



Devon E. Romig/EAC/GOV
05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



VFVI Meeting Summary.doc

029523



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

Voting Fraud – Voter Intimidation Working Group Meeting Summary

Overview of Current Research Project

- Current research performed Tova Wang and Job Serebrov
 - the current research has been a challenge because of the need for the information to be collected and analyzed in a scientific manner
 - especially when working the “perception” of intimidation
- Both consultants cross-checked each others work in order to maintain a bipartisan balance
- Literature was anecdotal, not much follow-up on the articles
- No interviews with DA's and only one interview with a judge
- Absentee ballots seemed to be the biggest problem
- The articles found that most of reported vote buying is concentrated in the Midwest and the South
- Very little non-citizen voting, dead voting and impersonation was reported

Purpose of Current Working Group

- To provide background information for current research
- To brainstorm for potential research ideas

Talking Points of Working Group

- Discussion of value of research because of the language of section 241 of HAVA; where is the methodology?
- History of the definition of “fraud”
- Most voter fraud happens outside of the polling centers
- Research must address existing problems, not perceived problems
- Intimidation is a subset of suppression, and considered to be physical or economic threat and/or coercion
- Suppression that is not a form of intimidation is intended to interfere with voting rights and the election process without physical or economic threat and/or coercion
- Department of Justice primarily investigated individual cases of voter fraud
- Risk analysis can be used as an indicator of legitimacy for the need to allocate funding to research in the area of voter fraud
- Current statewide database list will be useful in the deterrence of voter fraud

029524

Ideas for Future EAC Activities

- Bipartisan observers/poll watchers
 - Used in the collection of data
 - Used to deter fraud
- Surveys
 - Survey of state laws
 - Specific states
 - Survey of local election officials
 - Voter surveys (this suggestion was rejected by the panel)
 - Survey state election offices
 - Survey use of administrative complaint procedures
- Follow up on initial reports of fraud/intimidation from the survey of news articles
- Better poll worker training
- Longer hours for polling centers
 - Including hours on weekends
- Fewer polling center locations
 - More qualified poll workers
- Absentee balloting process
 - Methodology of “for cause” absentee voting
- Risk-analysis for voting fraud
 - Who?
 - What part of process?
 - ease of use
 - Which elections?
- Broaden scope of interviews to local officials and district attorneys
- Analysis
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers
 - State District Court Cases
 - Determination of challenging a voter at the polls (in some states there is little or no cause required to challenge a voters eligibility)
- Academic statistical research
- Search and match procedures for voter registration list maintenance and voter fraud identification (subject to confirmation)
- Election courts
- Model statutes



Devon E. Romig/EAC/GOV
05/19/2006 10:15 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Summary of notes for VFVI meeting

Peggy,

Here are the notes from the meeting.



Summary of VFVI Meeting.doc

Thanks!

Devon Romig
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029520



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1225 New York Ave. NW - Suite 1100
Washington, DC 20005

❖ Overview of EAC Research

- Poll worker recruiting, training and retention
- Management guidelines for voting systems
- Vote counting and recounting
- Provisional voting
- Voter Identification

❖ Recommendations for Future Research by Working Group Members

- Bipartisan observers/poll watchers
 - Used in the collection of data
 - Used to deter fraud
- Surveys
 - Survey of state laws
 - Specific states
 - Survey of local election officials
 - Voter surveys (this suggestion was rejected by the panel)
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- Absentee balloting process
 - Methodology of "for cause" absentee voting
- Risk-analysis for voting fraud
 - Who?
 - What part of process?
 - ease of use
 - Which elections?

029527

**Deliberative Process
Privilege**

- Broaden scope of interviews to local officials and district attorneys
- Analysis
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers
- Academic statistical research
- Search and match procedures for voter registration list maintenance and voter fraud identification (subject to confirmation)
- Election courts
- Model statutes



Devon E. Romig/EAC/GOV
05/10/2006 10:44 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Court Reporter for Working Group Meeting

Great, I will get it scheduled.

Devon Romig
United States Election Assistance Commission
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www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
05/10/2006 10:32 AM

To dromig@eac.gov
cc
Subject Fw: Court Reporter for Working Group Meeting

Devon:

We have the OK from Tom to obtain a court reporter. Per his response (attached), please coordinate with Joyce. Also, I understand the reporter for the Asian Language Working Group arrived late. Please find out how we can ensure the one for our meeting arrives on time. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/10/2006 10:31 AM -----

Thomas R. Wilkey/EAC/GOV

05/10/2006 10:29 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Fw: Court Reporter for Working Group Meeting [Link](#)

Yes. please let Joyce know and she will get someone
Tom

029529

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

Margaret Sims /EAC/GOV

05/10/2006 10:26 AM

To twilkey@eac.gov
cc DScott@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
Subject Fw: Court Reporter for Working Group Meeting

Tom:

I understand that EAC hired a court reporter for the Asian Language Working Group meeting. I would like to do the same for the May 18 Voting Fraud-Voter Intimidation Working Group meeting, but I did not include funds in my budget for this service. Do we have funds that could be used for this purpose? (See Devon's cost estimate below.) --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/10/2006 10:18 AM -----
Devon E. Romig/EAC/GOV

05/10/2006 09:54 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Court reporter

Peggy,

I spoke to the people who usually handle the EAC court reporting. They charge \$9.00 per page with an average of 40 pages per hour. This service would cost about \$1800.00.

The turn around time for the transcript is 10 to 15 days. The transcripts comes in a bound paper copy and an electronic copy.

029530

I can also check around for different prices.

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www.eac.gov

029531



Devon E. Romig/EAC/GOV

05/10/2006 09:54 AM

To Margaret Sims/EAC/GOV@EAC

cc

bcc

Subject Court reporter

Peggy,

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The turn around time for the transcript is 10 to 15 days. The transcripts comes in a bound paper copy and an electronic copy.

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029532



Devon E. Romig/EAC/GOV

05/09/2006 04:43 PM

To Margaret Sims/EAC/GOV@EAC

cc

bcc

Subject Hotel for Job

Peggy,

A possible hotel suggestion for Job might be the Sheraton College Park in Beltsville, MD. They have room availability for the nights of the 17th and the 18th for \$159.00 a night.

They have what is called the Sheraton Sweet Sleeper Bed. More information at:

http://www.starwoodhotels.com/promotions/promo_landing.html?category=sweet_sleeper

This hotel is a little out of the way but the members of the Asian Language Working Group and others have stayed there. The hotel does offer a shuttle to and from Reagan airport and the metro.

