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Local Headlines

Wednesday June 20 11:22 AM EDT

OHIO

Man Charged With Changing Ballots To Bush

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

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

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

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

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PA

2 McKees Rocks council candidates charge Election Day cheating at polls

Tuesday, November 29, 2005

By Jim McKinnon, Pittsburgh Post-Gazette

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

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

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

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

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

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

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

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

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

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

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

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

A hearing on the complaint had not been set yesterday.

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(Jim McKinnon can be reached at jmckinnon@post-gazette.com or 412-263-1939.)

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Today

Countywide recount may happen again

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Straight-line ballots don't jibe, Dries says

BY SHAWN A. HESSINGER

Tamaqua Bureau Chief

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

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

Archives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Local News

Monday, December 8, 2003 11:07 pm

Monday December 15, 2003

Keeping it Legal - - Authorities confiscate ballots from Alamo election

By Ryan Gabrielson
 Monitor Staff Writer
rgabrielson@themonitor.com

ALAMO – The Hidalgo County Elections Division and District Attorney's Office impounded ballots and other records from Alamo City Hall Monday amid allegations that voting in the run-off election was tampered with.

Much of the concerns centered on mail-in, or early, votes.

Commissioner Diana Martinez defeated Alamo attorney Veronica Moncivais by nearly a two-to-one margin for Place 2 on the Alamo City Commission Saturday. The runoff was required because neither Martinez nor Moncivais received 50 percent of the vote in the Nov. 4 general election.

Moncivais and one of her supporters, Joey Lopez, filed complaints with Hidalgo County District Attorney Rene Guerra on Monday about city officials' actions during the voting and ballot counting.

Teresa Navarro, Hidalgo County elections administrator, with an order from Judge Aida Flores of the 398th district court, removed a box of mail-in and regular ballots. The materials will be examined as part of a criminal investigation, Navarro said.

An elections clerk and Hidalgo County Sheriff's deputy also participated in the seizure.

Throughout the runoff there have repeatedly been complaints called in to the elections division, Navarro said. The seizure Monday was triggered by several concerns.

"If there is just the slightest indication that an election is compromised," an investigation is warranted, Navarro said. "The city of Alamo has found itself in an unfortunate situation."

Last Thursday the election's presiding judge, who oversees voting, resigned after it was discovered he had authored and distributed a flier supporting Martinez.

Among the complaints issued by Moncivais were that early, mailed in, ballots may have been opened before official counting began and that Alamo Mayor Rudy Villarreal had access to parts of city hall where voting was taking place. Both Villarreal, who has openly supported Martinez, and Alamo City Secretary Margot Saenz have denied any wrong doing.

"On (Dec.) 5, 2003, while in the city secretary's office, I noticed an open early mail-in ballot, and when I questioned Margot Saenz about the open envelope, she informed me that the main man had delivered the said ballot open," Moncivais said in a sworn affidavit.

"As we were talking to her, one of the city's mail men, (Commissioner) Robert de la Garza, arrived at her office and I asked him if they had delivered any open main-in ballots. Mr. De la Garza then informed me that no mail-in ballots had been delivered open," the candidate's affidavit said.

General voting for the commission runoff was Dec. 6. Saenz did not immediately return a call for comment from [The Monitor](#) on Monday.

De la Garza was reelected to the city commission in November; four years ago



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he shared a campaign ticket with Villarreal and Martinez.

Some of the allegations focus on Villarreal's visit to city hall late Saturday afternoon as residents continued to vote and ballot counting had begun. The mayor and city secretary said he came in to fill out a Texas Municipal League conference registration form, which was already a day past the early registration deadline, and to check his mail.

Lopez said in his affidavit that he saw Villarreal in Saenz's office going over a list of Alamo residents that showed who had voted and that there were open mail-in ballots beneath the mayor's right arm. "When I questioned what he was doing, I was told by the city secretary, 'He's the mayor, he can be here if he wants to.'"

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

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

"If that's the biggest complaint they have got, they've got nothing. If there was anything going on I think I would have locked the door," Villarreal said.

Additionally, Villarreal's car was parked Saturday in the city hall's lot. Too close, Moncivais said, for the elected official.

When the concern was brought to Saenz, the city secretary went outside and moved the mayor's car.

"My complaint to her and the police was that she should have been inside the building overseeing the election and the mail-in ballots and not being the mayor's personal servant," Moncivais' affidavit states.

The mayor said Moncivais' complaints have more to do with the election's outcome than with anything he or Saenz are accused of doing.

"She's a sore loser, when you lose by that many votes," Villarreal said.

The investigation will be conducted by the District Attorney office and should be done quickly in about six weeks, Navarro said.

"The residents of Alamo deserve that," she said.

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



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

TN

By George Brown

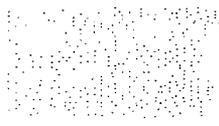
A judge threw out a court case over an election controversy Tuesday. But the man who filed the lawsuit still insists someone may have tampered with election results. John Willingham alleges fraud and uncounted votes. He was in court Tuesday asking a judge to force the election commission to turn over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

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

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

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

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



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Original URL: <http://www.jsonline.com/news/metro/dec05/375572.asp>

WI

No vote fraud plot found

Inquiry leads to isolated cases, Biskupic says

By **STEVE SCHULTZE**
sschultze@journalsentinel.com

Posted: Dec. 5, 2005

F.B.E.A.

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

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

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

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

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

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

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

The newspaper found similar problems elsewhere in the state.

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

Here is the breakdown of cases:

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

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

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

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

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

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

<http://www.jsonline.com/news/metro/dec05/375572.asp?format=print>

Voting Probe

Archived Coverage

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

 **Section:** State politics

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12/6/2005

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

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

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

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

Biskupic said recordkeeping problems have been rampant.

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

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

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

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

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

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

Partisan split

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

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

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

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

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

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

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

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

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

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

From the Dec. 6, 2005, editions of the Milwaukee Journal Sentinel
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December 17, 2000 Sunday TWO STAR EDITION

SECTION: TABS, Pg.2

LENGTH: 2881 words

HEADLINE: CHAPTER ONE;
THE CAMPAIGN BEGINS

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

BODY:

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

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

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

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

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

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

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

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

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

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

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

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CHAPTER ONE; THE CAMPAIGN BEGINS Pittsburgh Post-Gazette (Pennsylvania)

The campaign begins

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

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

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

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

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

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

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

The Iowa edge

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

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

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

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

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

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

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

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Bush won big.

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

Gore goes populist

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

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

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

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

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

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

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

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

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

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

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

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

Enter John McCain

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

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

opposition to abortion a litmus test for Supreme Court nominees.

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

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

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

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

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

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

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

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

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

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

Crack in the facade

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

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

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

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

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

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

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

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

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

CHAPTER ONE; THE CAMPAIGN BEGINS Pittsburgh Post-Gazette (Pennsylvania)

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

Bare knuckles show

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

South Carolina changed that. Things got rough fast.

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

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

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

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

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

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

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

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

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

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

NOTES:

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

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

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

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

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

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CHAPTER ONE; THE CAMPAIGN BEGINS Pittsburgh Post-Gazette (Pennsylvania)

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

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Ex-Legislator Accused Of Vote Fraud

Faces 7 Felony Counts Of Absentee Ballot Fraud

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By LYNNE TUOHY
Courant Staff Writer

August 12 2003

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

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

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

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

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

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

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

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

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

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08/15/2003 10:55 AM

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

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

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

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

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

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

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

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

Green said he was not surprised by the arrest.

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

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

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

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

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

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

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

Courant Staff Writer Oshrat Carmiel contributed to this story.

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Thursday, November 3, 2005

Voting rolls go unchecked in San Bernardino County

CA

By KATHLEEN STINSON

Staff Writer



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

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

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

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

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

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

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

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

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

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

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12/6/2005

Modbee.com

Man charged with vote fraud

CA

By ERIC STERN
BEE CAPITOL BUREAU

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

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

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

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

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

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

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

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

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

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

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

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

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

Bee Capitol Bureau reporter Eric Stern can be reached at 916-326-5544 or estern@modbee.com.

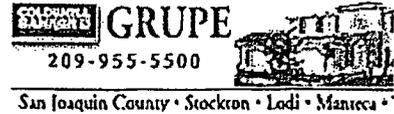
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Voter cards suspect

County thinks some registrations are fake

By David Siders
Record Staff Writer

Published Wednesday, March 24, 2004

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

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

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

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

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

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

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

::: Advertisement :::

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

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

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investigation into the registering of Republicans in San Joaquin County.

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

Felix declined to discuss the case.

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

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

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

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

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

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

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

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

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

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

"It just causes more work for us."

-- Deborah Hench,

San Joaquin County



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California Secretary of State Bill Jones

CA

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FOR IMMEDIATE RELEASE
Thursday, March 9, 2000

Contact: Shad Balch
Beth Miller

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

Couple Charged With Submitting Forged Voter Registration Cards

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

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

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

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

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

WH woman accused of voting fraud

FL

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

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

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

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

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

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

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

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March 11, 2004

Firefighter Arrested, Released for Illegally Voting

JW



VOTER FRAUD CHARGES

Ronny Douglas

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

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



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

Douglas faces perjury charges.

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029749



6 face voting-related charges

LA

By BRUCE SCHULTZ

Acadiana bureau

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

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

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

Block declined to comment.

