

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>elements of the entrapment defense were: (1) a government official (2) told the defendant that certain criminal conduct was legal; (3) the defendant actually relied on the official's statements; (4) the defendant's reliance was in good faith and reasonable in light of the official's identity, the point of law represented, and the substance of the official's statement; and (5) the prosecution would be so unfair as to</p>			

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					violate the defendant's right to due process. Denial of jury instruction was reversed because the trial court did not hold an entrapment hearing; remanded for an entrapment hearing where defendant could present elements of the entrapment by estoppel defense.			
Harris v. Florida Elections Canvassing Comm'n	United States District Court for the Northern District of Florida	122 F. Supp. 2d 1317; 2000 U.S. Dist. LEXIS 17875	December 9, 2000	Plaintiffs challenged the counting of overseas absentee ballots received after 7 p.m. on election day, alleging the	The court found Congress did not intend 3 U.S.C.S. § 1 to impose irrational scheduling rules on state and local canvassing officials, and did	No	N/A	No

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				ballots violated Florida law.	not intend to disenfranchise overseas voters. The court held the state statute was required to yield to the Florida Administrative Code, which required the 10-day extension in the receipt of overseas absentee ballots in federal elections because the rule was promulgated to satisfy a consent decree entered by the state in 1982.			
Weldon v. Berks County Dep't of Election Servs.	United States District Court for the Eastern District of Pennsylvania	2004 U.S. Dist. LEXIS 21948	November 1, 2004	Plaintiffs, a congressman and a state representative, filed a motion seeking a preliminary	The congressman and representative sought to have the absentee ballots at issue set aside until a hearing could be held to	No	N/A	No

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				<p>injunction or temporary restraining order that would prohibit defendant county department of election services from delivering to local election districts absentee ballots received from any state, county, or city correctional facility.</p>	<p>determine whether any of the straining order denied. CASE SUMMARY: PROCEDURAL POSTURE: Plaintiffs, a congressman and a state representative, filed a motion seeking a preliminary injunction or temporary restraining order that would prohibit defendant county department of election services from delivering to local election districts absentee ballots received from any state,</p>			

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					<p>county, or city correctional facility as provided in Pa. Stat. Ann. tit. 25, § 3416.6 and Pa. Stat. Ann. tit. 25, § 3416.8.</p> <p><b>OVERVIEW:</b> The congressman and representative sought to have the absentee ballots at issue set aside until a hearing could be held to determine whether any of the ballots were delivered to the county board of elections by a third party in violation of Pennsylvania law, whether any of the ballots were</p>			

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					<p>submitted by convicted incarcerated felons in violation of Pennsylvania law, and whether any of the ballots were submitted by qualified voters who were improperly assisted without the proper declaration required by Pennsylvania law. The court concluded that an ex parte temporary restraining order was not warranted because there were potential jurisdictional issues, substantial questions</p>			

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					concerning the alleged violations, and the complaint did not allege that the department acted or threatened to act in an unlawful manner. The court denied the ex parte motion for a temporary restraining order. The court set a hearing on the motion for preliminary injunction.			
Qualkinbush v. Skubisz	Court of Appeals of Illinois, First District	822 N.E.2d 38; 2004 Ill. App. LEXIS 1546	December 28, 2004	Respondent appealed from an order of the circuit court certifying mayoral election results for a city in which the court	Respondent first claimed the trial court erred in denying his motion to dismiss with respect to 38 votes the Election Code was preempted by and	No	N/A	No

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				declared petitioner mayor.	violated the Voting Rights Act and the Americans with Disabilities Act of 1990 since it restricted the individuals with whom an absentee voter could entrust their ballot for mailing. The appeals court found the trial court did not err in denying the motion to dismiss, as Illinois election law prevented a candidate or his or her agent from asserting undue influence upon a disabled voter and from manipulating that			

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					<p>voter into voting for the candidate or the agent's candidate, and was designed to protect the rights of disabled voters. Respondent had not established that the federal legislature intended to preempt the rights of state legislatures to restrict absentee voting, and, particularly, who could return absentee ballots. The Election Code did not violate equal protection principles, as the burden placed</p>			

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					upon absentee voters by the restriction on who could mail an absentee ballot was slight and nondiscriminatory and substantially contributed to the integrity of the election process. Affirmed.			
Panio v. Sunderland	Supreme Court of New York, Appellate Division, Second Department	14 A.D.3d 627; 790 N.Y.S.2d 136; 2005 N.Y. App. Div. LEXIS 3433	January 25, 2005	In proceedings filed pursuant to New York election law to determine the validity of certain absentee and affidavit ballots tendered for the office of 35th District Senator, appellants, a chairperson of	The question presented was whether the county election board should count the six categories of ballots that were in dispute. After a review of the evidence presented, the appeals court modified the trial court's order by:	No	N/A	No

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				<p>the county Republican committee and the Republican candidate, both sought review of an order by the supreme court to count or not count certain ballots. Respondent Democratic candidate cross-- appealed.</p>	<p>(1) deleting an order directing the county elections board (board) to count 160 affidavit ballots tendered by voters who appeared at the correct polling place but the wrong election district, as there were meaningful distinctions between those voters who went to the wrong polling place and those voters who went to the correct polling place but the wrong election district; (2) directing that the board not count</p>			

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					<p>10 affidavit ballots tendered in the wrong election district because of a map error, as there was no evidence that the voters in this category relied on the maps when they went to the wrong election districts; and (3) directing the board to count 45 absentee ballots tendered by poll workers, as it appeared that the workers substantially complied with the statute by providing a written statement that was the functional</p>			