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029533



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

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Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

029534



Devon E. Romig/EAC/GOV

05/09/2006 11:12 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Fw: May 18th Meeting at EAC

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United States Election Assistance Commission
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www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 05/09/2006 11:12 AM -----



"Marvin Brokaw"

<marvin.brokaw@adtrav.com

To dromig@eac.gov

>

cc

05/09/2006 11:04 AM

Subject RE: May 18th Meeting at EAC

Hi Devon:

We have heard from Mark Hearne and Todd Rokita. They are both flying in and out on the 18th and will not need hotel rooms. We're kind of waiting to see if Perez and Rogers need rooms before booking any hotel. As soon as we get approval of Hearne and Rokita air schedules and get them booked, we'll forward their itineraries to you.

Kind Regards,
Marvin

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Tuesday, May 09, 2006 8:31 AM

To: marvin.brokaw@adtrav.com

Cc: psims@eac.gov

Subject: May 18th Meeting at EAC

Hello Marvin,

I just wanted to follow up with the voicemail message that I left for you yesterday. We will be holding a meeting at our offices in Washington DC on May 18, 2006. I have informed the out of state attendees to contact you for their travel arrangements.

We have been authorized to pay for the attendees airfare and hotel arrangements. Please note that all of the participants are authorized for a two night hotel room stay, as long as the dates are May 17th and 18th.

I attached the list of the meeting participants that will be contacting you about their travel arrangements for the May 18th meeting in Washington DC.

029535

Let me know if you have any questions for me or if you need any more information from me.

Thanks for your help!

Devon Romig
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www.eac.gov

029536



Devon E. Romig/EAC/GOV

05/04/2006 12:33 PM

To Margaret Sims/EAC/GOV

cc Edgardo Cortes/EAC/GOV@EAC

bcc

Subject VFVI Working Group

Peggy,

I have called each of the participants. So far I have a definite confirmation from Kathy Rogers.

Here is the list of the out of town participants for the Voter Fraud/Voter Intimidation Project Working Group:

Mark Hearne II - St. Louis, MO

Todd Rokita - Indianapolis, IN

Kathy Rogers - Atlanta, GA

Possible Participant.

Patrick Rogers - New Mexico

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

029537



Devon E. Romig/EAC/GOV
05/03/2006 03:23 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject David Norcross

Peggy,

I just spoke to Mr. Norcross's assistant, he cannot attend the meeting on the 18th, he will be out of town at another event.

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

029538



Devon E. Romig/EAC/GOV

05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

029539



Devon E. Romig/EAC/GOV

05/02/2006 01:11 PM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: Barbara Arnwine 

Peggy,

I just received an update about Ms. Arnwine's schedule. She is not available on May 9th.

Thanks,

Devon

029540



Devon E. Romig/EAC/GOV

04/24/2006 04:41 PM

To Margaret Sims/EAC/GOV@EAC

cc

bcc

Subject Updated scheduling list and Contact info

Peggy,

Here is the most updated version of the list that I have available.



Work Group Contact-Availability Info.xls

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

029541

AVAILABILITY IN MAY

FIRST NAME	LAST NAME	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Barbara	Arnwine																				
Robert F.	Bauer																				
Craig C.	Donsanto															?	?	?	?	?	
Mark (Thor)	Hearne II									?	?										
David A.	Norcross																				
Todd	Rokita																				
Kathy	Rogers																				
Barry	Weinberg															?	?	?	?	?	

	Available
	Not Available
	Consultants Not Available

029542

VOTING FRAUD-VOTER INTIMIDATION PROJECT WORKING GROUP CONTACT INFORMATION AS OF 4-3-06

FIRST NAME	LAST NAME	TITLE	ADDRESS 1	ADDRESS 2	ADDRESS 3	CITY	STATE	ZIP	SALUTATION	PHONE	FAX
Barbara	Amwine	Executive Director	Lawyers Committee for Civil Rights Under Law	1401 New York Avenue, NW, Suite 400		Washington	DC	20005	Ms.	202-662-8300	202-783-0857
Robert F.	Bauer	Partner	Perkins Coie, LLP	607 Fourteenth Street		Washington	DC	20005-2011	Mr.	202-434-1602	202-434-1690
Craig C.	Donsanto	Director	Election Crimes Branch	U.S. Department of Justice	1400 New York Avenue, NW, 12th Floor	Washington	DC	20005	Mr.	202-514-1421	202-514-3003
Mark (Thor)	Hearne II	Partner-Member	Lathrop & Gage, LC	The Equitable Building	10 South Broadway,	St. Louis	MO	63102-1708	Mr.	314-613-2522	314-613-2550
David A.	Norcross	Sustaining Member	Blank Rome, LLP	Watergate, Twelfth Floor	600 New Hampshire Avenue, N.W	Washington	DC	20037	Mr.	202-772-5898	202-772-5876
Todd	Rokita	Secretary of State	State House, Room 201	200 West Washington Street		Indianapolis	IN	46204	Secretary	317-232-6531, Asst 317-232-6536	317-233-3283
Kathy	Rogers	Director of Elections	Office of the Secretary of State	West Tower Suite 1104	2 Martin Luther King, Jr. Drive, SE	Atlanta	GA	30334-1505	Ms.	404-657-5380	404-651-9531
Barry	Weinberg								Mr.	301-493-5343	

029543

EMAIL

barnwine@lawyerscommittee.org

Rbauer@perkinscoie.com

cdonsanto@usdoj.gov

mheame@lathropgage.com

Maria Rivers, Assistant:

Rivers@BlankRome.com

norcross@blankrome.com

Nathan Cane, Executive Assistant

assistant@sos.in.gov

krogers@sos.state.ga.us

weinutr@verizon.net

029544



Devon E. Romig/EAC/GOV
05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Re: May 18 Meeting

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

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Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
05/09/2006 11:19 AM

To dromig@eac.gov
cc
Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

029545



Devon E. Romig/EAC/GOV

05/09/2006 11:12 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Fw: May 18th Meeting at EAC

Devon Romig
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----- Forwarded by Devon E. Romig/EAC/GOV on 05/09/2006 11:12 AM -----



"Marvin Brokaw"

<marvin.brokaw@adtrav.com

>

05/09/2006 11:04 AM

To dromig@eac.gov

cc

Subject RE: May 18th Meeting at EAC

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Kind Regards,
Marvin

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Tuesday, May 09, 2006 8:31 AM

To: marvin.brokaw@adtrav.com

Cc: psims@eac.gov

Subject: May 18th Meeting at EAC

Hello Marvin,

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We have been authorized to pay for the attendees airfare and hotel arrangements. Please note that all of the participants are authorized for a two night hotel room stay, as long as the dates are May 17th and 18th.

I attached the list of the meeting participants that will be contacting you about their travel arrangements for the May 18th meeting in Washington DC.

029546

Let me know if you have any questions for me or if you need any more information from me.

Thanks for your help!

