dallas, said he supports Mr. Abbott's efforts, but he is also concerned about voter suppression and intimidation.

"Cleaning up elections is good," he said. "But we need to make sure that we take a comprehensive view of those other problems that undermine elections."

E-mail gjeffers@dallasnews.com

Democrats say AG illegally targeting minority, elderly voters

09/21/2006

By JEFF CARLTON / Associated Press

The state attorney general is using a 2003 law about mail-in ballots to intimidate elderly, disabled and minority voters who typically favor Democrats, according to a civil lawsuit filed Thursday by the Texas Democratic Party.

The lawsuit aims to overturn parts of the Texas Election Code that criminalize people who help voters with their mail-in ballots.

The defendants are Secretary of State Roger Williams and Texas Attorney General Greg Abbott, a pair of Republicans accused by Democrats of selectively targeting blacks, Hispanics and old people through his voter fraud task force.

The statutes in question make it illegal for anyone other than voters to possess their own mail-in ballots. That prevents political parties and community activists from helping voters mail their ballots, a "common practice by individuals, political parties and other organizations ... to maximize voter turnout," the lawsuit reads.

Abbott's voter fraud task force has 13 open cases, all involving Democrats, according to the Texas Democratic Party. Twelve of the 13 defendants are black or Hispanic, and in eight of those cases Abbott prosecuted someone for mailing or delivering someone else's sealed ballot, Democrats said.

"A lot of the cases we are looking at, the ballots have not been tampered with and people have not coerced other people into voting," said Amber Moon, a Texas Democratic Party spokeswoman. "These are community activists trying to help their friends and neighbors vote."

Besides the state Democratic Party, the other plaintiffs are six individuals: five political activists and a 78-year-old wheelchair-bound woman in Fort Worth who needs help voting, including the actual mailing of her ballot, according to the lawsuit.

Texas Solicitor General Ted Cruz, the state's chief appellate lawyer, said the lawsuit has no basis.

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"The plaintiffs are a combination of political operatives and individual criminals who have already pleaded guilty to voter fraud," Cruz said in a statement issued by Abbott's office. "We will vigorously defend this baseless lawsuit to ensure that admitted criminals like the plaintiffs will not be able to defraud Texas voters and undermine the integrity of Texas elections."

A spokesman for Williams said the secretary of state will continue to forward allegations of voter fraud to the attorney general.

"Secretary Williams feels it is important that the state takes a tough stance on voter fraud," spokesman Scott Haywood said.

In a statement, Texas Democratic Party Chairman Boyd Richie said Abbott is trying "to create a backdrop of fear and intimidation in certain Texas communities."

"The Texas Democratic Party adamantly opposes real voter fraud, but it is shameful for Greg Abbott to exploit the law to target minority and senior voters," Richie said.

The Monitor

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



DA drops charges against Brand Jr.

April 13, 2006

Marc B. Geller and Brittney Booth
Monitor Staff Writers

Guerra: Not enough evidence

EDINBURG — One of the first orders of business for Hidalgo County District Attorney Rene Guerra on Wednesday — the morning after his latest election victory — was to make an unusual courtroom appearance to personally request the dismissal of felony voter fraud charges against two men indicted in connection with last year's McAllen city election.

Judge Rose Guerra Reyna of the 206th state District Court granted the request and dropped the charges of unlawfully buying and selling balloting materials against Othal Brand Jr., 52-year-old son of former McAllen Mayor Othal Brand, and Jose "Joey" Eliseo Lopez, 22. Guerra said he believes a crime was committed, but that there was not enough evidence to prove who was doing the soliciting.

There was enough evidence, though, to still charge Lopez with theft in connection with the purported votes-for-money scheme, Guerra said, alleging Lopez took between \$1,500 and \$20,000 from Brand Jr. for votes Lopez failed to deliver. Lopez pleaded not guilty to that charge when arraigned Wednesday after his other charge was dismissed and was released from jail just before 5:30 p.m. after posting a \$1,000 personal recognizance bond.

Why Brand Jr. is in the clear, if Guerra says there is enough evidence to try Lopez for taking money from the former mayor's son, is a bit fuzzy.

Brand Jr. and Lopez were among nine people indicted in late December following a nearly six-month grand jury investigation into complaints that politiqueras, or paid political operatives, disenfranchised elderly voters in the McAllen election last May. Brand Sr. was in the running to get back his old job at the time.

The former mayor later endorsed Alma R. Garza, one of Guerra's challengers in the Democratic primary election for Hidalgo County district attorney, which Guerra ultimately won in a run-off Tuesday after unofficial results showed him with 55.2 percent of the votes.

Guerra said that requesting to dismiss the charge against Brand Jr. any earlier could have raised questions about the integrity of the District Attorney's Office or even opened Guerra up to political bribery charges if the Brands expressed support for his re-election campaign.

"One of the things that I wanted to do was to make sure that whatever action I took on Othal Brand (Jr.) with this case, it would not be used as a political football for and against me, or for and against my opponent," Guerra said, when asked about the timing of his request to dismiss the charges.

Still, Garza alleges Guerra used politiqueras, including those indicted by the same grand jury that tagged Brand Jr. and Lopez, in his election.