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

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

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

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

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

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

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

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

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

Cedars said the cases will be vigorously prosecuted.

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

Click here to return to story:

http://www.2theadvocate.com/stories/121703/new_face001.shtml

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<<Back



MA

Voter fraud in Worcester City Council election being investigated

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

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

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

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

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

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

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K.F. Beg

029752



March 4, 2001

St. Louis Sees Specter of Vote Fraud

By B. DRUMMOND AYRES Jr.

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

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

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

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

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

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

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

Whatever the case, this much is certain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Reporter Jo Mannies:
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Wash. Times 04/19/01

MO

FBI advances Missouri voter fraud probe

By Jerry Seper
THE WASHINGTON TIMES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

N.Y. man fights illegal-voting conviction

The Boston Globe

Political activist seeks vindication as ruling nears

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

NY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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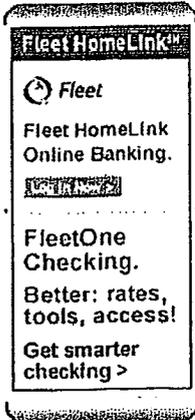


NY

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Fake Votes From Rikers?

Sources say bosses used inmate IDs



By Dan Janison
STAFF WRITER

June 23, 2003

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

U.S. Newswire
MediaLink Worldwide

1 hour, 52 minutes ago

To: State Desk

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

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

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

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

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

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

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

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PawtucketTimes.com

08/20/2005

Four local residents are charged with election fraud

Times Staff

RT

EAST PROVIDENCE – A father and son duo and a Seekonk husband and wife have been charged with election fraud stemming from last fall's primary race in East Providence, the state Attorney General's Office announced Friday.

C. Richard Costa, 77, of Bristol, his son Keith Costa, 45, of East Providence; and Antonio Arruda, 51 and Aida Arruda, 50, both of Seekonk, are accused of fraudulently casting or attempting to cast ballots in a voting district other than where they lived in the Sept. 14 East Providence Primary.

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

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

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

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

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

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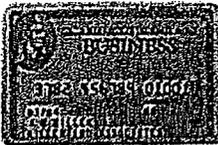
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Midwest News

Web posted Saturday, July 12, 2003

Voter Fraud Suspect Reaches Agreement

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

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

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

The agreement is expected be finalized in court next week.

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

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

Feb. 5, 2005, 11:55AM

TX

Vote fraud suspected in House District 137

Loser in primary suspected in bogus registration swaps

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

RESOURCES

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

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

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

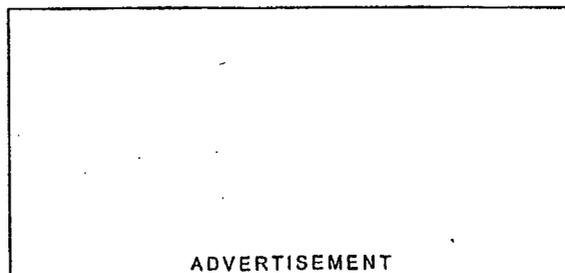
Bettencourt said he has given the district attorney information about at least 157 voters, and perhaps hundreds more, whose addresses were changed to make it look as if they were residents of District 137.

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

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

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

joe.stinebaker@chron.com



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Hamilton Co. Election Chief Suspects Fraud

December 18, 2002

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

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

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

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

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

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Home Tuesday November 5, 2002

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

Hidalgo County voting rolls will not be subpoenaed

By Andrea Hauser

The Monitor

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Original URL: <http://www.jsonline.com/news/metro/may05/325342.asp>

WI

Arrests sought in election fraud

2 accused of falsifying voter registration cards

By **DERRICK NUNNALLY** and **GREG J. BOROWSKI**
dnunnally@journalsentinel.com

Posted: May 11, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The charges are similar to those filed Wednesday by McCann.

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

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

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

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

From the May 12, 2005, editions of the Milwaukee Journal Sentinel
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WE

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WA

Voter to face fraud charges

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



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

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

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

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

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

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

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

Savage could not be reached for comment.

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Health district member faces vote-fraud charges

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

AZ

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

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

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

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

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

County officials declined comment Monday.

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

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

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

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

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

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

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

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No bail, no release in vote fraud

By Michael Baker

The Fresno Bee

Published 09/18/03 05:20:28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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*forged signatures
on petition CA*

029774

The Telegraph (GA) – Posted on Tue, Oct. 29, 2002

report
suspected
fraud

GA

U.S. Attorney staff to hear midstate voter complaints

By Debbie Rhyne
Telegraph Staff Writer

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

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

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

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

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

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

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

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

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

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Election board confronts rep for voting equipment

February 6, 2004

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

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

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

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

That may not be enough, Harmon said.

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

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

PN

Voting machine
not certified

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IN

Elections

State, federal officials launch anti-fraud effort

By Michele McNeil Solida

michele.mcneil.solida@indystar.com

October 30, 2002

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

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

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

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

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

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

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

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

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

Efforts to catch & deter voter fraud

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

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

*Protect Voters
Rights KS*

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

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

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

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

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

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

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

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

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

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

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

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

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

To reach John L. Peterson, who covers Kansas government and politics, call (785) 354-1388 or send e-mail to jpeterson@kcstar.com.

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

*Suspected
Fraud* *KY*

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

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

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

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

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

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

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

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HEADLINE: How Denying the Vote to Ex-Offenders Undermines Democracy

BYLINE: By BRENT STAPLES

BODY:

Pundits blame apathy for the decline in voter turnout that has become a fact of life in the United States in the last several decades. But not everyone who skips the polls on Election Day does so by choice. This November, for example, an estimated five million people — roughly 2.3 percent of the number of people eligible to vote — will be barred from voting by state laws that strip convicted felons of the franchise, often temporarily but sometimes for life.

These laws cast a permanent shadow over the poor minority communities where disenfranchised people typically live. Children grow up with the unfortunate example of neighbors, parents and grandparents who never vote and never engage in the political process, even superficially.

As a consequence, the struggling communities that need political leadership most of all are trapped within a posture of disengagement that deepens from one generation to the next.

While many things will need to change before the country can reinvigorate the electorate, doing away with postprison sanctions — the most punitive in the democratic world — has to be near the top of the list.

The case for doing so has recently been laid out in a deluge of lawsuits, reports and studies that document the corrosive effects of disenfranchisement on the civic life of this country.

The most startling of these studies, published by Christopher Uggen of the University of Minnesota and Jeff Manza at Northwestern University, shows that the number of people touched by these laws far exceeds the five or so million who have officially and directly lost the right to vote.

For starters, hundreds of thousands of people who are still eligible to vote will not do so this year because they will be locked up in local jails, awaiting processing or trials for minor offenses.

An even larger group of eligible voters, numbering perhaps in the millions, may stay away from the polls because they are confused by the law and mistakenly believe that they have lost the right to vote.

Republican operatives have deliberately used scare tactics with this group of voters — most of them Democrats — in the hope of keeping them home on Election Day. Taken together, the truly disenfranchised, who are actually barred from voting under the law, and the de facto disenfranchised, who don't vote because they are confused about the law, could account for 5 percent of the voting-age population.

A vast majority of the disenfranchised in this country would meet the qualifications for voting if they were citizens of Britain, France, Germany or Australia. Indeed, many nations value the franchise so much that they arrange for people to vote even from prison.

Why does America treat ex-felons so much worse than other democracies? Legal scholars attribute the problem to this country's difficulties with race.

In particular, they cite the racist backlash in the South during Reconstruction, when former slaveowners were forced to endure the sight of former slaves' lining up to vote at polling places and actually holding seats in state legislatures.

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How Denying the Vote to Ex-Offenders Undermines Democracy The New York T

Led by Mississippi, the Southern states eventually adopted a series of measures that wrote black citizens right out of the state constitutions. New statutes barred black Americans from the ballot box with poll taxes, literacy tests, grandfather clauses and laws that took the vote away from people who committed certain crimes.

The crimes were carefully selected so they would affect the maximum number of black Americans while exempting as many whites as possible. For example, new state laws sometimes disenfranchised people for petty theft, minor swindling and wife-beating — crimes that were more likely to be prosecuted among blacks — while omitting murder and robbery. The legislative intent relied heavily on the unequal enforcement of the law.

The disenfranchisement campaign swept black Americans from elected office and knocked them off the voting rolls. There were suddenly counties in the South where black people outnumbered their white neighbors by four to one but where not a single black name could be found on the voting rolls.

Black people who fled the South found that the states in the North had also begun to adopt disenfranchisement laws as their black populations grew.

This shameful legacy is plainly visible today in statistics showing that black people represent 40 percent of the disenfranchisement cases but only about 12 percent of the national population. The broader community, which was once indifferent to this problem, has begun to take notice since the states have embraced new sentencing policies that transform drug misdemeanors into felonies, driving up the prison population sevenfold, to an eye-popping 1.4 million today from a mere 200,000 in the 1970's.

With the population of ex-felons at more than 13 million and growing, the country has no choice but to revisit laws that strip people of the right to vote while permanently consigning them to the margins of society.

Neither Republicans nor Democrats are rushing to associate themselves with a campaign to restore the vote to former felons. The general public, however, understands clearly that the right to vote is a basic human right. Restoring voting rights to former felons would move the United States closer to its peers in the democratic world — and closer to its founding ideals. It would also drive a stake through one of the last relics of an ugly racist past.