Devon Romig
United States Election Assistance Commission
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Washington, DC 20005
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202.566.3128 fax
www.eac.gov

029547



Devon E. Romig/EAC/GOV

05/04/2006 12:33 PM

To Margaret Sims/EAC/GOV

cc Edgardo Cortes/EAC/GOV@EAC

bcc

Subject VFVI Working Group

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Todd Rokita - Indianapolis, IN

Kathy Rogers - Atlanta, GA

Possible Participant:

Patrick Rogers - New Mexico

Thanks,

Devon Romig

U.S. Election Assistance Commission

1225 New York Ave. NW - Suite #1100

Washington, D.C. 20005

(202)566-2377

029548



Devon E. Romig/EAC/GOV

05/03/2006 03:23 PM

To Margaret Sims/EAC/GOV

cc

bcc

Subject David Norcross

Peggy,

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029549



Devon E. Romig/EAC/GOV
05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Secretary Rokita's schedule

Peggy,

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Thanks,

Devon

029550



Devon E. Romig/EAC/GOV
05/02/2006 01:11 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Re: Barbara Arnwine 

Peggy,

I just received an update about Ms. Arnwine's schedule. She is not available on May 9th.

Thanks,

Devon

029551

Devon E. Romig/EAC/GOV
04/03/2006 04:21 PM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Re: DOJ Training Materials 

Peggy,

The sections that you listed below are also empty in our copy. I have attached a copy of the complete table of contents with all of the section that are empty in our copy of the 2004 DOJ training binder.

Thanks,

Devon



TOC-BallotAccess2.doc

Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
04/03/2006 03:47 PM

To dromig@eac.gov
cc
Subject DOJ Training Materials

Devon:

One of our consultants noted that there are several sections appear to be missing from the 2004 DOJ training binder. She wasn't sure if it is because of what DOJ sent over to EAC or a problem in the photocopying. From what she can see, some of the table of contents is missing and tabs 14, 15, 16, 17, 21, 23 and 26 are all empty. I think we must have provided the T of C because I don't see one in the binder. Can you please retrieve the binder and check this out for me? Thanks! --- Peggy

029558

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Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

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Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

029554



Devon E. Romig/EAC/GOV

05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

029555



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

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Subject Re: May 18 Meeting 

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Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

029556



Devon E. Romig/EAC/GOV
05/15/2006 09:51 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc psims@eac.gov
bcc
Subject RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig
United States Election Assistance Commission
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www.eac.gov
"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
05/15/2006 09:26 AM

To psims@eac.gov
cc dromig@eac.gov
Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, May 15, 2006 8:23 AM
To: Tova Andrea Wang
Subject: Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.
Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tova Wang" [wang@tcf.org]
Sent: 05/15/2006 09:07 AM
To: Margaret Sims
Cc: Devon Romig
Subject: I'm sorry

029557

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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029558



Devon E. Romig/EAC/GOV

05/02/2006 09:45 AM

To wang@tcf.org

cc Margaret Sims/EAC/GOV@EAC

bcc

Subject Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

029559



Woman charged with violating election law

04/30/03

TOM GORDON
News staff writer

AL

A Bullock County woman has been charged with violating Alabama election law by removing a voter's absentee ballot from her mailbox during last year's primary runoff.

A county grand jury last week issued an indictment charging Mary Sue Martin of Union Springs with hindering Lisa Calloway's right to vote. If convicted, Martin could be fined no less than \$50 nor more than \$500.

District Attorney Boyd Whigham said Martin has denied any wrongdoing and will be arraigned next week before Circuit Judge Burt Smithart.

"Taking somebody's ballot out of a mailbox is a no-no," Whigham said.

Martin was a supporter of Bullock County Commissioner Alfonsa Ellis, who faced challenger Terry Jackson in the June Democratic primary and runoff, and defeated him with the help of absentee votes.

Whigham said that during the runoff campaign, Martin removed Calloway's ballot from Calloway's mailbox, then returned it to her when Calloway confronted her. Before the grand jury, one of Calloway's neighbors testified that she saw the ballot being removed from the mailbox. A friend of Calloway's testified that she went with her to get the ballot back from Martin.

Calloway later cast the ballot in the runoff election.

Bullock County is in the eastern Black Belt, and nearly 28 percent of the votes cast in its June 4, 2002, primary elections were absentee. That percentage was the highest in the state.

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*ELECTION*Notes

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

NV

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

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

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

029561



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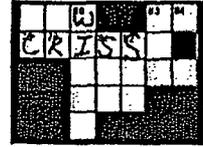
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Merlino, Beckett welcome FBI voter probe

By DOUG McMURDO and RICH THURLOW October 23, 2002

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Joey Provenza

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

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

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

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

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

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

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

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

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

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

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primary election, Merlino said. "Somebody they want to see through them to be sure the people who have requested absentee ballots actually exist."

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

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

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

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

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

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

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

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

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

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

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10/24/2002 12:23 PM

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

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

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

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

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

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

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

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NY

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DA says jury out on probe of voting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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their districts.

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

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Ballot count may end, but not fight

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

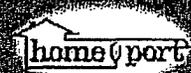
On Wednesday, it appeared that Marilyn Hammond had defeated incumbent Lucille McKnight in the Democratic primary for a South End seat, but McKnight vowed to keep running on another ballot line.

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

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by 29 votes, 243 to 214.

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

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Ballot dispute heads into court

Albany-- Justice to hear testimony on disputed Democratic primaries

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

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

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

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



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



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

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

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

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

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

There are no applications on file for some ballots returned.

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

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

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



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

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

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

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Jurist hears of ballot handoff

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

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

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

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

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

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

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

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

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

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

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

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

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

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Districts 2 and 4.

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

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

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

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

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

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

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

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

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

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Court hits road in voting dispute

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

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

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

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

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

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

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

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

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

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

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

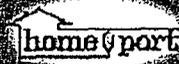
Despite instructions on his application that the ballot be released to Gilkey, Moore said he never asked for that.

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

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

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

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

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

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

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NY

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Vote to end ballot crisis

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

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

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

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

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

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

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

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

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

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

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

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

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



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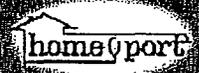


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Willingham said it was worth letting go of her potentially winning lead in the March 2 primary count to reveal such a systematic abuse of absentee ballots.

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

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

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

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

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

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

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

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

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Pittsburgh Post-Gazette (Pennsylvania)

September 25, 2004 Saturday SOONER EDITION

SECTION: LIFESTYLE, Pg.A-9**LENGTH:** 755 words**HEADLINE:** FAX-THE-VOTE PLAN BRINGS MANY UNHAPPY RETURNS**BODY:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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FAX-THE-VOTE PLAN BRINGS MANY UNHAPPY RETURNS Pittsburgh Post-Gazette (P

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

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

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

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

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

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

NOTES:

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

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PITTSBURGH TRIBUNE-REVIEW

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Ruling ends vote practice

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

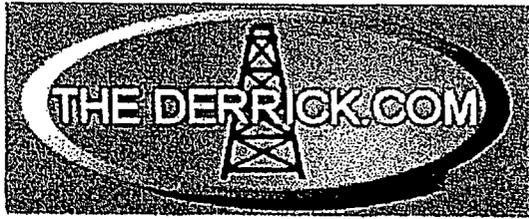
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"A court sitting in Westmoreland County may not interpret a statute differently than a court in Dauphin County," he said.