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					equivalent of an application for a special ballot. Order modified and judgment affirmed.			
Pierce v. Allegheny County Bd. of Elections	United States District Court for the Western District of Pennsylvania	324 F. Supp. 2d 684; 2003 U.S. Dist. LEXIS 25569	November 13, 2003	Plaintiff voters sought to enjoin defendant election board from allowing three different procedures for third--party absentee ballot delivery, require the set aside of all absentee third--party delivered ballots in connection with the November 2003 election, prohibit those	Intervenor political committees also moved to dismiss for lack of standing, lack of subject matter jurisdiction, and failure to state a claim, as well as abstention. Inter alia, the court found that abstention was appropriate under the Pullman doctrine because: (1) construction of Pennsylvania election law was not clear	No	N/A	No

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				ballots from being delivered to local election districts after having been commingled with other absentee ballots, and convert a temporary restraining order to an injunction.	regarding whether the absentee ballot provision requiring hand-delivery to be "in person" was mandatory or directory; (2) the construction of the provision by state courts as mandatory or directory could obviate the need to determine whether there had been a Fourteenth Amendment equal protection violation; and (3) erroneous construction of the provision could disrupt very important state voting rights policies.			

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					<p>However, the court had a continuing duty to consider the motion for temporary restraining order/preliminary injunction despite abstention. The court issued a limited preliminary injunction whereby the 937 hand--delivered absentee ballots at issue were set aside as "challenged" ballots subject to the election code challenge procedure. Any equal protection issues could be heard in state</p>			

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					court by virtue of the state court's concurrent jurisdiction.			
Friedman v. Snipes	United States District Court for the Southern District of Florida	345 F. Supp. 2d 1356; 2004 U.S. Dist. LEXIS 23739	November 9, 2004	Plaintiff registered voters sued defendant state and county election officials under § 1983 for alleged violations of their rights under 42 U.S.C.S. § 1971(a)(2)(B) of the Civil Rights Act, and the First and Fourteenth Amendments to the United States Constitution. The voters	The voters claimed they timely requested absentee ballots but (1) never received the requested ballot or (2) received a ballot when it was too late for them to submit the absentee ballot. The court held that 42 U.S.C.S. § 1971(a)(2)(B) was not intended to apply to the counting of ballots by those already deemed qualified to vote. The plain meaning of §	No	N/A	No

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				<p>moved for a temporary restraining order (TRO) and/or preliminary injunction. The court granted the TRO and held a hearing on the preliminary injunction.</p>	<p>1971(a)(2)(B) did not support the voters' claim that it should cover an error or omission on any record or paper or any error or omission in the treatment, handling, or counting of any record or paper. Further, because Florida election law only related to the mechanics of the electoral process, the correct standard to be applied here was whether Florida's important regulatory interests justified the restrictions imposed on their</p>			

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					<p>First and Fourteenth Amendment rights. The State's interests in ensuring a fair and honest election and counting votes within a reasonable time justified the light imposition on voting rights. The deadline for returning ballots did not disenfranchise a class of voters. Rather, it imposed a time deadline by which voters had to return their votes. So there was no equal protection violation.</p>			

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					Preliminary injunction denied.			

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Johnson v. Bush	United States District Court for the Southern District of Florida	214 F. Supp. 2d 1333; 2002 U.S. Dist. LEXIS 14782	July 18, 2002	Plaintiff felons sued defendant state officials for alleged violations of their constitutional rights. The officials moved and the felons cross-moved for summary judgment.	The felons had all successfully completed their terms of incarceration and/or probation, but their civil rights to register and vote had not been restored. They alleged that Florida's disenfranchisement law violated their rights under First, Fourteenth, Fifteenth, and Twenty--Fourth Amendments to the United States Constitution, as well as § 1983 and §§ 2 and 10 of the Voting Rights Act of 1965. Each of the felons' claims was fatally flawed.	No	N/A	No

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					<p>The felons' exclusion from voting did not violate the Equal Protection or Due Process Clauses of the United States Constitution. The First Amendment did not guarantee felons the right to vote. Although there was evidence that racial animus was a factor in the initial enactment of Florida's disenfranchisement law, there was no evidence that race played a part in the re-enactment of that provision. Although it appeared that there was a disparate impact on</p>			

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					<p>minorities, the cause was racially neutral. Finally, requiring the felons to pay their victim restitution before their rights would be restored did not constitute an improper poll tax or wealth qualification. The court granted the officials' motion for summary judgment and implicitly denied the felons' motion. Thus, the court dismissed the lawsuit with prejudice.</p>			
Farrakhan v. Locke	United States District Court for the Eastern District of Washington	2000 U.S. Dist. LEXIS 22212	December 1, 2000	Plaintiffs, convicted felons who were also racial minorities, sued defendants for alleged	The felons alleged that Washington's felon disenfranchisement and restoration of civil rights	No	N/A	No

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				violations of the Voting Rights Act. The parties filed cross--motions for summary judgment.	schemes, premised upon Wash. Const. art. VI § 3, resulted in the denial of the right to vote to racial minorities in violation of the VRA. They argued that race bias in, or the discriminatory effect of, the criminal justice system resulted in a disproportionate number of racial minorities being disenfranchised following felony convictions. The court concluded that Washington's felon disenfranchisement provision disenfranchised a disproportionate number of			

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					<p>minorities; as a result, minorities were under-represented in Washington's political process. The Rooker-Feldman doctrine barred the felons from bringing any as-applied challenges, and even if it did not bar such claims, there was no evidence that the felons' individual convictions were born of discrimination in the criminal justice system. However, the felons' facial challenge also failed. The remedy they sought would create a new</p>			