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Justice cracks down on voter fraud

Audrey Hudson
THE WASHINGTON TIMES

Published 10/31/2002

Voter Fraud

The Justice Department has ordered investigations and close monitoring of polls this Election Day because of increased reports of voter fraud throughout the country.

Attorney General John Ashcroft has directed U.S. attorneys to appoint election officers to deter discrimination and voter fraud and to prosecute violators vigorously under the Voting Integrity Initiative.

"Our goal here is to work hand in hand with civil rights leaders and state and local election officials to prevent violations and bring offenders to justice," said Jorge Martinez, spokesman for the Justice Department.

Voter fraud has been reported this year in Arkansas, South Dakota, California, Louisiana, Nevada, Kentucky, Iowa, Arizona, Rhode Island, New York and Minnesota in federal and local elections.

One of the most bizarre cases occurred in the Minnesota town of Coates, population 163, where 94 voter registration forms had false addresses matching that of Jake's Strip Club. Patrons and dancers registered to vote to oust City Council members who had shut down the club, authorities said.

In Arkansas, Democrats said a former staffer hired two teenagers to recruit voters, but then used a phone book to register hundreds of unwary residents, including dead people and businesses.

Republicans say election fraud is rampant and county clerks often are not requiring identification.

Democrats say demand for identification amounts to harassment and that Republicans are intimidating voters.

"With Election Day a week away, we have already seen a disturbing number of incidents in which Republican operatives are working to chill voter turnout," said Terry McAuliffe, chairman of the Democratic National Committee.

Senate Majority Leader Tom Daschle said Republicans have targeted minority groups for intimidation. "In my state of South Dakota, we are now seeing a concerted Republican effort to make allegations and launch initiatives intended to suppress Native American voting," he said. "These efforts appear to be motivated more by partisan politics than a concern with clean elections."

Marc Racicot, chairman of the Republican National Committee, called the assertions by Mr. Daschle and Mr. McAuliffe "absurd and racially charged."

"They have set about to twist and pervert a normal and traditional effort to assure voter integrity, routinely undertaken by both parties, into something that would be outrageous and illegal if it were true," Mr. Racicot said.

In 25 South Dakota counties, state and federal officials are investigating suspected voter fraud and believe one Democratic operative is linked to 1,750 applications for absentee ballots. Becky Red Earth-Villeda was fired by the Democratic Party after the charges surfaced.

"A dead woman signed up twice to vote in two different counties — very active this woman," said Christine Iverson, spokeswoman for Republican Rep. John Thune, who is challenging Democratic Sen. Tim Johnson.

Justice Department officials Tuesday will monitor polls in Alabama, Arizona, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, West Virginia and Texas.

In other published reports of voter fraud:

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- A Louisiana parish (county) councilman is under investigation in a suspected vote-buying scheme and three other elected officials may be linked, Baton Rouge's the Advocate reported.
- FBI agents seized voter records from Nye County, Nev., offices to investigate suspected voter fraud.
- Two Republicans in California have been sentenced to four months in jail after pleading guilty to voter fraud for forging signatures, the Los Angeles Times reported.
- Iowa residents are receiving absentee ballots unsolicited in the mail.
- A Connecticut state representative who lost the Democratic primary last month was placed under investigation for supposedly helping seniors fill out absentee ballots in violation of state law, the Hartford Courant reported.
- The Oklahoma State Bureau of Investigation is examining suspected voter fraud in a Democratic race for Adair County commissioner.
- Three Arizona county officials have been indicted on charges of election fraud and helping illegal aliens to vote.
- In Rhode Island, Providence police are investigating a complaint by a senior citizen who said she was forced to turn over her ballot at a home for the elderly.
- In Texas, 16,000 dead or ineligible voters remain on the voting rolls, "creating an environment that is ripe for fraud and abuse," said Ted Royer, spokesman for the Texas Republican Party.

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029785

Salvato + Simpson · Dirty Little Secrets
TO
MKECJ

Vote Fraud: Back to the Future

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

—Attorney Albert Jordan

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

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

Vote Fraud

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

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

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

029786

America's Sordid History of Voting Fraud

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

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

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

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

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

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

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

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

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

The Philadelphia Story

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sweet Home Alabama: Southern Fried Voting Fraud

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

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

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

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

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

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

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

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

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

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

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

"EVERYBODY'S DOIN' IT": BIPARTISAN CORRUPTION

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

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

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

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

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

Vote Fraud

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

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

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

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

All in all, the Alabama electoral process does not seem likely to be included in the state's promotional brochures. Vote fraud seems to

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

California: The Golden State for Vote Fraud

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

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

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

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

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

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

Because California registrars have "a ministerial duty to accept a

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

The lamentable results of widespread registration solicitation are to be found all over California. In the city of Los Angeles, paid solicitors added over 4,000 fraudulent registrations just in 1992.⁵⁴ In Glendale, bounty hunters "found" 190 unregistered voters in a single apartment building, and signed them up (along with a dog)—even though many were apparently already registered.⁵⁵ Jailed felons have registered while incarcerated, and other new voters have illegally listed business addresses (including department stores) as their supposed place of abode.⁵⁶ Illegal and legal aliens are, without question, on the rolls in many areas. A single precinct in San Diego County was found to have 30 verifiable legal aliens out of just 313 registered voters.⁵⁷ Illegals voted in Fresno and Tulare County in November 1994;⁵⁸ and a prominent legal alien—a Mexican businessman and a publisher of a Spanish language newspaper—registered to vote in 1987, while in the United States on a tourist visa, and cast a ballot in both 1992 and 1994 despite his lack of American citizenship.⁵⁹ Even Mario Aburto Martinez, the Mexican citizen who assassinated the ruling party's 1994 presidential nominee Luis Donaldo Colosio in Tijuana, was a registered voter in San Pedro.⁶⁰

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

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

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

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

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

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

Of course, the ultimate form of absentee balloting is voting by the dead. Many years ago, if you planned to remain politically active once deceased, you had to arrange burial in Chicago or Louisiana. Now, apparently, California is an acceptable alternative. For example, in Alameda County a deceased woman's 1994 absentee ballot was cast—the registrar suspects that either her daughter or roommate did it,⁶⁷ and in San Francisco one Lazarus who had passed away twelve years earlier (in April 1982) came back to vote in 1994.⁶⁸

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

As if all this were not enough to malign California's unsecured electoral system, the record-keeping and vote certification are so sloppy that almost nothing adds up correctly. When the state's Fair Elections Foundation, a nonprofit watchdog group, examined the November 1994 returns from seven counties, the county registrars inexplicably reported totals that differed by many thousands from the vote totals certified by the California secretary of state.⁷¹ In Or-

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

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

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

Vote Fraud in Texas: The Wild, Wild Southwest

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

One region or another of Texas features almost every breed of

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

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

Moreover, Texas has an extraordinarily generous "early voting" system⁷⁹ that permits *anyone* age 65 or older, for instance, to use a mail-in ballot (the same kind of ballot as the absentee, except that senior citizens need not be away from home on Election Day or incapacitated to use it). Generally, as Texas examples will show, the more substitutes there are for in-person voting, and the more frequently they are used, the greater the opportunities for voter fraud. To make matters worse, Texas does not require mail-ins and absentee ballots to be accompanied by a witness or notary signature on the sealed envelope that actually contains the completed ballot.⁸⁰ Nor is even a full signature by the *voter* necessary on this envelope, even

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

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

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

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

Compared with some others, Taylor was well treated, and actually given a role—however inferior—in the requesting and casting

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

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

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

Election Fraud in Perspective

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

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

In contrast to the absence of the press, the alert reader has probably already noticed that Democrats feature prominently in almost all of the instances of voter fraud featured in this chapter. Before

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

Another hotbed of Republican vote fraud is rural southeastern Kentucky, where a sizable number of GOP local candidates, consultants, and precinct workers have recently been caught paying off voters to cast their absentee ballots "correctly," among other offenses.⁹³ Several decades later, the price of a vote was still reasonable—five dollars or a half-pint of whiskey—but by the 1980s and 1990s a combination of inflation and candidate competition had driven the per-vote cost to about \$50.⁹⁴ Despite the substantial increase, various local Republican politicians and their absentee-ballot "brokers"—frontmen who give people cash in exchange for their marked and signed absentees—were more than willing to pay the price.⁹⁵

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

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

Moreover, in some parts of the state, says Wright, "The patriarch or the matriarch of a very large family may commit the whole damn

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 10. VOTE FRAUD

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

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

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

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

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

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

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

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

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

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

15. See, for example, *Griffin v. Burns* (570 F.2d. 1065, 1st Cir. 1978), the case cited by the Third Circuit panel to justify remanding the case to the district court. In this case, Providence election officials distributed absentee ballots for a primary city council contest, although Rhode Island law only provides for absentee voting in general elections. The Rhode Island Supreme Court found the statutory omission precluded the use of absen-

tees in primary elections, decertified the primary victor, and ordered recertification based only on machine votes—which also changed the outcome of the election. However, the circuit court agreed with absentee voters' claims that the lower court ruling effectively disenfranchised them, vacated the order to certify on the basis of the machine count, and ordered a special election. Note, however, that the *Burns* case did not involve fraud per se, and the Third Circuit left Newcomer the option to certify Marks if he found the Republican would have been elected but for the wrongdoing.