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

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

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Judge to hear arguments in election case

PA

Top Stories

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

Sports

News-Herald

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

Clarion-News

Good Times

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

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

Contact Information

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

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

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

requests.

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

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

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

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

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SD

Vote drive worker charged in forgery

By DAVID KRANZ
Argus Leader

published: 10/19/2002

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"I haven't seen where they don't care," he said.

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

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

By Carson Walker
Associated Press Writer

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

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

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

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

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

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

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

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



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Fraud cases cloud S.D. elections

By DAVID KRANZ, CORRINE OLSON and PETER HARRIMAN
Argus Leader

published: 10/20/2002

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

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

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

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

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

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

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

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

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counties near or on Indian reservations.

Argus Leader reporters surveyed South Dakota county auditors, finding:

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

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

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

Two investigations

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

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

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

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

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

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

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

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

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

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

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

Registration process

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

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

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

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

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

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the person is required to show a picture identification card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effect uncertain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Past controversy

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

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

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

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

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

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

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

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

Are changes needed?

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

"South Dakota has no history of voter fraud. We really have a history of clean politics," Burns said. "That really explains the splash this has made. Even the hint of fraud generates a major stir in South Dakota."

Concerns about the process have caused some to speculate that changes should be made, tightening requirements for registration and absentee balloting.

Barnett said he is generally satisfied with the state's election laws but said the Legislature may want to look at the rules concerning absentee balloting.

In Barnett's view, there is a potential for problem in the fact that voters can register and cast an absentee ballot without ever being seen in the auditor's office.

But Kea Warne, elections supervisor for the secretary of state, said the state's election laws already provide adequate protection against voter fraud.

"Just by seeing what's happening now shows the system is working because county auditors are catching the problems," she said.

Burns said some have suggested the state outlaw the practice of hiring people to collect new registrations.

But Roust questions the wisdom of that move.

"When we have groups who are vastly underrepresented - and we know a lot of people on the reservations aren't registered - it's a big job to get those people involved, and I don't know if you can do that with volunteers," she said.

Burns agrees. "I don't really think the law needs to change. Volunteers can be overzealous as much as workers."

Burns said the potential fraud cases being investigated suggest the people involved were trying to defraud their employers in order to make more money rather than deliberately attempting to defraud the election process.

He wishes people would look at the registration drives from another side.

"All of South Dakota should celebrate the fact that 17,000

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(people) previously not registered are going to participate in the election," he said. "That's democracy."

Registration Investigation

- Nearly 17,000 people have registered to vote in South Dakota since the June primary. There are 523,063 potential voters.

- County auditors have turned over to law enforcement nearly 400 voting registration cards or absentee ballot applications because of discrepancies ranging from misspelled names to ballot requests from deceased residents.

- A Rapid City man has been charged with forgery for allegedly submitting fraudulent registration cards.

- The Minnehaha County Auditor's Office has processed more than 4,800 absentee ballot requests. One was questionable and was sent to the state's attorney's office.

The Associated Press contributed to this report.

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**Suspicious voter registrations found
Attorney general denies widespread fraud**
THE ASSOCIATED PRESS

SIOUX FALLS - Auditors in 10 South Dakota counties have turned over nearly 400 questionable voter registration forms to investigators.

All but one of the 10 counties adjoin an American Indian reservation, the Sioux Falls Argus Leader reported Sunday.

Officials in Ziebach County have turned over 16 suspicious voter registration forms to investigators. Twelve documents have been turned over in Todd County and at least 10 in Bennett County.

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

But South Dakota Attorney General Mark Barnett bristles at the idea that the two investigations are evidence of widespread voter fraud in the state.

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

Verifying voter registrations has become more difficult in

this year's election, which has drawn the attention of the nation because it could determine control of the Senate.

Thousands of new applications have poured into county auditors' offices as political parties and other advocacy groups conduct extensive voter registration drives. The state's Indian reservations have been the main focus of those registration drives.

Of the 16,700 new voter registrations in the state, 4,100 of them - about 25 percent - were filed in counties on or near Indian reservations.

Many counties are also seeing a spike in requests for absentee ballots.

Several auditors surveyed by the Argus Leader said they are not familiar with many residents of the state's Indian reservations and that makes it harder for them to verify the validity of those registrations. In addition, many of those new voters list a general delivery mail address, meaning they pick up their mail at a post office.

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

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

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

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

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

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

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

But Minnesota voters can register at the polls on Election Day. North Dakotans are not even required to register to vote. They simply show identification at the polls.

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

If the confirmation card is not returned, the voter's name is put on an inactive list, and to vote on Election Day, the person is required to show a picture identification card.

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15 false absentee ballot applications found

David Kranz
Argus Leader

published: 10/25/2002

A voter-fraud investigation has turned up 15 bogus absentee ballot applications in South Dakota so far, and more may be coming, Attorney General Mark Barnett said late Thursday.

State and federal agents targeted 25 South Dakota counties after allegations of misconduct surfaced earlier this month, Barnett said.

In each case, signatures were forged on the applications that a person uses to obtain a ballot, he said.

All the alleged instances of ballot fraud discovered so far are tied to Becky Red Earth-Villeda, Barnett said. Red Earth-Villeda - also known by her Dakota name, Maka Duta - was an independent contractor in the Democratic Party's efforts to increase Native American participation in the election.

Investigators believe Red Earth-Villeda, whose contract was terminated by the Democratic Party, may be linked to as many as 1,750 absentee ballot applications in the state, Barnett said.

"I have no idea how many of those might be false," he said.

Also Thursday, the Fall River state's attorney said the names of two women there were used to forge voter registrations in Codington and Minnehaha counties.

The discoveries are the latest development in a controversy over voter registration and absentee ballot discrepancies. The FBI also is investigating allegations that documents were filed on behalf of dead people and children, particularly in and around Native American reservations.

The allegations have raised political tension in South Dakota with 12 days left until the Nov. 5 election, which features particularly tight contests for U.S. Senate and House.

Barnett, a Republican, said charges will be forthcoming. At this point, the activities of Red Earth-Villeda remain the sole

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focus of the investigation, he said.

"We have 15 cases that we believe were forged absentee ballot applications, and at the end of the day we expect she will be charged," he said.

The Democratic Party initiated an aggressive get-out-the-vote campaign, particularly around reservations, in preparation for the November elections. While both parties traditionally pay staffers to sign up new voters and pursue possible absentee ballot possibilities, the Democrats this year also initiated a program of paying independent contractors on a per-piece basis.

Sarah Felnberg, spokeswoman for the South Dakota Democratic Party, reiterated that the party initiated an investigation on its own when problems first surfaced in early October and notified Dewey County officials of two questionable ballot applications.