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					<p>constitutional problem, allowing disenfranchisement only of white felons. Further, the felons did not establish a causal connection between the disenfranchisement provision and the prohibited result. The court granted defendants' motion and denied the felons' motion for summary judgment.</p>			
Farrakhan v. Washington	United States Court of Appeals for the Ninth Circuit	338 F.3d 1009; 2003 U.S. App. LEXIS 14810	July 25, 2003	Plaintiff inmates sued defendant state officials, claiming that Washington state's felon disenfranchisement scheme constitutes improper race--based vote denial	Upon conviction of infamous crimes in the state, (that is, crimes punishable by death or imprisonment in a state correctional facility), the inmates were disenfranchised.	No	N/A	No

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				<p>in violation of § 2 of the Voting Rights Act. The United States District Court for the Eastern District of Washington granted of summary judgment dismissing the inmates' claims. The inmates appealed.</p>	<p>The inmates claimed that the disenfranchisement scheme violated § 2 because the criminal justice system was biased against minorities, causing a disproportionate minority representation among those being disenfranchised. The appellate court held, inter alia, that the district court erred in failing to consider evidence of racial bias in the state's criminal justice system in determining whether the state's felon disenfranchisement laws resulted in</p>			

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					<p>denial of the right to vote on account of race. Instead of applying its novel "by itself" causation standard, the district court should have applied a totality of the circumstances test that included analysis of the inmates' compelling evidence of racial bias in Washington's criminal justice system. However, the inmates lacked standing to challenge the restoration scheme because they presented no evidence of their eligibility, much</p>			

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					less even allege that they were eligible for restoration, and had not attempted to have their civil rights restored. The court affirmed as to the eligibility claim but reversed and remanded for further proceedings to the bias in the criminal justice system claim.			
Muntaqim v. Coombe	United States Court of Appeals for the Second Circuit	366 F.3d 102; 2004 U.S. App. LEXIS 8077	April 23, 2004	Plaintiff inmate appealed a judgment of the United States District Court for the Northern District of New York, which granted summary judgment in favor of defendants in the inmate's action alleging violation	At issue was whether the VRA could be applied to N.Y. Elec. Law§ 5-106, which disenfranchised currently incarcerated felons and parolees. The instant court concluded that the Voting Rights Act did not apply to the	No	N/A	No

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				of § 2 of the Voting Rights Act of 1965.	New York law. Applying the Act to state law would alter the traditional balance of power between the states and the federal government. The court was not convinced that there was a congruence and proportionality between the injury to be prevented or remedied (i.e., the use of vote denial and dilution schemes to avoid the strictures of the VRA), and the means adopted to that end (i.e., prohibition of state felon disenfranchisement law that resulted in			

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					<p>vote denial or dilution but were not enacted with a discriminatory purpose). Further, there was no clear statement from Congress that the Act applied to state felon disenfranchisement statutes. Inter alia, defendants were entitled to qualified immunity as to claim asserted against them in their personal capacities, and to Eleventh Amendment immunity to the extent the inmate sought damages against defendants in their official capacities. The</p>			

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					district court's judgment was affirmed.			
Johnson v. Governor of Fla.	United States Court of Appeals for the Eleventh Circuit	353 F.3d 1287; 2003 U.S. App. LEXIS 25859	December 19, 2003	Plaintiffs, ex-felon citizens of Florida, on their own right and on behalf of others, sought review of a decision of the United States District Court for the Southern District of Florida, which granted summary judgment to defendants, members of the Florida Clemency Board in their official capacity. The citizens challenged the validity of the Florida felon disenfranchisement laws.	The citizens alleged that Fla. Const. art. VI, § 4 (1968) was racially discriminatory and violated their constitutional rights. The citizens also alleged violations of the Voting Rights Act. The court of appeals initially examined the history of Fla. Const. art. VI, § 4 (1968) and determined that the citizens had presented evidence that historically the disenfranchisement provisions were motivated by a	No	N/A	No

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					<p>discriminatory animus. The citizens had met their initial burden of showing that race was a substantial motivating factor. The state was then required to show that the current disenfranchisement provisions would have been enacted absent the impermissible discriminatory intent. Because the state had not met its burden, summary judgment should not have been granted. The court of appeals found that the claim under the Voting Rights Act, also needed to</p>			

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					<p>be remanded for further proceedings. Under a totality of the circumstances, the district court needed to analyze whether intentional racial discrimination was behind the Florida disenfranchisement provisions. The court affirmed the district court's decision to grant summary judgment on the citizens' poll tax claim. The court reversed the district court's decision to grant summary judgment to the Board on the claims under the equal protection clause and for</p>			

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					violation of federal voting laws and remanded the matter to the district court for further proceedings.			
Fischer v. Governor	Supreme Court of New Hampshire	145 N.H. 28; 749 A.2d 321; 2000 N.H. LEXIS 16	March 24, 2000	Appellant State of New Hampshire challenged a ruling of the superior court that the felon disenfranchisement statutes violate N.H. Const. pt. I, Art. 11.	Appellee was incarcerated at the New Hampshire State Prison on felony convictions. When he requested an absentee ballot to vote from a city clerk, the request was denied. The clerk sent him a copy of N.H. Rev. Stat. Ann. § 607(A)(2) (1986), which prohibits a felon from voting "from the time of his sentence until his final discharge." The trial court	No	N/A	No

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					<p>declared the disenfranchisement statutes unconstitutional and ordered local election officials to allow the plaintiff to vote. Appellant State of New Hampshire challenged this ruling. The central issue was whether the felon disenfranchisement statutes violated N.H. Const. pt. I, art. 11. After a review of the article, its constitutional history, and legislation pertinent to the right of felons to vote, the court concluded that the legislature retained the</p>			