One of those indicted, Elvira Rios, attended Guerra's victory party Tuesday. But Guerra said she did not work for his campaign and that he only recently learned of her history. He said no one indicted in connection with last year's votes-for-money scandal was used for his campaign. He directed the question of why Rios, who is indicted on three misdemeanor counts in connection with last year's alleged voter fraud, attended the party to her.

She hung up on a reporter who called her cell phone.

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Brand Jr., Lopez and Rios emerged as central figures in a purported votes-for-money scheme after audio and video recordings surfaced in June. Lopez was heard offering Brand Jr., his father's campaign manager at the time, 400 mail-in ballots for \$4,000.

While Guerra said there is no doubt in his mind that a crime was committed, the audio and video recordings simply don't make it clear enough who was the one soliciting the ballots and who was the one solicited.

"That's the basis for dropping the indictment against both individuals," he said. "It doesn't reflect on the grand jury and that's not my intent."

However, all three of the 12 grand jurors that The Monitor contacted Wednesday said they were "shocked" or "surprised" to learn the voter fraud charges against Lopez and Brand Jr. were dismissed.

"I'm extremely surprised," said grand juror Vicky Guerrero, regional sales manager at Univision Radio. "After reviewing all the evidence for six months, the grand jury as a whole felt that we had enough to hand down the indictment, so I'm pretty shocked."

Grand jurors Ana Verley and Evelyn Escamilla expressed similar sentiments, though they said the final decision whether to proceed with the charges rested squarely with the district attorney.

"We weren't there to judge guilt or innocence," said Verley, the grand jury's forewoman, who is also known locally for her work with Mothers Against Drunk Driving.

"We were strictly there to review the evidence that was presented to us," Verley said.

Brand Jr. said he was confident all along that the evidence would back up his claim that he broke no law.

He maintained all along that he made the recordings at the direction of law enforcement to catch Lopez in the act of proffering mail-in ballots.

"The only time I was concerned was until I was able to document what I had done with the FBI and the Texas Ranger," he said, referring to letters he received from those law enforcement agencies that made it clear he contacted them before making the audio and video recordings.

"Once those letters were in my hands, my concern was over," he said.

Lopez, for his part, has said that he accepted money from Brand Jr., but maintains that he never had access to any ballots and denies he intended to deliver any. Lopez also has asserted that the elder Brand initiated the negotiations for the mail-in ballots and that the younger Brand contacted law enforcement only after Lopez failed to deliver them.

"I'm happy, but there's a part of me that's disappointed," Lopez said about the outcome Wednesday. "God had a plan for me. He had a purpose for me. And what happens when you walk away from God's purpose, you end up doing stupid stuff like this, so I guess this is a wake-up call for me. ...

"I'm praying that the DA will consider my case for deferred probation, being that it's my first offense, and I'm happy about the first dismissal."

Rios' attorney, Michael Garza, said he did not know if his client worked for Guerra, but said he expects Rios will be exonerated of the charges.

"We think the charges are unfounded," he said.

Even though Guerra was careful to not make his request to drop the unlawful vote buying and selling charges until after his grueling race to capture his seventh four-year term, his decision could still be used as fodder for

his opponents.

For now, Garza — who may still seek a recount in Tuesday's run-off, and has until two days after the April 20 vote canvassing to do so — is focused on reports she said she received of voter harassment at polling locations in Edinburg and Alamo on Tuesday. She has already reported the complaints to Hidalgo County Election Administrator Teresa Navarro.

Because of the volatility around the district attorney's race, Navarro requested an inspector from the Texas Secretary of State to monitor polling places, and is now waiting for his official report. Anecdotally, he told Navarro that, for at least this week's election, everything seemed in order.

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

Brittney Booth covers courts and general assignments for The Monitor. You can reach her at (956) 683-4437.

Tennessean.com

Friday, 10/06/06

Voter registrations faked in GOP drive

About 150 forms questioned in Metro, Williamson County

By JESSICA FENDER,
BONNA de la CRUZ
and BRAD SCHRADE
Staff Writers

At least five apparently bogus voter registration forms were submitted to the Metro Nashville election commission by a worker with ties to the Republican National Committee, and up to 150 other registrations have been called into question, The Tennessean has learned.

Election officials in Williamson County said they were probing three to five potentially fraudulent forms that might or might not be related to the Metro cases.

The five Metro forms contain the names, addresses and phone numbers of bona-fide citizens, but the birth dates, Social Security numbers, signatures and some other details are wrong. Four of the citizens told The Tennessean that they did not submit the forms.

The five contain a signature with a surname of Morrison and a first name that is illegible but appears to begin with a "D." Metro staff said the registration forms bearing that signature were submitted in the name of Tennessee Victory 2006, a booster group advocating for GOP candidates in the state. A sixth form also apparently contains bogus information but does not bear a Morrison signature.

"I think it's pretty scary," said Jon Glassmeyer of east Nashville.

He discovered his name had been used when he received a new voter registration card in the mail though he's been registered for 20 years. He first noticed that the birth date was wrong and then that the Social Security number was off, too.

He's never heard of anyone named Morrison.

Mark Tripp, also of east Nashville, said he didn't know about the potential fraud until told about it last night by The Tennessean. The newspaper had obtained copies of his

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registration forms — both his older, correct one and the newer one.

"It's disconcerting," Tripp said. "You're all the time hearing about people getting their identity stolen. I work two jobs to support my family, and then to have somebody do that. What are they trying to do?"