16. See "Improper Ballots Turned Election," *Philadelphia Inquirer*, March 25, 1995, p. A1. The *Inquirer's* investigation, which required a massive effort, indicated that at least 540 absentee ballots cast for Stinson were tainted, a number that exceeded his margin of victory.
17. PA Stat. Tit. 25, 3146.1–3146.6 (1994).
18. Interview with Bruce Marks, July 18, 1995. In addition, several hundred rejected applications (some of which were for unregistered individuals, and some of which were simply fraudulent) were covertly returned to the Stinson campaign to prevent their discovery. These documents are public records, and should have been preserved for two years.
19. *Marks v. Stinson*, 1994 U.S. Dist. LEXIS 5273 p. 23.
20. *Ibid.*, p. 26. As noted above, Stinson had narrowly lost an election for a Philadelphia city council seat in a June 1991 Democratic primary. For a fuller account of Jones's recollections of his work for Stinson, see also Henry Goldman and Sergio Bustos, "Campaign Worker Says Stinson Ignored Warning on Ballots," *Philadelphia Inquirer*, February 8, 1994, p. A1. Stinson, on the other hand, challenged Jones's credibility and claimed that he deliberately maintained his ignorance of many details of his campaign, including the absentee ballot program. See Mark Fazlollah, "Stinson Said He Stayed Clear of Details," *Philadelphia Inquirer*, February 8, 1994, p. A1. Stinson's argument, however, contradicts the testimony of many of those who worked on his campaign; see Marc Duvoisin, "Absentee-ballot Quest Described as Obsessive; Aides Say Stinson Discussed It Frequently," *Philadelphia Inquirer*, March 13, 1994, p. A1.
- Ironically, Marks later recalled that Daniel McElhatton, Stinson's opponent in the 1991 city council primary, was one of the sources who suggested he investigate Stinson's use of absentee ballots: "I ran into [Daniel McElhatton] who had run against my opponent in a 1990 primary, . . . and he just recommended to me that I look into the absentee ballots" (interview with Bruce Marks, July 18, 1995).
21. *Marks v. Stinson*, p. 23.
22. *Ibid.* See also *Marks v. Stinson*, p. 31, where Judge Newcomer notes the scheme; Hispanic and black voters were also told "that the law had been

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- changed and there was a 'new way to vote' from the convenience of one's home."
23. For a more complete account, see "Voters Say Ballots Were Forged," *Philadelphia Inquirer*, November 21, 1993, p. A1; and John F. Dickerson, "Is This Seat Stolen? Angry Republicans Contend That Dirty Tricks at the Polls Tipped the Balance of Power in Pennsylvania," *Time*, February 7, 1994, p. 34.
 24. *Mark's v. Stinson*, p. 36.
 25. *Ibid.*, p. 39.
 26. One of the Democratic commissioners even gave an order to "stay out of it" to an elections board employee who ascertained that unregistered citizens had applied for absentee ballots and so informed the commissioner.
 27. *Mark's v. Stinson*, p. 55.
 28. Interview with Jack Connors, July 18, 1995.
 29. *Mark's v. Stinson*, p. 47.
 30. Office of Alabama Secretary of State, Elections Division. As was the case with the Philadelphia story, where party control of the Pennsylvania state senate was at stake, the significance of the Alabama election was tied to a larger issue current in the state at the time. Tort reform, which gained national prominence in the Republican Party's "Contract with America," is an especially significant issue in Alabama, as in many states where judges are elected. Plaintiff trial lawyers categorically oppose regulatory efforts to limit jury awards for punitive damages and pain and suffering in civil liability suits. Alabama is distinguished by the large dollar amounts that juries award to plaintiffs, and by the fact that the state appeals courts, including the Supreme Court, often maintain the amounts set by juries. Hornsby is the past president of the Alabama Trial Lawyers Association and is critical of tort reform. Hooper and the Alabama Business Council are outspoken proponents of reforming tort award limits. The Hornsby-Hooper race is therefore symbolic of the wider issue.
 31. The United States Court of Appeals for the 11th Circuit requested that the state Supreme Court clarify the status of the 1,700 absentee ballots under Alabama electoral law prior to ruling on the merits of Hooper's supporters' claims. A five-judge panel of the state Supreme Court (not including Hornsby), all Democrats, ruled on March 15, 1995, that by Alabama Code 17-10-7, the ballots were in substantial compliance with Alabama electoral law and should be counted despite the fact that the affidavits attached to the ballots were not notarized or witnessed by two individuals, as required. This ruling would place their colleague Hornsby back on the bench. The circuit court is currently considering the panel's opinion, and as Hooper noted, "This isn't even close to being over." (See

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- Ronald Smothers, "Court Orders Votes Counted in Alabama," *New York Times*, March 16, 1995, p. A23.) However, in September 1995 a U.S. district court judge in Mobile threw out the disputed absentee ballots, and the U.S. Court of Appeals then upheld the judge's decision, thereby clearing the way for Hooper's swearing-in, at long last. (See "Chief Justice Takes Office in Alabama," *New York Times*, October 22, 1995, p. A25.)
32. Affidavit of Paul J. Harrington, November 20, 1994. All affidavits cited in this section are public record, and were submitted as documentation for *Larry Roe et al. v. Mobile County Appointing Board et al.* (Civil Action 94-885-AH-S).
 33. Affidavit of Paul J. Harrington, November 20, 1994.
 34. Affidavit of Pam Montgomery, November 11, 1994.
 35. Affidavit of H. O. Kirksey, November 21, 1994.
 36. Affidavit of Anthony J. Keith, November 14, 1994. See also affidavit of Juanita Crawford, November 1994.
 37. Affidavit of Jacquelyn Gandy, November 22, 1994.
 38. Testimony of Helen Watts, from transcript of Civil Action 94-885-AH-S, *Larry Roe et al. v. Mobile County Appointing Board et al.* (preliminary injunction hearing before Judge Alex Howard [U.S. District Court, Southern District of Alabama]), pp. 122-28.
 39. *Ibid.*
 40. Affidavit of John Russell Campbell, November 15, 1995.
 41. *Ibid.* See also affidavit of John Modris Grods, November 14, 1994.
 42. Testimonies of William Moulton and Murphy Gewin, from transcript of Civil Action 94-885-AH-S, *Larry Roe et al. v. Mobile County Appointing Board, et al.* (request for temporary restraining order before Judge Alex Howard [U.S. District Court, Southern District of Alabama]), pp. 48-63 and 109-11.
 43. Affidavit of John Russell Campbell, November 15, 1994.
 44. Telephone interview with Dan Warren, July 20, 1995. Warren is a member of the Board of Registrars.
 45. Telephone interview with attorney Albert Jordan (of Wallace, Jordan, Ratliff, Byers, & Brandt), March 27, 1995.
 46. See Doug Haaland and Doug Swordstrom, "A Report on Election Law Irregularities: California 16th Senate District," personally published report, January 27, 1995, p. 8.
 47. See "Report of the Fair Elections Foundation (II)" (Costa Mesa, Calif.: self-published, winter 1995), pp. 34-48.
 48. See "Report of the 1995 Elections Summit" (Sacramento, Calif.: Office of the California Secretary of State, April 18, 1995), pp. 11-14. Karen Saranita, of the nonpartisan watchdog group Fair Elections Foundation, estimated that the deadwood clogging the registration rolls was in the

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

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

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

- Paying for Elections: The Campaign Finance Thicket* (New York: Priority Press, 1989), pp. 19-24.
74. Texas election law permits "election officers, watchers, or any other person lawfully in the polling place" to challenge any voter's eligibility, including absence from registration rolls. Following the challenge, the voter is given the opportunity to rebut the reasons given by executing an "affidavit that states the facts necessary to support the voter's eligibility to vote." If such an affidavit is produced, the voter may proceed to vote and his or her ballot is not separated from those of unchallenged voters. If the voter refuses to execute the affidavit, he or she is simply not permitted to vote. See Tex. Elec. Code Ann. 63.010 (West, 1994).
75. See Alan Bernstein, "Thousands Voted in 1992 Sans Registration," *Houston Chronicle*, October 24, 1994, p. A1. The total voter turnout in Harris County (including the 6,707 ineligible persons) in November of 1992 was 958,234.
76. Note that 5,277 registrations had expired, and 143 were living in another county.
77. As Alan Bernstein of the *Houston Chronicle* explained it to us in a telephone interview on April 20, 1995, "The registrar's office took [the 6,707 illegal cases in Harris County] en masse to the district attorney's office, who took them to a grand jury, and the grand jury said, 'To hell with that, we have got [serious crimes] going on to worry about.'"
78. See Selwyn Crawford, "Vote Fraud Allegations are Probed; Registration of 3,000 in Tarrant Doubted," *Dallas Morning News*, May 27, 1993, p. A33.
79. Early voting is available to all voters twenty days before Election Day, although most voters must appear at a designated polling site in person. Exceptions are made for certain individuals and groups, such as the elderly; this is explained in the text following. In 1992, over 40 percent of the registered voters cast an early ballot in some of Texas's most populous counties. See Edwina Rogers, "Election Daze: Is Early Voting Coming to a State Near You?" *Campaigns and Elections* 15 (September, 1994): 36-37.
80. The signature of a witness is required on the mail-in-ballot application and the certification on the carrier envelope only if another signs for the voter, perhaps if he or she is illiterate or otherwise incapacitated. See Tex. Elec. Code Ann. § 87.041.(b)(2) (West, 1994).
81. See Kevin Moran and Bob Sablatura, "Mail-in Fraud Allegations Probed," *Houston Chronicle*, October 5, 1994, p. A1.
82. Press release, Office of the Criminal District Attorney, Galveston County, Texas, December 20, 1994, pp. 1-3.
83. For example, the campaign of U.S. Representative Craig Washington of Houston made five separate payments in February and March 1994 total-

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

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

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

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

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

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

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

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

NOTES TO CHAPTER 11

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

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

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

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

For a fuller account, see Bob Woodward and Carl Bernstein, *The Final Days* (New York: Simon and Schuster, 1976), p. 89; and Mercer Cross and Elder Witt (eds.), *Watergate: Chronology of a Crisis* (Washington, D.C.: Congressional Quarterly, 1975), pp. 151–53.