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					<p>authority under the article to determine voter qualifications and that the felon disenfranchisement statutes were a reasonable exercise of legislative authority, and reversed. Judgment reversed because the court concluded that the legislature retained its authority under the New Hampshire Constitution to determine voter qualifications and that the felon disenfranchisement statutes were a reasonable exercise of legislative authority.</p>			
Johnson v. Governor of	United States Court of	405 F.3d 1214;	April 12, 2005	Plaintiff individuals sued	The individuals argued that the	No	N/A	No

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Fla.	Appeals for the Eleventh Circuit	2005 U.S. App. LEXIS 5945		defendant members of Florida Clemency Board, arguing that Florida's felon disenfranchisement law, Fla. Const. art. VI, § 4 (1968), violated the Equal Protection Clause and the Voting Rights Act. The United States District Court for the Southern District of Florida granted the members summary judgment. A divided appellate panel reversed. The panel opinion was vacated and a rehearing en banc was granted.	racial animus motivating the adoption of Florida's disenfranchisement laws in 1868 remained legally operative despite the reenactment of Fla. Const. art. VI, § 4 in 1968. The subsequent reenactment eliminated any discriminatory taint from the law as originally enacted because the provision narrowed the class of disenfranchised individuals and was amended through a deliberative process. Moreover, there was no allegation of racial			

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					<p>discrimination at the time of the reenactment. Thus, the disenfranchisement provision was not a violation of the Equal Protection Clause and the district court properly granted the members summary judgment on that claim. The argument that the Voting Rights Act applied to Florida's disenfranchisement provision was rejected because it raised grave constitutional concerns, i.e., prohibiting a practice that the Fourteenth Amendment</p>			

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					permitted the state to maintain. In addition, the legislative history indicated that Congress never intended the Voting Rights Act to reach felon disenfranchisement provisions. Thus, the district court properly granted the members summary judgment on the Voting Rights Act claim. The motion for summary judgment in favor of the members was granted.			
Mixon v. Commonwealth	Commonwealth Court of Pennsylvania	759 A.2d 442; 2000 Pa. Commw.	September 18, 2000	Respondents filed objections to petitioners' complaint seeking declaratory relief	Petitioner convicted felons were presently or had formerly been confined in state	No	N/A	No

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		LEXIS 534		as to the unconstitutionality of the Pennsylvania Election Code, 25 Pa. Cons. Stat. §§ 2600 -- 3591, and the Pennsylvania Voter Registration Act, 25 Pa. Cons. Stat. §§ 961.101--961.5109, regarding felon voting rights.	prison. Petitioner elector was currently registered to vote in respondent state. Petitioners filed a complaint against respondent state seeking declaratory relief challenging as unconstitutional, state election and voting laws that excluded confined felons from the definition of qualified absentee electors and that barred a felon who had been released from a penal institution for less than five years from registering to vote. Respondents filed objections to petitioners'			

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					<p>complaint. The court sustained respondents' objection that incarcerated felons were not unconstitutionally deprived of qualified absentee elector status because respondent state had broad power to determine the conditions under which suffrage could be exercised. However, petitioner elector had no standing and the court overruled objection as to deprivation of ex-felon voting rights. The court sustained respondents' objection since</p>			

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Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					incarcerated felons were not unconstitutionally deprived of qualified absentee elector status and petitioner elector had no standing, but objection that ex--incarcerated felons' voting rights were deprived was overruled since status penalized them.			
Rosello v. Calderon	United States District Court for the District of Puerto Rico	2004 U.S. Dist. LEXIS 27216	November 30, 2004	Plaintiff voters filed a § 1983 action against defendant government officials alleging violations the Due Process and Equal Protection Clauses of the U.S. Const. amend. XIV, resulting from the	The voters' § 1983 action against government officials alleged that absentee ballots for a gubernatorial election were untimely mailed and that split votes, which registered two votes for the	No	N/A	No

009388

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>invalidity of absentee and split ballots in a gubernatorial election.</p>	<p>same office, were null. The court asserted jurisdiction over the disparate treatment claims, which arose under the U.S. Constitution. The court declined to exercise discretionary abstention because the case was not merely a facial attack on the constitutionality of a statute, but was mainly an applied challenge, requiring a hearing in order to develop the record, and because equal protection and due process were secured under the state and federal constitutions. The</p>			

009389

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>court held that the voters had a fundamental due process right created by Puerto Rico Election Law and suffered an equal protection violation in further violation of the U.S. Const. amend. I right to vote, thereby creating their total disenfranchisement. The court held that the evidence created an inference that the split ballots were not uniformly treated and that it was required to examine a mixed question of fact and constitutional law pursuant to federal</p>			

009390

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					guidelines to determine whether potential over votes were invalid. The court asserted jurisdiction over the voters' claims.			
Woodruff v. Wyoming	United States Court of Appeals for the Tenth Circuit	49 Fed. Appx. 199; 2002 U.S. App. LEXIS 21060	October 7, 2002	Plaintiffs, pro se inmates, appealed from an order of the United States District Court for the District of Wyoming, dismissing their complaint brought under § 1983, challenging Wyo. Stat. Ann. § 6--10-106, which denied them, as convicted felons, the right to vote. The district court dismissed the action for failure to state a claim upon which relief could	The inmates argued that the statute violated their Eighth Amendment right and their State constitutional right to be free from cruel and unusual punishment, their equal protection rights under the Fourteenth Amendment and State Constitution, and their federal and state rights to due process. One inmate had not paid the appellate filing fee or filed a	No	N/A	No

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				be granted and as frivolous.	motion to proceed on appeal without prepayment of costs or fees, and his appeal was dismissed. The court found that U.S. Const. amend. XIV, § 2 had long been held to exclude felons from the right to vote. It could scarcely be unreasonable for a state to decide that perpetrators of serious crimes should not take part in electing the legislators who made the laws, the executives who enforced them, the prosecutors who tried the cases, or the judges who heard their cases.			