Tripp said he did not know anyone with the name Morrison and said no one had permission to sign any registration documents on his behalf.

Some of the forms bearing the Morrison signature also list an address of an Intown Suites in Antioch.

Tennessee Victory 2006 is a joint effort between the state Republican Party and the Republican National Committee.

State Republican Party Executive Director Chris Devaney said that the RNC was running the show at Tennessee Victory in August, when the registrations were apparently collected.

"We try to recruit people who are upstanding citizens and follow the letter of the law and hope they never engage in any kind of activity like that," Devaney said.

Contacted by telephone Thursday evening, RNC spokesman Danny Diaz declined to answer questions about whether RNC officials worked in Tennessee at all.

The potentially fraudulent forms could be the handiwork of a political worker who was paid by the number of new voters registered, said Jon Crisp, chairman of the Nashville-Davidson County Republican Party.

"I think this is more financial fraud, not election fraud," Crisp said.

He said he heard about the 100 to 150 questionable forms earlier this week and did not believe a local GOP volunteer was behind it. Instead, he said, political groups contract with companies that pay people to register voters.

"I think this is someone trying to pump up their numbers," Crisp said. "I don't care if my side did it or the other side did it, it needs to be prosecuted."

Diaz and Devaney de-clined to say how their organizations hire and compensate people

who sign up voters. Neither could say whether a D. Morrison was affiliated with their organizations.

State Election Coordinator Brook Thompson said the strategy behind the fraud was unclear, but that the system's safeguards appeared to have caught it.

"At first blush it does not appear that the problem lies with somebody doing something trying to falsify a vote," Thompson said. "It's more an issue of registration problems. The question is, why would they do that?"

Fraudulently registering to vote is illegal in Tennessee and can bring up to six years in prison and permanent loss of voting rights. The signatures on the Metro forms were made directly under a printed warning that lying on the form is a felony.

The flowing signature of Larry Vance of Bellevue didn't look anything like the much smaller script he used to sign his name on his original voter registration card in 1968. Metro noted discrepancies on the two forms and sent him a letter, his wife, Carol Vance, said.

Brian Belt of Hermitage, a Tennessean copy editor, caught the error himself when a new card arrived in the mail for him bearing a wrong birth date.

The phony forms were submitted to the commission Sept. 6, and residents reported the fraud as early as two weeks ago.

Ray Barrett, Davidson County's elections administrator, said his office had been looking into the matter and planned to tell the state election commission next week. He said findings would move to the district attorney's office for possible criminal prosecution.

After inquiries by The Tennessean, Barrett's office informed both agencies Thursday.

In Williamson County, Elections Administrator Ann Beard said the five or fewer cases were turned over to Thompson's office. Thompson said his staff received the reports within the past two weeks and had asked the district attorney general there to review the cases.

In most cases, Beard's staff caught the discrepancies before new registration cards were mailed out. However, someone illegally tried to register a boy under the age of 18, Beard

said. The teen's mother called to say a voter registration card had arrived for her son.

"It appears to me the applications were brought in by an individual maybe from a group and who had maybe gotten the information off some other form of ID," Beard said. •

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Tennessean.com

Saturday, 10/07/06

12 voter-registration forms may be phony

National GOP official says it hired canvassers

By JESSICA FENDER
Staff Writer

A canvassing group hired by the Republican National Committee is responsible for 12 potentially phony voter-registration forms found in Davidson and Williamson counties, election officials said Friday.

Liberty Consultants also worked in Rutherford County, where the elections administrator said he fielded calls from residents who complained canvassers with the group made them sign a petition before registering, though the 800 forms submitted by the group were legitimate.

Several other Midstate county election commissions reported no contact with the group.

RNC spokesman Danny Diaz confirmed Friday that his organization hired the company to register Tennesseans to vote and said it is monitoring the situation.

"It's a good thing this has been brought to our attention," Diaz said. "If anyone has done any wrongdoing, they should be held responsible."

Liberty Consultants workers were banned from Tennessee Wal-Marts in late August because of the group's partisan nature, namely its connection to former Arizona GOP leader and Christian Coalition activist Nathan Sproul. Sproul denied wrongdoing in 2004 when some of his former workers said they were asked not to register Democrats and reported Democrat forms were thrown away, The Associated Press reported.

Diaz said he did not know personally whether RNC officials knew about Sproul's connection to Liberty Consultants. He could not provide more information.

The state Republican Party had no contact with Liberty Consultants or knowledge of the company's connections, said Chris Devaney, executive director.

"I don't know all the ins and outs, but I don't think they were here too long," Devaney

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said. "People involved in these kind of election activities should be punished to the fullest extent of the law."

It appears the canvassers operated in Tennessee between at least early August and early September, according to dates on the forms.

During that time, a woman named Susan Williamson picked up thousands of blank voter-registration forms from the Metro elections commission, though at first she didn't return many, said Joan Dixon, Metro chief elections deputy.

Williamson told Dixon that Liberty Consultants was working for Tennessee Victory 2006, a booster group promoting GOP candidates throughout the state, Dixon said. Tennessee Victory is backed by the RNC and the state GOP.

Williamson used the same Murfreesboro Pike address, that of an Antioch hotel, used by two canvassers who signed the forms.