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moderate measures such as the ones we suggest are not possible or successful, the more drastic remedies may have to be tried in some form.¹⁸

Legal niceties are not likely to temper all boiler-room telephone operations, so it would be helpful if each major state and local news organization established and publicized a toll-free "campaign corruption hotline" telephone number for citizens to use during the final month of election campaigns. It is far easier to piece together the story of corrupt practices while the phones are still warm than after Election Day, when the boiler-rooms have been dismantled. As we will discuss shortly, these hotlines can do double-duty, allowing citizens to report their suspicions of voter fraud as well.

Vote Fraud

Philadelphia, Alabama, California, and Texas make it obvious that the solutions required for voter fraud must necessarily be adapted to each locality's culture and practice. But one imperative unites all the cases: while registration and voting should be as easy as possible, the process ought also to be as fraud-proof as possible.

With the enactment of the federal "motor-voter" law in May 1993, ease of registration was guaranteed.¹⁹ The major provisions of the legislation required states to permit people to register when applying for a driver's license or using other governmental offices that provide public assistance.²⁰ Few would argue with the intent of this aggressive approach to increasing America's abysmally low levels of registration and voter turnout.

However, some aspects of the motor-voter law also augment the potential for fraud. Registration by mail is mandated for every state; thus, the safeguards that can be present during in-person registration (such as the showing of picture identification cards) are removed. Workers at governmental offices are forbidden from challenging any registrant, even if they have good reason to suspect an individual is ineligible to vote. Under the motor-voter law, it has become more difficult to keep the voting rolls clean of "deadwood" voters who have moved or died, making fraudulent voting easier and therefore more tempting for those so inclined.²¹ A "fail-safe"

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provision in the law also permits voters who have moved within the same county and congressional district to vote at either their old or new address—potentially inviting “extra-diligent” citizens (or their unknown substitutes) to cast a ballot at both locations.²²

Motor-voter is not the only new wrinkle in the election process that could complicate the system’s integrity. In its December 1995 party primaries and January 1996 special election for the U.S. Senate held to fill the unexpired term of the disgraced Robert Packwood, Oregon became the first state to hold a congressional contest entirely by mail. Ballots were mailed to registered voters about three weeks before both the primaries and general election, with citizens able to return them by mail or drop them off at designated sites in each locality up until the technical “election day.” Officials went to considerable lengths to prevent fraud, including checking every single ballot signature against the registration card original. A progressive state with a history of clean elections, Oregon was not a likely site for voting irregularities in any event. But it is easy to imagine the potential for electoral mischief in states with less squeaky-clean traditions or careful procedures. Mail-in-balloting—which by definition includes everyone on the registration rolls, rather than the fraction voting by mail absentee in regular elections—exponentially increases the chances for fraud.

Add these ingredients to the already boiling pot of fraud in parts of America, and the cooling balm of reform becomes absolutely essential. So what can reasonably be done to minimize, if not eliminate, voter fraud? No system is absolutely foolproof, but one long-term solution made possible by advanced technology stands out from all others: the use of thumbprint scanners to record and identify each voter.²³ At the time of registration, an individual’s thumbprint—unique to every human being—could be scanned by this reliable machine (which is already used at motor vehicle offices in some states). If registration is being done by mail, a print-sensitive adhesive square (covered by a thin removable plastic sheet) can be affixed to the form for the same purpose. The print information would be digitized and stored statewide, and transferred regularly to each locality so that registered citizens can be instantaneously scanned and cleared to vote at their precinct on Election Day. The same thumbprint technology can also make safe the absentee and

early-voting/mail-in ballot process; in addition to the identification requirements, every absentee ballot should be sealed with a thumbprint for secure counting.

Obviously, before this high-tech investment in the scanner hardware and software, the conversion from the current system will be a costly election in a democracy is a stoppage of the polling place ought to be the goal every

Until that objective is reached, other methods ought to be produced by each voter at the polling place. IDs can certainly be manufactured, but it would cost too much money to do so by any organization attempting to prevent a number of fraudulent votes. Second, voter registration to give a number unique to each voter, a driver’s license number—the voter list provided each precinct’s workers should have to sign his name on the voter list, and the signature can be compared to the one on the voter list to see if they match up.²⁵ This comparison is only in the event the results of a close election are in doubt, though again, the computer technology for comparing signatures (by continuously scrolling, side by side, the poll signature against the voter signature).²⁶ Finally, all potential voters should be required to sign a statement at the polls, whether orally by an elections official or in writing, of the eligibility requirements and the absence of ties for fraudulent voting.²⁷ (A similar voter list requirement is currently featured on all absentee and early-voting ballots. These four overlapping safeguards are not new, but they would go a long way toward reducing voter fraud at the precinct stations on Election Day.)

Many other commonsense remedies can be used to neutralize voter fraud, all of which should be used in conjunction with the early-voting/mail-in and absentee ballot process. No early-voting/mail-in and absentee ballot should be removed from its cover sheet and counted until it has been carefully checked against the registration card. The envelope containing the marked absentee ballot should be sealed with a thumbprint for secure counting.

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permits voters who have moved within the electoral district to vote at either their old or new address, writing "extra-diligent" citizens for their extra ballot at both locations.²²

Another new wrinkle in the election process is the use of a voter's signature to verify the system's integrity. In its December 1995 special election for the U.S. Senate term of the disgraced Robert Packwood, Oregon was the first state to hold a congressional contest by mail to registered voters about three weeks before the state's primary and general election, with citizens dropping them off at designated sites in their precincts on the official "election day." Officials went to great lengths to prevent voter fraud, including checking every signature against the voter registration card original. A progressive step for a state that has had many mail elections, Oregon was not a likely candidate for voter fraud. But it is easy to imagine the same thing happening in states with less squeaky-clean traditions.

Mail-in-balloting—which by definition is a voter registration roll, rather than the traditional voter list used in regular elections—exponentially

increases the already boiling pot of fraud in parts of the country. The implementation of reform becomes absolutely essential to be done to minimize, if not eliminate, voter fraud. It is absolutely foolproof, but one that is made possible by advanced technology stands in the way. The use of thumbprint scanners to record and verify voter registration, an individual's signature (which any human being—could be scanned by a scanner already used at motor vehicle offices) and the use of a print-sensitive ballot (being done by mail, a print-sensitive ballot on a thin removable plastic sheet) can be used to verify voter registration for its purpose. The print information can be scanned statewide, and transferred regularly to a central database. Registered citizens can be instantaneously verified against their precinct on Election Day. The use of a scanner can also make safe the absentee and

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early-voting/mail-in ballot process; in addition to current certification requirements, every absentee and early-voting/mail-in ballot should be sealed with a thumb imprint that can be scanned before counting.

Obviously, before this high-tech vision comes to pass, financial investment in the scanner hardware and a lengthy transition period to convert from the current system will be required. But since the most costly election in a democracy is a stolen one, the scanner-secured polling place ought to be the goal everywhere.

Until that objective is reached, other measures should be instituted. At the very least, a photo identification card (of any sort) ought to be produced by each voter at the polls. While phony photo IDs can certainly be manufactured, it takes time, trouble, and money to do so by any organization attempting to generate a sizable number of fraudulent votes. Second, voters should also be asked at registration to give a number unique to them—a social security number, a driver's license number—that can be prerecorded on the voter list provided each precinct's workers.²⁴ Third, every voter should have to sign his name on the voting roll at the polls, so that the signature can be compared to the one on the registration form to see if they match up.²⁵ This comparison would probably be made only in the event the results of a close election were challenged (although again, the computer technology already exists for instantaneously scrolling, side by side, the poll signature and the registration signature).²⁶ Finally, all potential voters ought to be advised at the polls, whether orally by an elections official or by means of a printed statement, of the eligibility requirements for voting and the penalties for fraudulent voting.²⁷ (A similar warning should be prominently featured on all absentee and early-voting/mail-in ballots.) These four overlapping safeguards are not too burdensome for voters or pollworkers, but they would go a long way toward discouraging fraud at the precinct stations on Election Day.