009392

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					The court also found the dismissed suit constituted a "strike" under 28 U.S.C.S. § 1915(g), although the suit did not challenge prison conditions per se. One inmate's appeal was dismissed; the judgment dismissing the other's complaint was affirmed.			
N.J. State Conf.--NAACP v. Harvey	Superior Court of New Jersey, Appellate Division	381 N.J. Super. 155; 885 A.2d 445; 2005 N.J. Super. LEXIS 316	November 2, 2005	The Superior Court of New Jersey, Chancery Division, Union County, dismissed a complaint filed by plaintiff interested parties to invalidate N.J. Stat. Ann. § 19:4--1(8) on the ground that it denied	The statute at issue prohibited all people on parole or probation for indictable offenses from voting. The interested parties alleged that the criminal justice system in New Jersey discriminated	No	N/A	No

009393

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>African-- Americans and Hispanics equal protection of the law. Defendant, the New Jersey Attorney General, moved to dismiss the complaint for failure to state a claim, and said motion was granted. The interested parties then appealed.</p>	<p>against African- Americans and Hispanics, thereby disproportionately increasing their population among parolees and probationers and diluting their political power. As a result, the alleged that enforcement of the statute resulted in a denial of equal protection under the state Constitution. The appeals court disagreed. N.J. Const. art. II authorized the New Jersey Legislature to disenfranchise persons convicted of certain crimes from voting. Moreover, those</p>			

009394

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					convicts could not vote unless pardoned or unless otherwise restored by law to the right of suffrage. The statute also limited the period of disenfranchisement during a defendant's actual service on parole or probation. Thus, it clearly complied with this specific constitutional mandate. The judgment was affirmed.			
King v. City of Boston	United States District Court for the District of Massachusetts	2004 U.S. Dist. LEXIS 8421	May 13, 2004	Plaintiff inmate filed a motion for summary judgment in his action challenging the constitutionality of Mass. Gen. Laws ch. 51, § 1, which	The inmate was convicted of a felony and incarcerated. His application for an absentee ballot was denied on the ground that he was	No	N/A	No

009395

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>excluded incarcerated felons from voting while they were imprisoned.</p>	<p>not qualified to register and vote under Mass. Gen. Laws ch. 51, § 1. The inmate argued that the statute was unconstitutional as it applied to him because it amounted to additional punishment for crimes he committed before the statute's enactment and thus violated his due process rights and the prohibition against ex post facto laws and bills of attainder. The court held that the statute was regulatory and not punitive because rational choices</p>			

009396

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>were implicated in the statute's disenfranchisement of persons under guardianship, persons disqualified because of corrupt elections practices, persons under 18 years of age, as well as incarcerated felons. Specifically, incarcerated felons were disqualified during the period of their imprisonment when it would be difficult to identify their address and ensure the accuracy of their ballots. Therefore, the court concluded that Mass. Gen. Laws ch. 51, § 1 did not violate the inmate's constitutional</p>			

009397

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					rights. The court found the statute at issue to be constitutional and denied the inmate's motion for summary judgment.			
Southwest Voter Registration Educ. Project v. Shelley	United States District Court for the Central District of California	278 F. Supp. 2d 1131; 2003 U.S. Dist. LEXIS 14413	August 15, 2003	Plaintiffs, several groups, brought suit alleging that the proposed use of "punch-card" balloting machines in the California election would violate the United States Constitution and Voting Rights Act. Plaintiffs moved for an order delaying that election, scheduled for October 7, 2003, until such time as it could be conducted without use of punch--card	Plaintiffs claimed voters using punch-card machines would have a comparatively lesser chance of having their votes counted in violation of the Equal Protection Clause and the counties employing punch--card systems had greater minority populations thereby disproportionately disenfranchising and/or diluting the votes on the basis of race, in violation	No	N/A	No

009398

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				machines.	of § 2 of the Voting Rights Act. While the court did not need to decide the res judicata issue at this juncture, there was ample reason to believe that plaintiffs would have had a difficult time overcoming it as they were seeking to establish the same constitutional violations alleged in prior litigation, but to secure an additional remedy. Plaintiffs failed to prove a likelihood of success on the merits with regard to both of their claims. Even if plaintiffs could show disparate			

009399

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>treatment, such would not have amounted to illegal or unconstitutional treatment. The balance of hardships weighed heavily in favor of allowing the election to proceed. The public interests in avoiding wholesale disenfranchisement, and/or not plunging the State into a constitutional crisis, weighed heavily against enjoining the election. Plaintiffs' motion for preliminary injunction (consolidated with plaintiffs' ex parte application for</p>			

005600

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					temporary restraining order) was denied.			
Igartua--de la Rosa v. United States	United States Court of Appeals for the First Circuit	417 F.3d 145; 2005 U.S. App. LEXIS 15944	August 3, 2005	Plaintiff, a U.S. citizen residing in Puerto Rico, appealed from an order of the United States District Court for the District of Puerto Rico, that rejected his claim that he was deprived of the constitutional right to vote for President and Vice President of the United States, and was also violative of three treaty obligations of the United States.	The putative voter had brought the same claims twice before. The court pointed out that U.S. law granted to the citizens of states the right to vote for the slate of electors to represent that state. Although modern ballots omitted the names of the electors and listed only the candidates, and in form it appeared that the citizens were voting for President and Vice President directly, they were not, but were voting for electors.	No	N/A	No