A signature of Jason Holly was on some Williamson County forms. Another signature of the surname Morrison and an illegible first name, which starts with a "D," was on forms in Davidson and Williamson counties.

The registration forms, six in Metro and six in Williamson County, contain the names, addresses and phone numbers of people, but personal information such as Social Security numbers, signatures and birth dates are incorrect.

Election officials have speculated the forgers may have been paid by the number of signatures they collected.

Phone calls to Susan Williamson were answered by a voice mail message saying her phone was off or out of range. Dixon said she's been unable to contact Williamson for weeks. •

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URL: http://www.commercialappeal.com/mca/midsouth_news/article/0,1426,MCA_1497_4370738,00.html

Cross-check Dist. 29 voters, Roland asks

Ophelia Ford likely will be seated in legislature while questions are resolved

By Richard Locker

Contact

January 7, 2006

NASHVILLE -- Attorneys for Republican Terry Roland have asked state officials to cross-check voters in the contested Senate District 29 election with death certificates and a national Social Security database.

Because of that request and a TBI investigation of the election expected to be finished this month, the chairman of a Senate committee hearing Roland's contest of the election said Friday the panel will likely be unable to settle the issue before the Tennessee legislature convenes Tuesday.

That means the declared winner of the election, Democrat Ophelia Ford, will be provisionally seated Tuesday unless a majority of the Senate votes against her. The state Constitution gives the Senate sole authority to seat its members.

Ford, D-Memphis, defeated Roland, a Millington businessman, by 13 votes in the Sept. 15 election. But Roland contested the results, charging that at least 68 votes were improperly or illegally cast, including at least two cast in the names of people who died weeks earlier.

A Senate committee of three Democrats and three Republicans was appointed to investigate the election and make a recommendation to the full Senate on whether to seat Ford, seat Roland, or call a new election.

After news of the two dead "voters" surfaced last month, Dist. Atty. Gen. Bill Gibbons asked the TBI to investigate. The chairman of the Senate committee, Sen. Mike Williams, said Friday he will ask the panel to delay its recommendation so it can deal with the new requests received from Roland's attorneys late Thursday and to await results of the TBI probe.

"I don't want the committee to make a recommendation for or against anyone without as



Mark
Humphrey/Associated
Press file photo

Although Democrat Ophelia Ford was sworn in as District 29 senator in September, a probe of "dead" people voting in the race against Republican Terry Roland won't be over before the Senate convenes Tuesday.

much information as possible," said Williams, R-Maynardville.

"The last correspondence we got from the Roland attorneys is to get a national Social Security database for a cross-check with voters. The state election coordinator says it would take at least two weeks to do that but I think this is of such importance that I would be in favor of doing that. And TBI says it thinks it can have a report to us by mid-January."

Although the committee may wait, Senate Republicans could challenge Ford's provisional seating Tuesday -- reportedly out of a concern that once seated, the state Constitution requires a two-thirds Senate vote to remove a member. The GOP has a 17-16 edge over Democrats in the Senate -- a majority required to sustain an election contest but short of the two-thirds required to oust a sitting member.

There are conflicting legal opinions on the issue.

Meantime, Shelby County Democrats said Friday they plan to file suit next week in Chancery Court to block a Roland move to invalidate 9 or 10 votes in the special election because voters failed to sign ballot applications.

The county Democratic Party leadership voted to retain attorney Jay Bailey, who said he will work free of charge. Invalidating the ballots would wrongly disfranchise voters for making simple mistakes, Bailey said.

"I do hope my vote will count," said voter Louvenia Hampton, 75, who appeared alongside party officials at an afternoon news conference. Hampton said she believes a poll worker failed to point out that she needed to sign her ballot application.

Contact Nashville bureau chief Richard Locker at (615) 255-4923.

Staff reporter Marc Perrusquia contributed to this story.

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Group supports vote-count lawsuits

By Pamela Perkins

Contact

September 24, 2006

A coalition of civic groups and citizens has formed to build support for Democratic candidates who lost clerks' races by slim margins in the Aug. 3 election and filed lawsuits alleging voting irregularities.

The Coalition for Fair Elections -- which includes the Southern Christian Leadership Conference, Operation Push, the Memphis Baptist Ministerial Association -- held one of its first mobilization rallies at the National Civil Rights Museum Saturday to make certain votes are properly counted.

Juvenile Court Clerk candidate Shep Wilbun, Probate Court Clerk candidate Sondra Becton, Criminal Court Clerk candidate Vernon Johnson and Shelby County Clerk candidate Otis Jackson filed lawsuits asking a judge to declare the election void due to the alleged irregularities that include voting by nonresidents, improper vote counting, voter intimidation, security breaches and mishandling of voting machines.

The suit is set to be heard by a special judge on Oct. 2.

"What we're trying to do here is to start a new movement," Wilbun said. "To ensure that when your vote is counted, it is counted accurately."

The coalition, which also includes some election officials, local community associations and citizens, asked rally attendees to find voters who may have seen suspicious activity at the polls and attend court hearings to support the suing candidates, as well as help with legal fees.

"We feel they have a very good case," said Rev. Ralph White, pastor of Bloomfield Full Gospel Baptist Church in South Memphis. "You can tell your friends. You can tell your families. And we can make a difference."