The Democratic Party has zero tolerance to anything less than full compliance with state and federal election regulations, she said.

"It is still about one person's activities, and we think it is important that it be resolved before Election Day," she said. "There is no evidence to suggest that one ballot has been affected."

Last week, a Rapid City man who was working under a separate program, sponsored by the United Sioux Tribes, was charged with forging signatures on five registration cards.

On Election Day, it will be up to individual county auditors to determine whether they are comfortable with a signature before they put the ballot in the box, Barnett said.

He would not say how authorities determined which counties Red Earth-Villeda was involved in. The list of counties where the 15 applications were found was not available.

In each case, the investigator tracks down the person whose name is on the application to verify the signature.

"We have interviewed 15 people so far who said, 'That is not my signature.' You have to go out and grind it," Barnett said.

During the probe, one signature was found to be legitimate, and a few people were not sure about theirs, he said.

"We have to go to the bottom and do as many (of 1,750) as we can," Barnett said. "Federal and state agents feel reasonably confident in saying an arrest is likely, but first we want to nail down as much of the facts as we can."

A routine check by the secretary of state's office discovered

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at least two more cases of possible forgery on voter registration cards under the names of women in Fall River County, in the southwest corner of the state.

The cards were filled out in July in Minnehaha and Codington counties. But the two Fall River women say they didn't file the registrations, said State's Attorney Lance Russell.

"This is the first time we've had anything regarding Fall River County," Russell, a Republican, said Thursday.

The duplications were discovered after a routine records purge by the secretary of state's office. Using a computer check first initiated in January, the office compares voter registrations from across the state in order to eliminate multiple registrations by the same person.

A duplicate registration isn't necessarily a cause for suspicion, however. More than 9,000 such cases have been discovered since January, said Chris Nelson of the secretary of state's office. But most of the names come up because people move and re-register without telling the first county they have left.

That's not the case with the two Fall River women.

Lynn Putnam received a card in the mail about a month ago, asking her to confirm her registration information. The 27 year-old Edgemont woman - who is Russell's administrative assistant - brought the card with her to work and dropped it off at the auditor's office.

Auditor Sherrill Dryden told Putnam she received a lot of the cards because of the statewide purge.

"She said it's a coincidence that there is a Lynn Putnam in Watertown with your exact same birth date," she said. "She thought it was kind of suspicious because the person in Watertown had registered at the end of July."

Dryden and Russell did some research and discovered there wasn't anybody by that name living in Codington County.

"I don't know who would do it," said Putnam. "I've never lived there."

She didn't think much of it when she received the verification card in the mail.

"I guess, honestly, I thought maybe they sent those cards to anybody," she said. "I thought maybe it was kind of an update thing, that it was standard before the election."

Russell declined to identify the second woman, who was registered in Minnehaha County, citing confidentiality.

Minnehaha County Auditor Sue Roust said Dryden contacted her about a problem after the secretary of state sent out a

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list Monday showing duplicate registrations.

"The Fall River County auditor recognized her and talked to her. She said she doesn't live in Minnehaha County and doesn't plan to vote here," Roust said.

When Roust's office was contacted about the possible duplication, she checked the two registrations and found that the signatures on the cards were radically different. Surprisingly, the birth date of the woman was correct on the bogus registration, she said.

In both of the Fall River cases, Republican women were registered as Democrat.

Roust said the registration in Minnehaha County was done in July and was part a voter registration drive. A code is required on the cards which indicates it is part of a drive. It does not tell the auditor which program it was a part of or who registered the person.

The suspected registration in Codington County also was a part of a registration drive, according to Auditor Cindy Brugman.

Both Brugman and Roust said an absentee ballot was not requested for the people who were registered in their counties.

State Editor Patrick Lalley contributed to this article. Reach reporter Corrine Olson at colson@argusleader.com or 331-2311.

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Will possible fraud cases shake voters?

Terry Woster
Argus Leader

published: 10/27/2002

Observers debate long-term effect

PIERRE - Elections are fairly fragile institutions.

They are, after all, organized and policed by the same political organizations that compete for the gift of power.

In South Dakota, this social contract has emerged largely unscathed through more than 100 years of electing public servants. But the investigation of possible fraudulent filings of voter registrations and absentee ballot applications - currently under way and focused on two people working under separate voter drives - has prompted discussions of the impact on the Nov. 5 general election.

Officials are quick to point out that the irregularities discovered thus far have not manifested in even one fraudulent vote. But is it possible that in a small state such as South Dakota, where campaign shenanigans are as rare as ballot chads, one bad event could have a disproportional impact on the psyche of the electorate?

The investigation might make headlines and coffee-shop talk, but it should have little impact on public confidence in the state's election system, says a Harvard University government professor with ties to the state.

Thomas Patterson, author of several books about elections and politics in the United States, said drawn-out campaigns and attack advertising are more likely to shake voters' confidence in the election system than will reports of voter registration problems, especially if the possible fraud isn't found to be an extensive and ongoing condition.

"I'm not surprised that this would be a big story there, which it probably wouldn't be in New Jersey, for example," Patterson said. "According to our surveys, voters seem much more likely to be discouraged by the way campaigns are conducted, the endless campaigns. I don't know that they lose trust in the system itself as much as become disenchanted with the way it is run."

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Patterson - who has recently published "The Vanishing Voter," a study of voter involvement in elections and campaigns - is with the Kennedy School of Government at Harvard. He did undergraduate study at South Dakota State University.

State and federal authorities in South Dakota are looking into allegations that a woman working as an independent contractor with the Democratic Party forged signatures on registration cards and absentee ballot applications.

Attorney General Mark Barnett said last week that agents have focused on 25 counties and found 15 apparent cases of forgery on ballot applications. More than 1,700 applications have been linked to the worker - Becky Red Earth-Villeda of Flandreau, also known by her Dakota name Maka Duta - and agents are tracking down each of the applicants to verify their signatures. Charges are probable against Red Earth-Villeda, but the Democratic Party has not been implicated, Barnett said.

A Rapid City man who was working for a voter drive program organized by the United Sioux Tribes has been charged with five counts of forgery in Pennington County for submitting false registrations.

It's unusual to have reports of fraud focusing on individuals in the voter-registration process, as is the case in South Dakota, Patterson said.

"Where the shenanigans usually take place is with those who control the process, not an individual," he said. "What you're facing seems pretty rare."

It's rare enough that Alice Kundert of Mound City can remember nothing quite like it in her four decades as a county official, state auditor, secretary of state and Republican legislator. Unlike Patterson, though, Kundert thinks that just the possibility of wrongdoing in the voting process erodes public confidence and could cause people to shy away from the polls.

"What shakes you about this kind of thing is that the whole system is built on trust, and I'm just sick about this," she said. "It has blemished our image of ourselves. I don't care what other states think. I'm sad that we may think less of ourselves. We should have a lot of pride and confidence in our system of government and in elections. The vote is sacred. If we lose confidence in that, maybe it means some people don't bother to vote who might otherwise take the time."