009401

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Disenfranchisement Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>Puerto Rico was not a state, and had not been enfranchised as the District of Columbia had by the 23rd Amendment. The franchise for choosing electors was confined to "states" by the Constitution. The court declined to turn to foreign or treaty law as a source to reverse the political will of the country. The judgment of the district court was affirmed.</p>			

009402

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Rogelio Mejorada-Lopez	Alaska	05-CR-074	December 5, 2005	Mejorada-Lopez, a Mexican citizen, completed several voter registration applications to register to vote in Alaska and voted in the 2000, 2002, and 2004 general elections. He was charged with three counts of voting by a non-citizen in violation of 18 U.S.C. section 611 and pled guilty. Mejorada-Lopez was sentenced to probation for	No	N/A	No

009403

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				one year.			
United States v. Shah	Colorado	1:04-CR-00458	March 1, 2005	Shah was indicted on two counts of providing false information concerning United States citizenship in order to register to vote in violation of 18 U.S.C. section 911 and 1015(f). Shah was convicted on both counts.	No	N/A	No
United States v. Mohsin Ali	Northern Florida	4:05-CR-47	January 17, 2006	A misdemeanor was filed against Ali charging him with voting by a non-citizen of 18 U.S.C. section 611. Trial was set for January 17, 2006	No	N/A	Yes-need information on the outcome of the trial.

009600

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Chaudhary	Northern Florida	4:04-CR-00059	May 18, 2005	Chaudhary was indicted for misuse of a social security number in violation of 42 U.S.C. section 408 and for making a false claim of United States citizenship on a 2002 driver's license application in violation of 18 U.S.C. section 911. A superceding indictment was returned, charging Chaudhary with falsely claiming United States citizenship on a driver's license	No	N/A	No

009405

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				application and on the accompanying voter registration application. He was convicted of the false citizenship claim on his voter registration application.			
United States v. Velasquez	Southern Florida	1:03-CR-20233	September 9, 2003	Velasquez, a former 1996 and 1998 candidate for the Florida legislature, was indicted on charges of misrepresenting United States citizenship in connection with voting and for making false statements	No	N/A	No

009406

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				to the Immigration and Naturalization Service, in violation of 18 U.S.C. section 911, 1015(f) and 1001. Velasquez was convicted on two counts of making false statements on his naturalization application to the INS concerning his voting history.			
United States v. McKenzie; United States v. Francois; United States v. Exavier; United States v. Lloyd Palmer; United	Southern Florida	0:04-CR-60160; 1:04-CR-20488; 0:04-CR-60161; 0:04-CR-60159;	July 15, 2004	Fifteen non-citizens were charged with voting in various elections beginning in 1998 in	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
States v. Velrine Palmer; United states v. Shivdayal; United States v. Rickman; United States v. Knight; United States v. Sweeting; United States v. Lubin; United States v. Bennett; United States v. O'Neil; United States v. Torres-Perez; United States v. Phillip; United States v. Bain Knight		0:04-CR-60162; 0:04-CR-60164; 1:04-CR-20491; 1:04-CR-20490; 1:04-CR-20489; 0:04-CR-60163; 1:04-CR-14048; 0:04-CR-60165; 2:04-CR-14046; 9:04-CR-80103; 2:04-CR-14047		violation of 18 U.S.C. section 611. Four of the defendants were also charged with making false citizenship claims in violation of 18 U.S.C. sections 911 or 1015(f). Ten defendants were convicted, one defendant was acquitted, and charges against four defendants were dismissed upon motion of the government.			
United States v. Brooks	Southern Illinois	3:03-CR-30201	February 12, 2004	East St. Louis election official Leander Brooks was indicted for	No	N/A	No

807600

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				submitting fraudulent ballots in the 2002 general election in violation of 42 U.S.C. section 1973i(c), 1973i(e), 1973gg-10(2)(B), and 18 U.S.C. sections 241 and 371. Brooks pled guilty to all charges.			
United States v. Scott; United States v. Nichols; United States v. Terrance Stith; United States v. Sandra Stith; United States v. Powell, et al.	Southern Illinois	3:05-CR-30040; 3:05-CR-30041; 3:05-CR-30042; 3:05-CR-30043; 3:05-CR-30044	June 29, 2005	Four Democrat precinct committeemen in East St. Louis were charged with vote buying on the 2004 general election in violation of 42 U.S.C.	No	N/A	No

603600

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				section 1973i(c). All four pled guilty. Also indicted were four additional Democrat committeemen, Charles Powell, Jr., Jesse Lewis, Sheila Thomas, Kelvin Ellis, and one precinct worker, Yvette Johnson, on conspiracy and vote buying charges in violation of 18 U.S.C. section 371 and 42 U.S.C. section 1973i(c). All five defendants were convicted. Kelvin Ellis			

009410

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				also pled guilty to one count of 18 U.S.C. section 1512(c)(2) relative to a scheme to kill one of the trial witnesses and two counts of 18 U.S.C. section 1503 relative to directing two other witnesses to refuse to testify before the grand jury.			
United States v. McIntosh	Kansas	2:04-CR-20142	December 20, 2004	A felony information was filed against lawyer Leslie McIntosh for voting in both Wyandotte County, Kansas and Jackson	No	N/A	No

009411

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				County, Missouri, in the general elections of 2000 and 2002 in violation of 42 U.S.C. section 1973i(e). A superseding misdemeanor information was filed, charging McIntosh with causing the deprivation of constitutional rights in violation of 18 U.S.C. section 242, to which the defendant pled guilty.			
United States v. Conley; United States v. Slone; United States v.	Eastern Kentucky	7:03-CR-00013; 7:03-CR-00014;	March 28, 2003 and April 24, 2003	Ten people were indicted on vote buying charges in	No	N/A	No