-- Pamela Perkins: 529-6514

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The Monitor

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

Elections administrator sends complaints to state office

March 14, 2006

Victoria Hirschberg

The Monitor

McALLEN — It's been a week since the primary, but politics continue as usual.

Since Friday, March 10, Hidalgo County Elections Administrator Teresa Navarro has sent three letters to the Secretary of State regarding questionable incidents. In all three cases, she is requesting assistance and possible investigations by the Attorney General's office.

Complaints usually come after early voting ends, she said, and must be reported to the state office. Much of the noise is about the close county judge race between incumbent Ramon Garcia and Juan de Dios "J.D." Salinas. Unofficial numbers show that Salinas won by about 300 votes.

"I have to answer all complaints," Navarro said. "Sometimes they come towards the end of early voting. That's kind of how it's done. And sometimes (voters) don't know if it's a complaint or not."

In one case, Navarro suspects politiquera swindling after an elderly Sullivan City resident claimed an electioneer took the mail-in ballot with a signature but no marks for candidates. The voter then requested cancellation of the mail-in ballot.

In another matter, Navarro writes that two campaign volunteers wasted her time by alleging hundreds of people voted at the University of Texas-Pan American library when elections records show a different story.

During early voting, Eddie Roux and Ricky Roux — who volunteered for Garcia — collected about 400 signatures from students who claim they voted early at the University of Texas-Pan American library. Eddie Roux said he collected signatures because Elections Department numbers first indicated that 302 people voted Feb. 23, but then only showed 73 voted.

Navarro said there was an initial mistake in tallying the vote, but 73 is correct. Also, she said many of the people who signed are not registered voters.

Eddie Roux said Navarro didn't give him a straight answer on the matter. Also, Roux said it doesn't help that Navarro is the sister of Alma Walzer, who worked as Salinas' campaign manager. Previously, Walzer worked as a Monitor reporter and for Garcia's 2002 campaign.

"We stand by our signatures," Eddie Roux said. "We know we didn't do anything wrong. (Navarro's) numbers were the ones that alerted us. All we did was take a poll."

Navarro said there is no connection between her job as elections administrator and her sister's work.

In another case, Navarro also requested state assistance and possible investigation into Garcia's public claims of voter irregularities and voting machine malfunctions. She also writes that an election worker said he was intimidated after Garcia sent representatives to his home to ask questions about the election.

Garcia denies that allegation and said Navarro is being "overly sensitive."

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She maintains that it is protocol and it is upsetting that Garcia has created the appearance of wrongdoing and made statements to the media without telling her.

Garcia has not conceded yet, but has not requested a recount either. As for the results, the Hidalgo County Democratic Chairman Juan Maldonado will canvass, or certify, the vote totals Friday.

Secretary of State Spokesman Scott Haywood said the complaints are most likely under review. If the office deems a further investigation is necessary, the complaint will be forwarded to the Attorney General's Office or a local authority.

Victoria Hirschberg covers Hidalgo County government and general assignments for The Monitor. You can reach her at (956) 683-4466. For this and more on local stories, visit www.themonitor.com.

The Monitor

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

POLL POSITION

March 05, 2006
James Osborne
The Monitor



Joel Martinez
Clara Casas helps elderly voter Roberto Garza cast his vote on a portable voting machine in the car Friday in front of the Jose Pepe Salinas Center early voting substation in Pharr.

Officials watch politiqueras following voter fraud indictments

Every election you'll find them outside your neighborhood polling station, usually behind the wheel of a large van loaded with the elderly and disabled — voter registration cards in hand.

They like to call themselves "campaign workers," as do the politicians who most make use of their services, but everyone else refers to them as politiqueras, a derivative of the Spanish word "politico," or politician.

For a fee that some estimate to be as high as \$10,000, a politiquera guarantees so many votes (usually 300 to 500). Using a list of registered voters, they will take people, mostly senior citizens, to the polls or offer assistance in filling in their mail-in ballots.

Once the election results are in, the loser, who probably hired a few of them, will inevitably complain about their presence, while the winners, who almost certainly hired a few of them, brush off questions on the subject.

Typically, that's where the dialogue ends.

But in December, a Hidalgo County grand jury brought indictments against 10 people, most of them politiqueras, in connection with alleged voter fraud in the May 2004 city elections in McAllen and La Joya. The McAllen allegations involve the massive number of mail-in ballots received by Ric Godinez, who eventually lost to Mayor Richard Cortez in a runoff.

Many of those ballots were found to be filled out in the same handwriting, a few even in the names of the deceased, and while there's nothing illegal about helping an incapable voter fill out a ballot, failing to identify yourself as assisting is a felony.

How many of those people will actually stand trial remains to be seen — District Attorney Rene Guerra is particularly fickle about prosecuting voter fraud cases — but the indictments have set off a chain reaction of politiquera bashing, most notably from Hidalgo County Democratic Party Chairman Juan Maldonado.

The longtime politico and former mayor of San Juan has since gotten agreements from virtually every Democrat running in Tuesday's primary to pay politiqueras by check instead of cash, which he says will provide greater transparency and cut down on the fraud many officials are now calling endemic to the politiquera system.

Many observers reject such characterizations as woefully overblown, that politiqueras largely provide a valuable service of increasing voter turnout.

Whatever your opinion of politiqueras and what they do, one thing you can be certain of when you walk into the polls on Tuesday is that the politiquera stepping out of the van in front of you will be more closely watched than ever before.