Mary Ann Bear Heels Cowan of Pierre tends to side with Patterson and sees the investigation as a way to make people understand how important it is to register and vote.

"It bothers us, in a way, when we first hear the news, but as

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we listen and read, we see that this really is a problem with perhaps two individuals, not the whole system," said Bear Heels Cowan, a Lakota rights advocate with the group First Voices. "The focus is kind of high right now on it, but I believe the trust is still there, and most people will be responsible."

Merle Lofgren, longtime newspaper publisher in McLaughlin, blames the practice of paying for registrations.

"It's prostituting the vote, and how can you expect people to trust the system after that?" he asked. "Yes, people are going to lose confidence in the system. Maybe it's a big case, and maybe it's small, but no matter how extensive this thing is, how are you going to know if your votes are all real and equal? Democracy shouldn't be paid for with money, not any part of it."

The news that the name of a woman who had died three weeks earlier in a car wreck appeared on a registration card is especially offensive to Lofgren.

"They used to say the biggest voting precinct in Chicago was the cemetery, and now it looks like the littlest precinct in South Dakota is the cemetery in Dewey County," he said.

Kundert said her only personal experience with money in voting was when she campaigned once for a term as auditor and asked for a vote in a small convenience store in a western town.

"The man said, 'How much will you pay me?' I said, 'You just lost it. I don't need your vote,' " she said. "That kind of stuff just

doesn't happen in South Dakota."

That's probably a typical reaction to the news of the investigation, Patterson said. When the Florida voting system came into the national spotlight during the protracted counting of the presidential ballots two years ago, many states believed their own systems were safe from that kind of problem, he said.

"The idea was, this is Florida's problem; this isn't the way we operate," he said.

While he doesn't think one election cycle with questions about voter registration will cause people to lose confidence in the system, Patterson does see the possibility of doubts accumulating over time.

"All of these things are kind of shots at the system, and they could be additive in a way," he said. "If people are already disenchanted with campaigns, and you add this, it possibly could have some effect."

Bear Heels Cowan said the effect may be to encourage

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Native Americans and whites to work together on voter registration and voting drives.

"These kinds of things happen for a reason," she said. "It's kind of a push-pull thing: Go vote, make sure you're registered, and now we have a few problems. I believe the people have done a good job overall of getting registrations, and perhaps these questions being raised now will make us all more aware of how much the system relies on trust, maybe even to the point that we'll all work together."

Kundert said South Dakota seldom experiences the pressures of big-time campaigning the way it has this year with the U.S. Senate race between Democrat Tim Johnson and Republican John Thune carrying the potential of deciding political control of that body.

"I don't remember anything like this," she said. "So, you get these reports something might be wrong, and 99 percent of you says real voter fraud couldn't happen here. But 1 percent of you says, gosh, I never thought there'd be any cases of false registrations like this, either. So you start to doubt your trust in the whole thing. And that's pretty sad."

Reach Terry Woster at 605-224-2760 or twoster@midco.net.

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Suspect in voter fraud threatens suit

By DAVID KRANZ
Argus Leader

published: 10/29/2002

Flandreau woman says she's the victim of conspiracy

The Flandreau woman suspected by federal, state and Republican Party officials of being linked to possible voter fraud in several South Dakota counties is fighting back, saying she is a victim of a conspiracy to keep Native Americans from voting.

Becky Red Earth-Villeda, also known by her Dakota name, Maka Duta, said in a statement distributed to news media that she is innocent of any links to the forging of absentee ballot applications, voter registration cards and other wrongdoing in the election process.

She also is contemplating charges of her own against those who accuse her.

Attorney General Mark Barnett expects to file charges against her in the near future, saying at least 15 absentee ballot applications handled by her were found to be irregular.

Red Earth-Villeda, 49, accuses officials of a collective conspiracy against her. They continue to "conspire as Republicans to single out my voter registration and absentee ballot application work product for their explanation to the end of charging only me with violations of state and federal law," she said.

The sole purpose of their probe and threats of charges against her is to increase vote totals for Republican candidates in the Nov. 5 election in South Dakota under "color of law," she said.

Barnett has said he has investigators in 25 counties looking for discrepancies in absentee ballot applications.

So far, there is evidence that she handled more than 1,700 such documents. Of those inspected so far, 15 have been found to be invalid. That process is determined by finding the person who has his name on the application. The person then tells investigators whether it has his actual signature.



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Responding to Red Earth-Villeda's conspiracy charges, Barnett said: "It will all sort out in the court of law. We have been conducting hundreds of interviews and continue on the course that I discussed in the past."

Red Earth-Villeda describes herself as "the mother of nine beautiful children, a grandmother of five wonderful grandchildren."

Red Earth-Villeda said that during the course of the year, she has devoted her time and energy to getting Native Americans in South Dakota to register to vote in federal, state and local elections. She said she thoroughly read the South Dakota statutes and laws before beginning her work.

"Through libelous assertions, inferences and innuendos by South Dakota Republican Chair Joel Rosenthal, Republican U.S. Senate candidate John Thune and Republican Attorney General candidate Larry Long ... defamation of my character as a campaign worker to register voters ... is now to my emotional and financial detriment," she said in a written statement.

As a result, South Dakota voters have the false impression that she is responsible for "massive voter registration fraud," Red Earth-Villeda said.

Rosenthal said he has always had the position that there appear to be thousands of irregularities, voters that can't be found, dead people requesting absentee ballots and irregularities in at least 20 counties.

"To my recollection, I have not accused her. She gets her day on trial. Democrats have already said she falsely did two of them," Rosenthal said, referring to voter documents.

"There are a lot of things uncovered, and something isn't right. The people on the reservation deserve to be registered to vote. Both parties ought to be able to register their favorable voters, but I want to have a good election and want people to have confidence," Rosenthal said.

The Thune campaign's position is that Red Earth-Villeda says one thing and the Democratic Party says another.

"We hope the truth will emerge before election day," said Christine Iverson, communications director for the Thune campaign.

Red Earth-Villeda also said Matthew Miller, an FBI agent who interviewed her, did not advise her of her rights. He distorted information she gave him when he filed a written report, she said. Because of the inaccuracies she refused to sign the statement for Miller. She plans today to release a photocopy of the Miller document.

"We're referring all calls to the U.S. attorney's office," said

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Dave Heller, supervisor for the FBI office in Sioux Falls.

U.S. Attorney James McMahon would not discuss the case. "I'm not commenting on ongoing investigations," he said.

In the recent controversy, only Red Earth-Villeda has a direct connection to the state Democratic Party registration program, Barnett said.

A Rapid City man, who was working under a separate program run by the United Sioux Tribes, has been charged with five counts of forgery.