Many other commonsense remedies are also available to help neutralize voter fraud, all of which should be universally employed. No early-voting/mail-in and absentee ballot should ever be separated from its cover sheet and counted until the voter's signature has been carefully checked against the registration file signature. Every envelope containing the marked absentee or early-voting/mail-in

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ballot should also be signed by an adult witness whose address should also be listed. (Ideally, these ballots would be notarized, but this involves too much trouble and expense.) And full signatures ought to be written; the Texas "mark" is clearly unacceptable. Also, the number of absentee ballots mailed to a single address should not exceed the number of voters registered at that address. It might also be a good idea to require that an absentee ballot be mailed to the voter's official registration address and no other, unless the voter swears that he will be absent from his locality for the entire duration of the absentee voting period. Every state should have a meticulously maintained, centralized list of registered voters that is frequently purged of duplicate registrations, the deceased, those who have moved out of the district and out of the state, felons, and legal or illegal aliens. (The vital statistics offices, corrections departments, post offices, and other appropriate government agencies should provide this information to each state's elections board at least twice a year.)¹⁹ If, as in Texas, voters are permitted to vote without record of registration—a dubious practice—then at least the ballots ought to be cast provisionally, segregated from the clearly legal ones until their status can be determined. Election laws should always provide stiff penalties for candidates or campaign workers who remain present while a voter casts an absentee ballot. While the outright banning of paid voter registration solicitors is constitutionally untenable, states can eliminate per-person payments to these bounty hunters (thus taking away some of the incentive to register ineligible individuals and animals). States also can and should require regular disclosure filings by all such solicitation groups; the disclosures might include the names and addresses of both the persons employed and the individuals registered. Lastly, the ballots need to be counted in the full view of all interested parties, then professionally secured, sealed, and stored. And any precinct showing a substantial discrepancy between the voter sign-up total and the actual tally of ballots needs to be visited within a day of the election by supervisory officials. Surely, all this is not too much to ask as we prepare to enter the twenty-first century.

These regulations, even if followed to the letter, will be insufficient if (1) registrars and elections offices are not staffed and funded adequately; (2) the statutes do not punish fraud severely—major felonies are required, not minor misdemeanors; (3) law enforcement

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authorities do not make voter fraudulent legal penalties against the statutes; and (4) the news media do not voter fraud—a probable prerequisite step would be for every news organization a "campaign corruption hotline," meet the media's exposing push-polling.

We believe that these reforms will be corrupt practices that have been our book. But we have more fundamental operation of the country's political and the targeted remedies do not address must necessarily be greater than the reforms.

This is usually the point at which idealistic idealists call for the creation of United States, or rigid term limits for year terms for the House of Representatives of congressional elections. But in our view (for now) impractical pipe dreams, unparliamentary system's unitary executive centuries of American tradition, and the elite movement to undertake such a difficult many good arguments against legislation swayed by their proponents, including that limits on legislative tenure bring staffers, bureaucrats, and the executive terms for the House, with elections coincident, eliminate useful midterm court. And while we favor certain forms of political mailings for congressional challengers, political contributions, there is enormous the electorate to initiating full taxpayer campaigns in an era of large budget mental services.

We prefer more realistic macro-remedies the next section.

By an adult witness whose address these ballots would be notarized, but (2) the cost of such a procedure is too high and expense.) And full signatures, or a "mark" is clearly unacceptable. Also, ballots should be mailed to a single address should not be mailed to that address. It might also be possible for an absentee ballot to be mailed to the voter's home and no other, unless the voter is away from his locality for the entire duration of the election. Every state should have a meticulous list of registered voters that is updated regularly, including those who have moved out of the state, felons, and legal residents. State offices, corrections departments, and other government agencies should provide voters with information about their rights at least twice a year. Absentee ballots should be permitted to vote without record of a previous vote—then at least the ballots ought to be kept separate from the clearly legal ones until the election. Election laws should always provide for the use of absentee ballots by campaign workers who remain present at the polls. While the outright use of money to solicit voters is constitutionally unacceptable, the use of in-person payments to these bounties is also an incentive to register ineligible voters. State and local election officials also can and should require registration of all solicitation groups; the disclosures of names and addresses of both the persons employed by the group and the interested parties, then professionally audited. Any precinct showing a substantial discrepancy between the registration-up total and the actual tally of votes on the day of the election by supervisory staff should be subject to much to ask as we prepare to enter the next election. If allowed to the letter, will be insufficient. If the election offices are not staffed and funded adequately, they will not punish fraud severely—major offenses are misdemeanors; (3) law enforcement

authorities do not make voter fraud a priority and press for substantial legal penalties against those found violating the fraud statutes; and (4) the news media do not begin to look for evidence of voter fraud—a probable prerequisite to their finding it. A good first step would be for every news organization to establish and publicize a "campaign corruption hotline," mentioned earlier in the context of the media's exposing push-polling.

We believe that these reforms will help to counteract the individual corrupt practices that have been our focus in the chapters of this book. But we have more fundamental concerns about the current operation of the country's political and governmental system that the targeted remedies do not address. The big-picture reform plan must necessarily be greater than the sum of the specific targeted reforms.

This is usually the point at which our fellow academic or journalistic idealists call for the creation of a parliamentary system in the United States, or rigid term limits for all elected officials, or four-year terms for the House of Representatives, or full public financing of congressional elections. But in our view, these solutions are either (for now) impractical pipe dreams, unwise alternatives, or both. The parliamentary system's unitary executive-legislature is alien to two centuries of American tradition, and there is no serious popular or elite movement to undertake such a drastic change. In our opinion, many good arguments against legislative term limits remain unanswered by their proponents, including the inevitable power shifts that limits on legislative tenure bring to lobbyists, experienced staffers, bureaucrats, and the executive branch generally. Four-year terms for the House, with elections coinciding with the one for president, eliminate useful midterm course corrections by the voters. And while we favor certain forms of public financing, such as free mailings for congressional challengers and tax credits for small political contributions, there is enormous opposition in Congress and the electorate to initiating full taxpayer funding of House and Senate campaigns in an era of large budget deficits and cuts in governmental services.

We prefer more realistic macro-remedies that will be explained in the next section.

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4. All those who study the tenets of party-responsible government inevitably return to the landmark report of the Committee on Political Parties of the American Political Science Association (APSA), *Toward a More Responsible Two-Party System* (New York: Rinehart, 1950). Essentially, this APSA Committee urged the parties to be more issue-oriented by offering the voters clear policy choices at election time, then following up once in power to see that these policies were enacted.
5. See "No More Cash in New Jersey," *Political Finance and Lobby Reporter* 15 (February 9, 1994): 8. See also Bruno Tedeschi, "Pascarella Paid Out \$14,360 in Street Money, by Check," *Bergen Record*, June 1, 1994, p. C1. This latter story reports that the new check requirement worked well in its first test. See also the well-written New Jersey statute, C.19:44A-11.
6. Lists of subcontractors should be appended to all campaign finance disclosure filings sent to the appropriate federal and/or state election commissions as currently scheduled.
7. 18 USC § 597.
8. In addition to our own examination of this issue, a 1982 study convincingly demonstrated the political utility of the frank. See Albert D. Cover and Bruce S. Brumberg, "Baby Books and Ballots: The Impact of Congressional Mail on Constituent Opinion," *American Political Science Review* 76 (June 1982): p. 347.
9. While Republicans limited mailings in the ninety days before an election and trimmed the budget somewhat, we do not count these reforms as the major surgery that is required.
10. We believe the major party candidate should be entitled to one or two mass mailings for the general election, and only independent candidates who received (or whose party received) at least 10 percent of the vote in at least one of the previous three general elections should be eligible for the same privilege.
11. Former Senator Howard Cannon (Democrat of Nevada) and Representative William Clay (Democrat of Missouri) were both the subject of private civil suits alleging misuse of staff. Clay lost the suit, Cannon won.
12. Interview with Thomas Guterbock, director of the University of Virginia Survey Research Center, February 10, 1995. The National Council on Public Polls issued a statement in May 1995 calling push-polling "thoroughly unethical." See "Beware of Push-Polls," Press Release of the National Council, May 22, 1995.
13. Many respondents hang up before a survey is completed. Pollsters should not be required to recontact them to reveal sponsorship.
14. Pollsters should *not* be required to ask all respondents whether they would like a copy of the questions. This must be initiated and volunteered by the respondent.
15. The Supreme Court ruled in an anonymous political pamphlet that mandatory disclosure was a close reading of the justices' opinions indicates that it is unlikely that beyond this narrow exception for ads, radio spots, and—one we suspect would all probably pass the *Elections Commission*, 61 LW 4.
16. Respondents who request sponsoring the interview can be told it.
17. Two members of Congress, U.S. Representative (Republican of Wisconsin) and California Senator are among those urging strong disclosure, while Petri wants questionnaires, filed with the F.
18. In addition to the general remedy there may be two specific legal claims. In 1994, Congress enacted the Telephone Consumer Protection Act (P.L. 103-198) which prohibited in 1994 USCAAN §108 S. This Act limits commercial telemarketers. The Federal Communications Commission to enact rules that require consent that telemarketers may not make phone calls that are abusive of such consumer's rights during hours of the day and night when they are not intended to consumers" (sec. 3(a)(3)(A)-(B) apply to push-polling, and they do not significantly affect the ability of strict candidates' ability to disseminate information. prevent the worst abuses, such as chapter 9.