009412

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Madden; United States v. Slone et al.; United States v. Calhoun; United States v. Johnson; United States v. Newsome, et al.		7:03-CR-00015; 7:03-CR-00016; 7:03-CR-00017; 7:03-CR-00018; 7:03-CR-00019		connection with the 1998 primary election in Knott County, Kentucky, in violation of 42 U.S.C. section 1973i(c). Five of the defendants pled guilty, two were convicted, and three were acquitted.			
United States v. Hays, et al.	Eastern Kentucky	7:03-CR-00011	March 7, 2003	Ten defendants were indicted for conspiracy and vote buying for a local judge in Pike County, Kentucky, in the 2002 general election, in violation of 42 U.S.C. section	No	N/A	No

009413

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				1973i(c) and 18 U.S.C. section 371. Five defendants were convicted, one defendant was acquitted, and charges against four defendants were dismissed upon motion of the government.			
United States v. Turner, et al.	Eastern Kentucky	3:05-CR-00002	May 5, 2005	Three defendants were indicted for vote buying and mail fraud in connection with the 2000 elections in Knott, Letcher, Floyd, and Breathitt Counties, Kentucky, in violation of 42	No	N/A	Yes-need update on case status.

009414

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				U.S.C. section 1973i(c) and 18 U.S.C. section 341.			
United States v. Braud	Middle Louisiana	3:03-CR-00019	May 2, 2003	Tyrell Mathews Braud was indicted on three counts of making false declarations to a grand jury in connection with his 2002 fabrication of eleven voter registration applications, in violation of 18 U.S.C. section 1623. Braud pled guilty on all counts.	No	N/A	No
United States v. Thibodeaux	Western Louisiana	6:03-CR-60055	April 12, 2005	St. Martinsville City Councilwoman Pamela C. Thibodeaux was indicted on	No	N/A	No

009415

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				two counts of conspiring to submit false voter registration information, in violation of 18 U.S.C. section 371 and 42 U.S.C. section 1973i(c). She pled guilty to both charges.			
United States v. Scherzer; United States v. Goodrich; United States v. Jones; United States v. Martin	Western Missouri	4:04-CR-00401; 4:04-CR-00402; 4:05-CR-00257; 4:05-CR-00258	January 7, 2005; March 28, 2005; September 8, 2005; October 13, 2005	Two misdemeanor informations were filed charging Lorraine Goodrich and James Scherzer, Kansas residents who voted in the 2000 and 2002 general elections on	No	N/A	No

009416

EAC Voting Fraud-Voter Intimidation Preliminary Research  
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>both Johnson County, Kansas and in Kansas City, Missouri. The informations charged deprivation of a constitutional right by causing spurious ballots, in violation of 18 U.S.C. sections 242 and 2. Both pled guilty. Additionally, similar misdemeanor informations were filed against Tammy J. Martin, who voted in both Independence and Kansas City, Missouri</p>			

009417

**EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - 'Dead' Voters and Multiple Voting**

	North Carolina	24-Oct-04	2000 and 2002	The Observer found up to 180 people who were listed as having voted in both Carolinas in either the 2000 or 2002 elections. Reporters found no one who admitted to double voting and discovered plausible explanations for many of the duplications. In one case, an Army captain in North Carolina shared the same name as his father in South Carolina. The father was likely mistakenly recorded under his son's name when he cast his ballot.	AP			
Jones	North Carolina	30-Oct-04	primary	Four men were charged with voting by absentee and on election day. Three denied the allegations or said they misunderstood the process.	AP			
Gaston	North Carolina	16-Dec-04	presidential	There are differences in most precincts between the number of ballots cast and the number of people recorded as voting. State investigators have concluded there is no way to rule out double-voting or missing votes because poll workers cannot explain the discrepancies.	Charlotte Observer			
	Ohio	2-Nov-04	presidential	Republican attorney cites a Plain Dealer report saying more than 27,000 people are registered to vote in both Ohio and Florida and that 100 people cast votes in both places four years ago. A Dispatch investigation of the allegations found little proof of duplicate voting after comparing the Ohio and Florida state databases and conducting further research. After culling the list through those methods, the Dispatch interviewed the people left in question. This failed to turn up anyone who had ever voted twice. Many had never been to Florida; some had never lived in Ohio.	Columbus Dispatch			
Summit	Ohio	8-Dec-04	local	The Director of the Board of Elections says the number of people under investigation for voting twice has decreased from 19 to 10. The board already determined that there were legitimate explanations for about half of the votes. In one case it appeared a man voted absentee and at the polling place but it turned out the absentee ballot had been cast by his son who has the same name.	Akron Beacon Journal			
London	Ohio	9-Dec-04	presidential	A couple who admitted voting twice were not indicted -- they voted by absentee ballot and then voted in person because they thought their absentee ballots had been lost	AP			
Logan	Oklahoma	24-Feb-01	primary	A man is charged with voting twice, once by absentee and once on election day. Although election board officials said they haven't seen a case like this in twenty years, they won't dismiss the charge.	Daily Oklahoman			
	Oregon	11-Apr-02	2000 general	The Secretary of State has referred five cases of possible double voting to the Attorney General (Oregon votes entirely by mail)	AP			
	Oregon	16-May-04	2000	Republicans claimed 1,200 Oregonians had registered in two counties and voted twice. But a state Elections Division investigation found that just a handful of voters were registered to vote in two counties and one had cast more than one ballot	AP			

Deliberative Process  
Privilege

009418

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - 'Dead' Voters and Multiple Voting