Meanwhile, Rosenthal accused Democrats on Monday of "judge shopping" when a law firm for the state Democratic Party asked Federal Judge Lawrence Piersol to be available on election day if they decide to seek an injunction.

Rosenthal said the Democratic Party is putting Piersol in "this untenable ethical position."

Rosenthal should know better, said Sarah Feinberg with the South Dakota Democratic Party.

"He knows it is a standard letter you write at election time. Our lawyer even covered Rosenthal with a copy of the letter as a courtesy," she said.

"In the course of a week, Joel Rosenthal has tried to suppress Native American voting, alienated every state auditor and the secretary of state by suggesting a need for federal election monitors and now discrediting a well-respected federal judge," Feinberg said.

Reach reporter David Kranz at dkranz@argusleader.com or 331-2302

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Barnett: No illegal ballots found

David Kranz
Argus Leader

published: 10/31/2002

Contract worker likely to face charges for submitting forms

The investigation into allegations of voter fraud in South Dakota has not turned up any illegally cast ballots but the woman at the center of the controversy still likely will face charges, Attorney General Mark Barnett said late Wednesday.

Barnett said last week that state and federal authorities had found 15 absentee ballot applications with apparently forged signatures. The bad documents surfaced during an investigation of voter abnormalities in 25 counties including registrations for people who were dead or too young to vote.

News of the probe has fueled nationwide speculation about the integrity of Tuesday's election in South Dakota, which features close races for U.S. Senate and House that are part of fierce struggle for control of Congress.

Throughout the controversy, Barnett has smothered discussion of widespread voting irregularities, saying the investigation was focused on one woman, Becky Red Earth-Villeda of Flandreau who was working as independent contractor under a Democratic Party voter drive.

On Wednesday, the attorney general said the woman's actions, while likely criminal, have not led to fraudulent voting.

"So far I have not found that she had any ballots that have been illegally voted," he said in an interview.

Meanwhile, Red Earth-Villeda was interviewed by state and federal agents for six hours Wednesday. Before the meeting she released a statement admitting she signed absentee ballot applications in the name of the 15 voters in Dewey and Ziebach counties but that she did so only after a mix up about how the system works.

She said the 15 voters in question filled out the applications, which she intended to personally deliver to the auditors in

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those two West River counties. But a Democratic Party worker informed her that, in nearly all cases, those forms must be sent through the mail.

At that point, Red Earth-Villeda admits, she duplicated the signatures on new applications and sent them through the system.

"If I erred in doing so, I pray that Attorney General Barnett will agree with me that I erred on the side of angels," she said in a written statement. "I did not abrogate the spirit and letter of the absentee voting law of South Dakota and I did not work fraud on the county auditors"

Barnett said agents have interviewed the 15 people and ballots have not been submitted by them or in their names.

"It is my suspicion that the voter was not involved in the fraudulent procurement" of the ballot, he said.

Interviews in the case will conclude today, he said.

Red Earth-Villeda likely will be charged "sometime next week or possibly sooner," Barnett said.

Those charges probably will include forgery and theft by deception, he said.

Red Earth-Villeda said she hopes to continue her work to bring more Native Americans into the electoral process.

"I pray that the truth will set me free to get as many Native Americans out to vote as I can so that they exercise their most precious and self determinative right as citizens of the United states, that being the right to vote," she wrote.

An Argus Leader/KSFY-TV poll of likely South Dakota voters shows the much-publicized investigation has some positive effect for Republicans in the election.

Fifteen percent of those surveyed said they are more likely to vote for Republicans because of the controversy. Four percent said they were more likely to vote Democrat.

But the majority, 79 percent, said the allegations would have no effect on Tuesday.

The poll of 805 randomly selected South Dakotans has a margin of error of plus or minus 3.5 percentage points.

The controversy wasn't a deciding factor when James Miller, 64, of Meadow made up his mind to vote Republican in the Senate race.

"But it does seem like the Democrats have their fingers in it with voter problems. I don't think their candidates are responsible, though, probably just the workers," he said.

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Both major political parties have engaged in substantial get-out-the-vote campaigns in the run-up to Tuesday's election.

The race between incumbent Sen. Tim Johnson and U.S. Rep. John Thune is among the closest in the nation. A few hundred vote here and there could mean the difference in the race and ultimately control of the Senate.

But the Democrats' practice of paying independent contractors for each registration and absentee ballot application has come under criticism since the allegations of fraud emerged.

Sarah Feinberg, spokeswoman for the South Dakota Democratic Party, said Barnett's statements Wednesday provide a measure of vindication for the voter drive.

"The attorney general's comments show the allegations that have been coming from the state Republican Party and the Thune camp for what they truly are, which is pure political spin," she said.

State Republican Party Chairman Joel Rosenthal could not be reached for comment late Wednesday.

State editor Patrick Lalley contributed to this article. Reach reporter David Kranz at dkranz@argusleader.com or 331-2302.

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Absentee forms found burned

Staff & Wire Reports

published: 11/1/2002

Barnett: Flandreau woman tried to destroy originals

Investigators have recovered charred pieces of absentee ballot applications from a Flandreau woman suspected of forging voters' names on such forms.

Attorney General Mark Barnett said Becky Red Earth-Villeda apparently tried to burn the original applications but then decided to retrieve them.

Investigators suspect Red Earth-Villeda tried to copy information including signatures onto new applications.

"It gets stranger every day," Barnett said. "She claims they are the legitimate signatures (on the charred paper).

The Flandreau woman told Barnett that she copied the names of the applicants from the real documents in order to comply with instructions from Democratic Party officials. Barnett said the woman was told that she could not turn in ballot applications that had been signed but not filled out correctly.

"Many hundreds of those absentee ballot applications that were turned in by her, in fact were her signature, attempting to trace or duplicate the signature on the original form, which was rejected by the party," he said.

Red-Earth-Villeda was hired as an independent contractor by the state Democratic Party. She was fired after a county auditor alerted party officials that forged signatures were showing up on applications for absentee ballots.

Barnett said last week that authorities had found 15 absentee ballot applications with apparently forged signatures. Those documents were discovered during an investigation of voter irregularities in 25 counties.

Despite the suspicions of authorities, only those 15 have been verified by contacting the person whose name is on the application, Barnett said.

Democratic officials have cooperated with the investigation,

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Barnett said.

The probe has been laborious because of the sheer volume of election documents in question, he said. Each person whose name is on the application must be contacted by investigators to verify whether it is their signature on the form.

"I have almost 30 agents on this full time, spread out all over South Dakota, going as fast as we can go. We're doing everything we can to sort it out and advise the county auditors," Barnett said. "We're going to be sorting this out for a long time."

No absentee ballots tied to the questionable ballot application forms have been discovered, he stressed.

Investigators interrogated Red Earth-Villeda for several hours on Wednesday. She also released a written statement admitting that she had duplicated signatures but denying wrongdoing.

Kea Warne, state election supervisor, said county auditors are being advised to set aside any absentee ballots that look suspicious.