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Duval election numbers raise fraud allegations

Web Posted: 03/29/2006 12:00 AM CST

George Zarazua
Express-News Staff Writer

SAN DIEGO — Allegations of voter fraud have resurfaced in Duval County, where records show one of every two voters who cast a ballot in this month's Democratic primary did so away from the polls.

Longtime County Clerk Oscar Garcia Jr. said the number of mail-in ballots in the primary was unusually high, considering that more than half the 5,641 votes cast were done so by absentee voting.

That's 2,958 ballots sent via mail, more than all the early voting in the county's 2004 primary. Then, the number of early votes cast both in person and by mail totaled 2,864.

As a result, voter turnout this March in Duval County was among the best in Texas, with 57 percent of the registered voters participating in an election that drew little interest statewide. Texas averaged a paltry 8 percent turnout for this year's Democratic primary.

Republicans did not have contested primaries in Duval County, infamous for a 1948 election in which enough missing votes were found in a rogue ballot box to propel Lyndon B. Johnson into the U.S. Senate.

Mail-in vote totals for some Texas Counties

Bandera: 19

Bexar: 2,877

Duval: 2,958

Karnes: 296

Lavaca: 61

Zavala: 251

Graphic

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Jon West, assistant district attorney for Past mail-in vote scandals this South Texas county, said he called for a state investigation after receiving a handful of complaints from residents about mail-in vote irregularities during the primary.

The residents complained about receiving rejected mail-in ballot forms at their homes, although they were unaware who had sent them in the first place, West said.

"In one instance, it was the lady's deceased father's name that was on the ballot," West said. "We know he didn't fill it out.

"There's something obviously wrong with those cases. How widespread it is, I don't know."

West said the volume of mail-in ballots does raise eyebrows, especially because fraud is more often found to occur during absentee voting in modern elections, in which even sparsely populated counties, such as Duval, rely on electronic voting to determine winners.

Unlike the strict oversight at polling places, election experts argue, the state's laws on absentee voting are weak and prone to abuse.

Texas allows residents to vote by mail if they are 65 or older, disabled or expect to be out of the county during the early voting period and on the day of the election. It also allows some voters in jail to cast ballots via mail.

For Duval County, this isn't the first time mail-in ballots have raised concerns. Although the election fraud incident of 1948 continues to be the most notorious in state politics, voting practices have been legally challenged in the county as recently as six years ago.

A defeated candidate for tax assessor-collector in 2000 challenged the outcome of the race in court, arguing that election officials wrongly dismissed mail-in votes cast for him.

A state district judge in Corpus Christi disagreed, finding several other mail-in ballots for Zaragoza Gutierrez had been cast improperly. The judge dismissed several votes and upheld Carlos J. Montemayor Jr.'s victory.

"The scent of voter fraud" and "illegal conduct which caused illegal votes to be counted" swirled around the pool of mail-in ballots, the Dallas Morning News quoted state District Judge Mike Westergren in his ruling.

Duval County isn't the only county from which the Texas attorney general's office has heard complaints from this year regarding mail-in ballots.

Election officials in Ector County asked state officials to investigate potential voting irregularities there as well.

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Mitzi Scheible, the county's assistant elections administrator, said officials began looking into mail-in ballots for the Precinct 4 county commissioner after one of the candidates complained about missing votes, saying "he had men working for him" and "knew how many ballots they had sent in."

Scheible said an initial review of the ballots showed some had similar handwriting and didn't include signatures from those who helped fill them out, as required under state law.

In both the Duval and Ector cases, the Texas secretary of state's office sent a letter to Attorney General Greg Abbott's office requesting an investigation. Abbott's office refused to say if it was investigating.

Alicia G. Saenz, Democratic party chairwoman for Duval County, said she's not surprised with the county's voter turnout. This year's race featured two prominent local races, for county judge and county treasurer. But Saenz said she was surprised with the number of mail-in ballots.

"I know that they do," Saenz said of workers who go around town encouraging voters, even if it has to be through mail-in ballots. "I've heard that. Some people are bothered by it. I'm bothered by it, too."

Rolando Rios, a San Antonio voting rights attorney, said he doesn't believe there is such rampant fraud with absentee voting in Texas to outweigh the need for a system that gives many a voice in the political process.

Election experts also argue that another reason why mail-in ballot fraud isn't unusual is because most culprits go unpunished.

Even the legendary "Duke of Duval," George Parr, whose influence was known to help rig many elections in favor of his supporters, was never convicted of voter fraud.

Parr's dynasty eventually collapsed after the federal government convicted him on income tax evasion charges. He committed suicide in 1975, 25 years after the "Box 13" scandal in 1948.

A black-and-white picture of the ballot box remains on display at the Duval County Museum.

"The slogan in Duval County is 'Vote early, vote often,'" said a woman visiting the museum on a recent afternoon.

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03/18/2006

AG INVESTIGATING BALLOT ALLEGATIONS

ASSOCIATED PRESS

EDINBURG (AP) - The Texas Attorney General's Office is investigating allegations of wrong doing involving mail-in ballots cast in the 2004 Democratic primary, according to a letter sent to the Hidalgo County Elections Administrator.

"This office has received allegations of improprieties with an unknown number of absentee mail-in ballots in that election," read a March 10 letter from the Attorney General's Office.