Moreover, some affected candidates may have a tort legal claim of defamation against the telephoner (if the telephoner is identified). In order to succeed in a claim for defamation against the maker of the statement, the party must prove that the statement is false and is defamatory. (*Prosser*, 4th ed., Minn.: West Publishing, 1984), pp. 10-11. For action for slander (verbal statements), actual damage

15. The Supreme Court ruled in a recent Ohio case on April 19, 1995, that anonymous political pamphleteering was protected free speech, and that mandatory disclosure was a violation of the First Amendment. But a close reading of the justices' varying opinions in this fractious 5-4 ruling indicates that it is unlikely that the anonymity privilege will be expanded beyond this narrow exception. Required sponsorship disclosure for TV ads, radio spots, and—one would presume—telephone persuasion messages would all probably pass constitutional muster. See *McIntyre v. Ohio Election Commission*, 61 LW 4279.
16. Respondents who request sponsorship information at the start of or during the interview can be told it will be revealed at the end.
17. Two members of Congress, U.S. Representatives Thomas E. Petri (Republican of Wisconsin) and Carolyn Maloney (Democrat of New York), are among those urging strong action. Maloney favors pollster sponsorship disclosure, while Petri wants political poll information, including the questionnaires, filed with the FEC.
18. In addition to the general remedies for push-polling that we discuss here, there may be two specific legal remedies that can be applied. First, in 1994, Congress enacted the Telemarketing and Consumer Fraud and Abuse Prevention Act (P.L. 103-297, 103d Cong., 2d Sess., 1994, published in 1994 USCAAN [108 Stat.] 1545 [1994]). Designed primarily to limit commercial telemarketers, the law instructs the Federal Trade Commission to enact rules that include, among other things, "a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls that the reasonable consumer would consider coercive or abusive of such consumer's right to privacy," and "restrictions on the hours of the day and night when unsolicited telephone calls can be made to consumers" (sec. 3(a)(3)(A)-(B)). These restrictions presumably would apply to push-polling, and they ought to be upheld by the court because they do not significantly affect the content of the polling, or unduly restrict candidates' ability to disseminate their message. Such rules should prevent the worst abuses, such as the midnight phone calls discussed in chapter 9.

Moreover, some affected candidates may be able to pursue a successful tort legal claim of defamation against push-poll telemarketers (assuming the telephoners are identified). In order to establish any private tort claim for defamation against the maker of a statement, the allegedly defamed party must prove that the statement has been disseminated to a third party and is defamatory (*Prosser and Keeton on Torts*, 5th ed. [St. Paul, Minn.: West Publishing, 1984], pp. 797-802.) In order to establish a cause for action for slander (verbal statements, as opposed to libel, involving written statements), actual damages must be proven, except in the case of

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a few narrow classes of cases. Among those exceptions, however, are statements "affecting the plaintiff in his business, trade, profession, office or calling."

Under the standard of *New York Times v. Sullivan* (376 U.S. 254 [1964]), any defamatory statements made about public officials relating to their conduct in office must be made with "actual malice" for there to be any knowledge of its falsity or reckless disregard in determining its truth: as "actual malice" has been applied in the case law, it has proved an exceedingly difficult threshold to cross. For political candidates, the courts seem willing to find a valid claim for defamation in only the most egregious cases and would require outright lies, and not simply innuendo or twisting or misrepresentation of the facts.

19. The act was officially termed the "National Voter Registration Act of 1993" (Public Law 103-31, 103d Cong., 1st sess., May 20, 1993). See Richard Sammon, "Senate Kills Filibuster Threat, Clears 'Motor-Voter' Bill," *Congressional Quarterly Weekly* 51 (May 15, 1993): 1221.
20. Besides the motor vehicle agencies, these offices include those providing food stamps, Aid to Families with Dependent Children (AFDC), the Women, Infants, and Children (WIC) food program, disabilities assistance, armed forces recruitment, and the like.
21. Under the provisions of the motor-voter law, states are prohibited from purging eligible voters from the registration rolls for federal elections because of the person's failure to vote (P.L. 103-31 § 8[b](2)). Thus, the primary tool traditionally used by registrars to remove "deadwood" voters has been stripped away for federal elections. This is in spite of recent research indicating that the antipurging provisions of the motor-voter law may be among the least useful in increasing voter registration. See Stephen Knack, "Does 'Motor-Voter' Work? Evidence from State-Level Data," *Journal of Politics*, 57 (August 1995): 796-811 at 804-5.

States may remove deceased registrants (§ 8 [a] [3] [B]), as well as those ineligible under state law because of criminal conviction or mental incapacity (§ 8 [a] [3] [B]). Voters may also be removed at their own request.

However, in order to remove voters who have moved from the jurisdiction, registration officials now must follow an exceedingly complicated notice procedure. After receiving changes of address information from the post office, the registrar must send the voter by forwardable mail a notice including a postage prepaid, preaddressed return card for the voter to confirm his new address. (If the voter has moved out of the jurisdiction, he must be told how to remain eligible). Any voter not returning the card still must be permitted to vote at either his past or present address (upon discretion of state officials) provided he makes an oral or written verification of his new address (8 [a]). Voters who have moved from the registration area may only be stricken from the rolls if they (1) confirm

their new address in writing or their new address and fail to vote in elections. In the latter case, ap from the time of a voter's relo

As one commentator notes caused acrimony and confusion Louisiana, Michigan, Mississippi were sued by the Justice Department for non-compliance with the act. All states eventually agreed to comply with the act. All states eventually agreed to comply with the act. All states eventually agreed to comply with the act.

In California, Governor P. agencies from complying with the act. Government agreed to put up the cost \$1 million per year in one Looming as State Snubs 'Motor-Voter' (Member 4, 1995, p. A1; and Gary Million a Year," *Sacramento* fought harder than Pennsylvania institutional because the states—ulate voter registration. Federal court found this argument on March 30, 1995-3055 [E.D. Pa., March 30, Claim, Motor-Voter Law v. Pennsylvania, April 10, 1995, p. 3].

Meanwhile, Pennsylvania's federal law caused conflict for option in early 1995 of purging state law by refusing to purge 60,000 Back as Voters (p. B1, and Bob Laylo, "Federal Rolls," *Allentown Morning Call* continues, because as of May motor-voter provisions for federal nonfederal elections. Thus a elections but remain eligible Byzantine consequences are mind with the motor-voter act

22. See "Report of the 1995 Electi

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their new address in writing via the reply card, or (2) they do not confirm their new address and fail to appear to vote for two federal general elections. In the latter case, approximately four to five years could elapse from the time of a voter's relocation to the removal of his or her name.

As one commentator noted, "The provisions of the federal law have caused acrimony and confusion in many states. Six states—California, Louisiana, Michigan, Mississippi, Pennsylvania, and South Carolina—were sued by the Justice Department and voter-advocacy groups to force compliance with the act. All of these states had failed to pass corrective legislation to bring their voting regulations into compliance with the federal law." (See Ann Scott Tyson, "Illinois Court Drives Motor-Voter Debate," *Christian Science Monitor*, May 8, 1995, p. 3.) Federal judges in several states sided with the federal government, and all of the renegade states eventually agreed to comply.

In California, Governor Pete Wilson issued an order forbidding state agencies from complying with the act's provisions until the federal government agreed to put up the money to pay for the changes, estimated to cost \$1 million per year in one county alone. (See Brad Hayward, "Battle Looming as State Snubs 'Motor-Voter' Law," *Sacramento Bee*, December 4, 1995, p. A1; and Gary Pitzer, "Voter Law Could Cost County \$1 Million a Year," *Sacramento Bee*, November 117, 1994, p. N1.) None fought harder than Pennsylvania, which claimed that the act was unconstitutional because the states—and not Congress—have the power to regulate voter registration. Federal Judge Ronald L. Buckwalter rejected this argument on March 30, 1995, becoming the third federal judge to find the act constitutional. (See *U.S. v. Pennsylvania*, PICS Case No. 95-3055 [E.D. Pa., March 30, 1995]; "Pennsylvania Loses Constitutional Claim, Motor-Voter Law Held Valid," *Pennsylvania Law Weekly*, April 10, 1995, p. 3.)

Meanwhile, Pennsylvania's failure to conform its voting regulations to federal law caused conflict for county registrars, who were left with the option in early 1995 of purging voters in violation of federal law, or violating state law by refusing to purge (see Frank Devlin, "Candidates Want 100,000 Back as Voters," *Allentown Morning Call*, May 10, 1995, p. B1, and Bob Laylo, "Federal Law Keeps 2,300 Non-Voters on Carbon Rolls," *Allentown Morning Call*, April 14, 1995, p. B3). The confusion continues, because as of May 1995 Pennsylvania had complied with the motor-voter provisions for federal elections but retained the old rules for nontederal elections. Thus a voter could be purged for state and local elections but remain eligible to vote in federal races. These potentially Byzantine consequences are hardly what congressional drafters had in mind with the motor-voter act.

22 See "Report of the 1995 Elections Summit," April 1995, p. 40, also 38-41.

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23. See "Report of the 1995 Elections Summit," p. 14. See also Doug Haaland and Doug Swordstrom, "A Report on Election Law Irregularities: California 16th Senate District," personally published report, January 27, 1995, p. 11.