"If the signatures on the envelopes containing absentee ballots don't match up with the signatures on the applications for those ballots, we're telling auditors to set the ballots aside," she said.

Joyce Hazeltine, secretary of state, said she thinks the election will go smoothly and there will be no problems if questionable absentee ballots are rejected.

"If there's any question, I'm not taking any chances on having a contested election. Let's just not use them," she said.

If absentee ballots are set aside, they would only be considered if any races are within vote margins that allow for recount requests, Warne said.

"The recount board would have the authority to review those uncounted ballots," she said.

Red Earth-Villeda worked in several counties that encompass or border Indian reservations, he said.

"In Buffalo County alone, we probably have 80 or 100 absentee ballot applications that she signed instead of the voter," Barnett said, adding that forgery charges likely would be filed soon in Minnehaha County because that's where the election forms were turned over to the Democratic Party.



**Forged absentee ballot applications could total between 500 and 1,000
Flandreau woman may have charges filed against her today or Monday**

By Joe Kafka
Associated Press Writer

PIERRE - Forgery charges may be filed today or Monday against a Flandreau woman who has worked to get more American Indians and others to vote on Election Day, Attorney General Mark Barnett said Thursday.

State criminal agents, in conjunction with the FBI and tribal authorities, have investigated the activities of Becky Red Earth-Villeda in 25 counties, Barnett said.

The woman was hired as an independent contractor by the state Democratic Party. She was fired after a county auditor alerted party officials that forged signatures were showing up on applications for absentee ballots.

Barnett said investigators have talked to hundreds of people and hoped to finish up their last interviews Thursday night. He said Red Earth-Villeda is suspected of forging voters' names on 500 to 1,000 absentee ballot applications.

"We've found several hundred voters who say, 'That's not my signature,'" the attorney general said.

When Red Earth-Villeda was told by a Democratic Party official that she could not turn in ballot applications that had been signed by voters but were not filled out correctly, she filled out new forms and traced the voters' signatures on them, Barnett said.

"Many hundreds of those absentee ballot applications that were turned in by her, in fact were her signature, attempting to trace or duplicate the signature on the original form, which was rejected by the party," he said.

Investigators interrogated Red Earth-Villeda for several hours on Wednesday. She also released a written statement Wednesday admitting that she had duplicated signatures but denying wrongdoing.

"I did not abrogate the spirit and letter of the absentee voting law of South Dakota," the statement said. "If I erred . . . I pray that Attorney General Barnett will agree with me that I erred on the side of angels."

Democratic officials have cooperated with the investigation, Barnett said.

The probe has been laborious because of the sheer volume of election documents in question, he said.

"I have almost 30 agents on this full time, spread out all over South Dakota, going as fast as we can go. We're doing everything we can to sort it out and advise the county auditors," Barnett said. "We're going to be sorting this out for a long time."

No absentee ballots tied to the questionable ballot application forms have been discovered, he stressed.

"So far, I've found no evidence that she got her hands on any actual ballots," Barnett said. "I'm not saying no illegal ballots were cast."

Kea Warne, state election supervisor, said county auditors are being advised to set aside any absentee ballots that look suspicious.

"If the signatures on the envelopes containing absentee ballots don't match up with the signatures on the applications for those ballots, we're telling auditors to set the ballots aside," she said.

Joyce Hazeltine, secretary of state, said she believes the election will go smoothly and there will be no problems if questionable absentee ballots are rejected.

"If there's any question, I'm not taking any chances on having a contested election. Let's just not use them," she said.

If absentee ballots are set aside, they would only be considered if any races are within vote margins that allow for recount requests, Warne said.

"The recount board would have the authority to review those uncounted ballots," she said.

Barnett said questionable absentee ballot application forms have been found in several counties, although he was not able to immediately identify all of them Thursday because not all criminal agents had yet filed their final reports. Red Earth-Villeda worked in several counties that encompass or border Indian reservations, he said.

"In Buffalo County alone we probably have 80 or 100 absentee ballot applications that she signed instead of the voter," Barnett said, adding that forgery charges would be filed in Minnehaha County because that's where the election forms were turned over to the Democratic Party.

The attorney general said he doesn't think voters who signed the original forms that were incorrectly filled out have done anything wrong.

"I'm convinced that virtually all these voters are completely innocent."

When Becky Red Earth-Villeda was told by a Democratic Party official that she could not turn in ballot applications that had been signed by voters but were not filled out correctly, she filled out new forms and traced the voters' signatures on them, Attorney General Mark Barnett said. Dakota Briefs Visit www.aberdeennews.com American News Friday, November 1, 2002 7A

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TX

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

February 26, 2004
Alma Walzer and Ryan Gabrielson
The Monitor

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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latitude" to determine whether they pursue the investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Rangers launch mail ballot probe

March 06, 2004

Ryan Gabrielson
The Monitor

EDINBURG — With general voting in the primary election just days away, the Texas Rangers have begun an investigation of the mail ballot fraud allegations that arose last week.

Texas Ranger Sgt. Israel Pacheco said he started his inquiry Thursday after meeting with Hidalgo County Elections Administrator Teresa Navarro to get details of the complaints.

There is no deadline for this investigation, Pacheco said. "We'll just be looking into things as they come."

Two voters in McAllen and two in Weslaco, all older than 65, complained that when their mail ballots arrived, they were already sealed and included a note: "Just sign here."

The complaints were lodged with the elections administration Feb. 24. Two days later, Navarro said she received a mail ballot request from an individual who died in 2001.

Navarro and Hidalgo County District Attorney Rene Guerra said they suspected the complaints stemmed from the work of paid political operatives known in the Rio Grande Valley as politiqueras.

Pacheco has been given the victim names and the names of the politiqueras they suspect are responsible for the fraud, Navarro said.

The Texas Rangers were assigned the cases after Navarro forwarded the complaints to Texas Secretary of State Geoffrey S. Connor, who in turn moved them to the state Attorney General.

Pacheco said the investigation does not have a timeline and that the scope will be determined by the amount of information he receives. While Guerra's office first had indicated it would not have the staff to investigate the ballot fraud claims, he has agreed to prosecute should the Rangers build a case.

"We've already talked to the DA's office and they confirmed they will take the case," Pacheco said.

"(The DA's office) will consider any case generated by our office or any law enforcement having to do with voter fraud," Guerra said. "We don't want to protect any vote fraud."

Friday was the last day of early voting. General voting in the primary begins Tuesday.

"This (investigation) is a good, positive thing they're not waiting until after the election," Navarro said. "I'm glad they are not waiting until after the voting, that they're interviewing people now."

By Friday afternoon, more than 30,000 Hidalgo County residents had voted, Navarro said.

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

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Posted on Thu, Feb. 12, 2004

Arrest follows irregularities in water board voting

Associated Press

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

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

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

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

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

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

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

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

Information from: El Paso Times

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