It requested a copy of each mail-in ballot application and a copy of each official carrier envelope returned in that election, said Hidalgo County Elections Administrator Teresa Navarro.

Attorney General's spokesman Tom Kelley said the office does not comment on or acknowledge whether investigations are under way.

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Texas voter fraud law under fire

Web Posted: 09/17/2006 11:49 PM CDT

Polly Ross Hughes

Express-News Austin Bureau

AUSTIN — Willie Ray, 69, said she thought she was teaching her granddaughter civics lessons in democracy, but instead the two black women in Texarkana ended up with criminal records for voter fraud.

Gloria Meeks of Fort Worth, also 69, said she stepped out of her morning bath last month and screamed. Two voter fraud investigators from Attorney General Greg Abbott's office were peeking in the bathroom window, Meeks said in a sworn statement.

Abbott's office declined to discuss specifics, but said its investigation of Meeks has been "conducted professionally and properly, to the full extent allowed by law."

At issue for the three North Texas women and others investigated by Abbott is a 2003 Texas law that makes it a crime to put other voters' absentee ballots in the mail or deliver them to election officials.

Backers of the law say it's needed to prevent election fraud by paid political operatives who take advantage of the elderly or even steal their votes. Detractors say the law is overly broad, goes too far in criminalizing legitimate political activity and infringes on voters' rights to assistance in casting ballots.

This week, a Washington-based voting rights attorney aligned with Texas Democrats plans to challenge the state law in federal court, arguing it violates the Voting Rights Act and the U.S. Constitution's guarantees of free speech, free association and equal protection.

Democrats complain, and the suit will argue, that Abbott is selectively enforcing the law against Hispanics and blacks to intimidate minority voters and dilute their strength at the polls.

Abbott, a Republican, said he's enforcing state law to root out an "epidemic" of fraud and to prevent "cheaters" from abusing or intimidating the elderly or disabled. For too long, he argues, Texas officials have failed to hold accountable those who undermine the electoral process.

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"This has to do with breaking state law, falsifying state documents, registering illegal people to vote, casting votes for people who are dead, casting votes for other people," he said.

Last month, Abbott announced the indictment of a Hispanic Port Lavaca city councilwoman on allegations she falsely registered and encouraged noncitizens to vote and told one voter how to mark a ballot. Also last month, a Corpus Christi woman pleaded guilty to marking ballots for other voters without their consent, a felony. And, in July 2005, another woman pleaded guilty to mailing in a ballot for her dead mother.

Yet of the 13 individuals indicted for voter fraud during Abbott's term, 10 are accused of simply possessing another's absentee ballot for delivery to election officials or to a mailbox, Democrats say. Such activities had been legal until the 2003 law turned them into crimes.

Both Democratic and Republican political activists have traditionally assisted elderly or homebound voters who need help in voting, said attorney J. Gerald Hebert, executive director of the Washington-based Campaign Legal Center, who plans to file the lawsuit on behalf of Democrats.

"Now, merely possessing the mail-in ballot of another person is a misdemeanor. If you do it for several voters, it becomes a felony. It is my view that this is unconstitutional," said Hebert, who headed the Justice Department's voting section of the civil rights division until 1994.

Democrats also complain that of the 13 indicted individuals, 12 are minority women and only one is an Anglo male. Moreover, Abbott's voter fraud indictments include zero Republicans.

"I think it's evident that Abbott's practice of singling out minorities and seniors is a shallow political effort to suppress the votes," said Texas Democratic Party spokeswoman Amber Moon. "It's being done disingenuously. The majority of these cases are well-meaning folks who are simply trying to help their neighbors to vote."

Former state Rep. Steve Wolens, a Democrat from Dallas, authored the 2003 law creating criminal penalties for individuals who knowingly possess or transport another voter's official ballot.

It is an affirmative defense to prosecution, however, if the person assisting the voter is a relative or a registered voter living at the same address, as well as if the individual provides his or her printed name, signature and address on the outside of the envelope carrying the ballot.

Wolens said he is not familiar with Abbott's enforcement of the 2003 law. He said he wrote the law to stop underhanded tactics used against him in his own Democratic primaries and against his wife in her first Dallas mayoral race.

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"The problem I had seen was where these vote harvesters would go to old folks homes and bring empty ballots — and vote for the actual voter — and then deliver them in these sacks just like piles of stolen money," he said.

Lawyers from the Texas NAACP and the Mexican American Legal Defense and Educational Fund testified against the law because it targets a form of voting that is traditional among minorities.

Nina Perales, an attorney for MALDEF, said many elderly Hispanic voters prefer to vote absentee because they fear intimidation at the polls. It is common, she said, for trusted women in the community known as *politiqueras* (political women) or *comadres* (friends) to help the elderly apply for absentee ballots and then return to pick up the completed and sealed ballots.

The women sometimes are paid by political candidates as part of a get-out-the-vote effort, Perales said, but she sees nothing wrong with helping homebound people vote.

Rep. Marc Veasey, D-Fort Worth, said blacks and Hispanics could fear voting in the future, especially if investigators visit their homes and ask questions about how they cast their ballots and who helped them.

"You're sending a bad message to people who have already had to go through quite a bit, as far as their voting rights are concerned," he said. "You're basically asking them to go through this again. That's really the sad part."