Fingerprint scanning technology has advanced quickly since the 1980s and has become available for a wide range of relatively inexpensive identification and fraud prevention applications. The scanners rely upon sophisticated laser scanners (such as supermarket barcode scanners) and computer databases and can be more accurate than ink and paper prints (which can smudge) and the human eye. Some government agencies at the federal, state, and local level already use fingerprint scanners, and others have conversion plans in the works. Scanners have obvious applications in the field of law enforcement and are being implemented at all levels of government as a means of positively identifying suspects or inmates. The Federal Bureau of Investigation is in the process of creating a central fingerprint database, which would vastly reduce the time required to find print matches. Some state and municipal departments have already converted to the new fingerprinting technology, as in California, including San Diego and Los Angeles. (See Ronald J. Ostrow, "FBI Nabs New Technology for Fingerprint System," *Los Angeles Times*, April 3, 1995, p. A1; and J. Harry Jones, "Now Its Harder to Hide: Computer Net Checks Prints at the Touch of a Key," *San Diego Union-Tribune*, February 1, 1994, p. B1.) California also uses a fingerprint scanning system to verify identity for drivers' licenses. The Secret Service has recommended a similar system to prevent fraudulent use of the experimental welfare debit card. (See Associated Press, "Crooks Devise Ways to Defraud Welfare Debit-Card System," *Rocky Mountain News*, January 11, 1995, p. A41.) Others are experimenting with this technology for use with credit or debit cards and automatic teller machines.

Interestingly, Mexico has implemented a sophisticated fraud prevention program to enhance the legitimacy of its electoral system. One of the safeguards was a laminated identity card sealed with a hologram, computer bar code, and thumbprint. (See Mark Fineman, "Anxious Mexicans Await Day of the Vote," *Los Angeles Times*, August 21, 1994, p. A1.)

Conceivably, costs could be minimized through developing a multiple application system in conjunction with motor-voter provisions requiring registration at welfare offices and motor vehicle departments. A single system could establish a rate fingerprint file for entitlement eligibility, vehicle registration, or registration to vote (as long as separate databases were established).

24. A recent federal case may prevent the use of voters' social security numbers. To comply with *Gredlinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993),

it would not be lawful to display numbers except to prevent voting would make the proposition in Virginia, where social security numbers.

25. Those unable to sign their name, should be required to sign with that witnessed and attested in conjunction with a request should not create a significant barrier.

26. Haaland and Swordstrom, p. 11. This technology, known as a computer pad and pen to recognize the nature for identification. A variety for a number of reasons, recognition is a generally recognized. Betsy Pisk, "Smart Card" Consumers," *Washington Times*

This technology "captures" the signature on a computer pad, and converts it into a computer database. One application already used is the familiar "signature" record their signature on a card, which is currently available for retail sale, such as booksellers Barnes & Noble, Computers & Auto (1994, p. A4.)

27. Haaland and Swordstrom, p. 16. Although this mechanism, "ballot security" programs, procedures that distinguish this process from or coerce potential voters. In documents, and would disclose the land (and are to be in § 7 [a][6][a]. While offering notice would not cause the lack of notification would be delayed neutral polling zone. While elections officials could be in public nature of the forum, officials do not need to open notification could be careful

14. See also Doug Haaland
 Election Law Irregularities: Cali-
 fornia published report, January 27,

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 adopted this technology, as in California.
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 Los Angeles Times, April 3,
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 San Diego Union-Tribune, Febru-
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 ber (2d 1344 [4th Cir. 1993]).

it would not be lawful to distribute any list containing voters' social secu-
 rity numbers except to precinct workers and elections officials. This rul-
 ing would make the proposal above difficult to enact in a state such as
 Virginia, where social security numbers are in fact used as drivers' license
 numbers.

25. Those unable to sign their names, for reasons of illiteracy or physical in-
 ability, should be required to give their mark, so that it can be compared
 with that witnessed and attested on their registration form. When done
 in conjunction with a requirement to show a photo identification, this
 should not create a significant potential for fraud.
26. Haaland and Swordstrom, "A Report on Election Law Irregularities,"
 p. 11. This technology, known as signature recognition, utilizes a com-
 puter pad and pen to recognize the size, pressure, and direction of a sig-
 nature for identification. Although any one individual's signature may
 vary for a number of reasons, such as natural change over time, signature
 recognition is a generally reliable means of determining authenticity. (See
 Betty Pisk, "'Smart Card' Security: High-Tech ID System for Future
 Consumers," *Washington Times*, April 16, 1995, p. A11.)
 This technology "captures" the user's signature on the pressure-sensi-
 tive pad, and converts it into a graphic file that can easily be stored in a
 computer database. One application for which signature recognition is al-
 ready used is the familiar UPS clipboard, on which package recipients
 record their signature on a small pressure-sensitive pad. A similar system
 is currently available for retail merchants and has been used by companies
 such as booksellers Barnes & Noble. (See Lisa A. Spiegelman, "Executive
 Update, Computers & Automation," *Investor's Business Daily*, August 10,
 1994, p. A4.)
27. Haaland and Swordstrom, "A Report on Election Law Irregularities,"
 p. 16. Although this mechanism has been used in the past by Republican
 "ballot security" programs, it is necessary to note several crucial differ-
 ences that distinguish this proposal from knowing attempts to intimidate
 or coerce potential voters. First, the statement would appear on official
 documents, and would disclose requirements which are, after all, the law
 of the land (and are to be provided with mail registration forms as per
 § 7 [a][6][a]). While offering a disincentive to fraudulent voters, such a no-
 tice would not cause the law-abiding citizen concern. Second, any oral
 notification would be delivered by officials of the election board in the
 neutral polling zone. While we are aware that, in extreme cases, even
 elections officials could be implicated in attempts to intimidate voters, the
 public nature of the forum would prevent most mischief (and crooked of-
 ficials do not need to openly intimidate voters in any case). Further, oral
 notification could be carefully monitored in areas with poor civil rights or

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- voting rights records, to prevent discrimination against minority groups. Finally, it would eliminate the ostensible justification for ballot security programs intentionally aimed at decreasing minority group turnout, and would expose the less savory goals actually behind such programs.
28. Under § 8 (c)(B) of the motor-voter act, names can be removed from the registration list on the basis of death (§ 8 [a][4][A]), or criminal conviction or mental incapacity (§ 8 [a][3][B]). Removal of duplicate registration would probably be allowed by § 8 (c)(B)(ii), which permits "correction of registration records pursuant to this act." However, it would be necessary to show a convincing, clear indication of duplication, such as the use of a number unique to the registrant, as suggested above.
- Changes of address fall under the complicated procedures of § 8 (d)-(e), and anyone moving within the jurisdiction must have his or her address corrected automatically by the registrar. Any regular effort to purge must be ninety days before the federal election (primary or general) (§ 8 [c][2][A]). Aliens are a different matter entirely. Potential registrants are to be notified of citizenship requirements and attest that they fulfill all obligations, under the penalty of perjury (§ 7 [a][6][A]), but the information gathered for voter registration purposes *must not* be used for other purposes. Therefore, if the registrar discovers the person is registered illegally because he or she fails to meet citizenship requirements, the registrar cannot forward this information to other agencies for which citizenship is a concern (such as Immigration and Naturalization, Aid to Families with Dependent Children, or Women, Infants, and Children).
29. Brooks Jackson, *Broken Promise: Why the Federal Election Commission Failed* (New York: Priority Press Publications, 1990), p. 2.
30. Address to the National Press Club, July 5, 1995 (Federal Document Clearinghouse, Inc.).
31. *Code of Federal Regulations, Federal Elections* (Washington, D.C.: Government Printing Office, 1995).
32. *Statement of the Committee Following Hearing, Involving Senators Cranston, DeConcini, Glenn, McCain and Riegle*, Senate Select Committee on Ethics, 102d Cong., 1st sess., 1991.
33. We are indebted to attorney Jan Baran of the law firm Wiley, Rein & Fielding for this analogy.
34. *Buckley v. Valeo*, 424 U.S. 1, at 60-7 (1976).
35. This is among the many fundamental decisions made by the Supreme Court in *Buckley v. Valeo*.
36. Interview with Trevor Potter, July 12, 1995.
37. Indexing for inflation should be provided for.
38. The exception are some so-called nonconnected PACs, that is, PACs not formally associated with a trade or interest group.
39. Most notably the Washington
40. Kenneth A. Gross, "The E System in Search of Reform
41. Frank Sorauf, one of the m raised the possibility that "v fice is intrinsically commit winners." Frank J. Sorauf, 1992," in James A. Thurber *Elections American Style* (Bo
42. For a cogent review of the *Finance: Myths and Realities* 1992), pp. 215-16. There is view. For instance, Christ that those who say that the l glect the interrelationship o ducing the outcome of th partially a function of cha spend more, incumbents r greater outlays. When this challenger and incumbent races; Kenny and McBurnet fect is statistically significant Level Multiequation Model Elections." *American Polit.* 699-707).
43. See "Campaign Finance Re Minority Leader, United Sta Panel," March 6, 1990, p. 41 members, appointed by the (Democrat of Maine) and th publican of Kansas).
44. *Buckley v. Valeo*, 424 U.S. 1
45. See Larry J. Sabato, *Paying* (New York: Twentieth Ce 25-42, 61-64. For example, butions to foundations tha These foundations often pa mote their candidate-creator
46. The Campaign Finance Re free broadcast time proposal
47. Remarks delivered at the May 5, 1995, p. 7. Hundt b