Before last spring's primary, Abbott launched an education campaign in 44 Texas counties with either a history of voting fraud or a population exceeding 100,000. Hebert plans to argue, however, that Abbott's Power Point presentation uses racial cues, linking blacks to voter fraud.

For instance, one slide alerts authorities that specialty stamps can be a tip-off to fraud. It depicts a postage stamp of a black woman holding a black baby, highlighting the disease sickle cell anemia, a genetic malady that affects blacks.

Tom Kelley, a spokesman for Abbott, said the stamp was included in the presentations because it was among evidence uncovered in one of Abbott's fraud investigations.

Another slide, noting that all rules apply for early voting, shows a photograph of only black people in line to cast ballots.

Kelley said there was "absolutely no reason whatsoever" that the only individuals portrayed voting in the voter fraud package are black. He said the slide itself does not say those pictured committed a wrong.

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"It's simply symbolic of what a polling place looks like on voting day or in early voting," said Kelley, adding Abbott's staff found the photo on the Internet while looking through clip art.

Ray, who's a Texarkana city councilwoman, said that because she is getting older, she had hoped during the general election of 2004 to teach her granddaughter, Jamillah Johnson, 30, how to help the homebound — whether it's delivering their ballots or their groceries

She said local officials gave no warning about Wolens' election law change before the general election in 2004, so she took Johnson with her to pick up ballots for mailing.

The two later agreed to plead guilty to handling absentee ballots, paying fines of \$200 each and serving probated sentences of six to eight months.

Another election is coming, and Ray wonders what effect the voter fraud prosecutions will have on the next round of absentee voting.

"A lot of blood has been shed for the rights of people to vote," she said. "I just hope those rights are not taken away or people are frightened so bad they won't vote."

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Online at:

<http://www.mysanantonio.com/news/metro/stories/MYSA091806.01B.voterfraud.2c76b68.html>

The Monitor

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



Print

Investigation into fraud allegations begins

August 11, 2006

Kaitlin Bell

Monitor Staff Writer

EDINBURG — A grand jury investigation into the Alton city elections may begin soon, after county elections officials opened a locked ballot box on Thursday to look for evidence of voter fraud.

Armed with a judge's order authorizing her to open the locked ballot box, Elections Administrator Teresa Navarro separated 85 disputed mail-in ballots from various voter tallies, sign-in sheets, unused ballots and other materials mixed in since the May elections.

Sheriff's deputies seized the locked box from Alton City Hall in mid-June, but Navarro said she had held off opening the box until she knew there was a "strong likelihood" a grand jury would investigate the city's elections.



Navarro's office has received more than 20 official complaints, including some from elderly residents alleging the mayor's wife took their mail-in ballots before they had selected a candidate.

The mayor and his nephew, Commissioner Arturo Galvan, Jr., were both behind their chief opponents on Election Day and in early votes cast on electronic machines, but they won all but a handful of the mail-in votes.

Other complaints involved Mayor Salvador Vela, who began a 17th year in office after winning re-election in May, and Commissioner Ricardo Garza, who was not up for re-election this year.

District Attorney Rene Guerra was out of town and declined to make detailed statements about the case Thursday, but he confirmed he told Navarro that he will push for the grand jury to investigate the elections sooner, rather than later.

"Whatever we need to do, we'll do," Guerra said in a short cell-phone interview from El Paso.

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A district attorney for 23 years, Guerra has traditionally been reluctant to push forward with elections cases, saying convictions are notoriously difficult to win. But Navarro said she's confident the district attorney is sufficiently pursuing the case.

"It's a priority. He may not have used that word with you," she said, referring to Guerra's statements in the media, "but he knows it's a priority."

This is not the first time Vela or his wife, Sylvia Vela, are embroiled in elections controversies.

Sylvia Vela pleaded no contest in 1994 to charges of tampering with mail-in ballots, and Navarro said she heard a host of informal complaints about the mayor in 2001 that resembled current ones. Those included allegedly improperly contacting the city secretary, who oversees elections, during the voting period, Navarro said.

Dealing with the current complaints is complicated by how Alton stored its elections records this year, Navarro said.

City Secretary Janie Gaytan, who had been in her post a year and had never overseen city elections, inadvertently stored ballots, vote tallies and other materials in a single locked box.

State law requires ballots sealed for 22 months after elections, but Gaytan opened the box whenever she needed to refer to records, Navarro said. She said she suspects no wrongdoing on Gaytan's part, as the city secretary had contacted both her and the Texas Secretary of State with concerns both before and after Election Day.

Gaytan, who was present while Navarro unlocked the ballot box and a staffer recounted the ballots, declined to comment. But she did not appear nervous, smiling and chatting with elections staffers and reporters.

Garza, the city commissioner named in complaints, also declined to comment.

The mayor did not return two calls left on his cell phone Thursday afternoon.

Anita Lugo, who lost to Vela in May and has encouraged citizens to submit complaints to Navarro, welcomed Thursday's events.

"I know it's been very, very disappointing to many of our citizens, who keep asking is anything going to happen?" she said of an investigation into the Velas' purported election-time conduct. "But I'm glad they're finally looking into it."

Navarro predicted her staff would have itemized and inspected the elections materials within a week or two, and that the grand jury would begin its investigation shortly thereafter.

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