	Oregon	1-Nov-04	presidential	The state Republican Chair claims in a news conference that he has uncovered six cases of people voting twice. The elections division immediately showed that five of the voters had only voted once, and the sixth case had immediately been caught by election workers.	The Oregonian			
Pawtucket	Rhode Island	14-Jan-03	General Assembly	The Pawtucket Board of Canvassers determined there was no truth to the allegation that Louis C. Yip, owner of the China Inn restaurant and a well-known developer, had shepherded the same couple to two different polling places, getting them to vote twice. City Registrar of Voters Dawn M. McCormick said that when voting records were checked, it turned out that the couple that Yip was accused of getting to vote at Towers East and Kennedy Housing was actually two different couples, both elderly and Chinese.	Providence Journal Bulletin			
Hamilton County	Tennessee	19-Dec-02	county commission	The county election commissioner said she believed people were using other names to vote and that addresses were changed fraudulently. Voters sign fail-safe affidavits when they change their addresses and their voting records have not yet been updated. Oaths of identity are signed when voters have no other form of identification. The commissioner said she questioned the validity of 11 oaths of identity and 68 fail-safe affidavits in the District 4 election.	Chattanooga Times Free Press			
	Tennessee	14-Dec-05	state senate	A second dead voter cast a ballot in the September special election held to fill the seat vacated by former state senator John Ford. Like a similar case documented earlier this week, this one involves an elderly voter who died weeks before the Sept. 15 election, an investigation by The Commercial Appeal found. Both of the suspect votes occurred in Precinct 27-1, in the heart of heavily Democratic North Memphis. By law, health officials report deaths once a month to the state Election Commission, which then purges the dead from voter registration rolls. In that window of time - a month or so before the election - there's a good chance dead voters will remain on the rolls on Election Day.	Commercial Appeal			
Houston	Texas	25-Nov-04	state legislature	State legislator who lost by 32 votes alleges 32 people voted twice and 101 residents from other districts cast ballots	Austin American Statesemen			
San Juan	Texas	12-May-05	city	The county is investigating three voters suspected of voting early and on election day	The Monitor			
King	Washington	22-Jun-05	gubernatorial	criminal charges filed against six voters for allegedly casting more than one ballot under a variety of circumstances: two for casting ballots in the names of recently deceased spouses; mother and daughter charged with casting a ballot in the name of recently deceased mother's dead husband; one for casting a ballot in the name of someone who had lived at the same address and died; one using someone else's name	Seattle Times			

009719

**EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - 'Dead' Voters and Multiple Voting**

King	Washington	13-Oct-05	gubernatorial	Republican officials release the names of 16 people they say voted twice. One person is found to be two people with the same name but different birthdates. Two names were referred to the prosecutors office, files were charged against one.	Seattle Times			
King	Washington	14-Oct-05	gubernatorial and local primary	Woman on Republican list under investigation for double voting	Seattle Times			
Appleton	Wisconsin	12-Jan-05	nonpartisan election	student who voted by absentee ballot and in person at college sentenced to probation	Post Crescent			
Milwaukee	Wisconsin	22-Aug-05	presidential	GOP claims there were nine cases where people voted in Milwaukee and another city. US Attorney says he found no fraud, but rather clerical errors.	Journal Sentinel			
Milwaukee	Wisconsin	21-Sep-05	presidential	Man charged with voting twice said he filled out two on-site registration cards by mistake but voted only once	Journal Sentinel			
Milwaukee	Wisconsin	5-Dec-05	presidential	Four people charged with double voting; none convicted	Milwaukee Journal Sentinel			
Laramie	Wyoming	2-Nov-04		Laramie County Clerks says there has never been any intentional double registration or double voting				
national		23-Oct-02	presidential	RNC compiles a national database of 3,273 people who voted twice in 2000. In North Carolina, the first name on the list was the chair of the Assembly's election law committee, and the California Secretary of State says they will be able to refute the claims.	USA Today			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - 'Dead' Voters and Multiple Voting


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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - 'Dead' Voters and Multiple Voting

Two people are charged	Kansas City Star (January 8, 2005)	

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - 'Dead' Voters and Multiple Voting

The Board of Elections reviewed all of the allegations of double voting and found that of 18 cases, 11 did not vote twice and seven did but did not intend to. All of the double votes were caught by the board and not counted twice. The board forwarded only one case of alleged double voting to the sheriff for further investigation.	2/24/2005, Akron Beacon	

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - 'Dead' Voters and Multiple Voting

Most of the allegations seem to be cases of innocent mistakes that may have been technically illegal but not fraud	Houston Chronicle (January 16, 2005)	
See Washington summary		

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City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Source 2	Source 3
Jefferson County	Alabama	10-Jan-06	sheriff	Former sheriff and an attorney said in a federal criminal trial that they did not conspire to illegally run criminal history checks on absentee voters for the sheriff's election. Prosecutors say he started doing the check after he lost the election, while the sheriff says he did it to ferret out voter fraud	Birmingham News			
San Francisco	California	28-Nov-01	municipal	The Coast Guard found the lids to eight absentee ballot boxes floating in the bay, raising suspicions of tampering.	San Francisco Chronicle			
Compton	California	November 15, 2001; /11/16/2001	mayoral	Mayor Bradley accuses opponent of stuffing boxes with counterfeit ballots and having noncitizens vote	LA Times			
Broward	Florida	27-Jan-03	ohi	The lawyer for a board of elections employee said she discovered more than 500 unopened absentee bal-lots in the office mailroom two days after the election. According to the story she laid out to prosecutors, she notified her supervisor and was told there had been a mix-up and that the votes needed to disappear.	Brandenton Herald			
Detroit	Michigan	12-Nov-05	mayoral	Nearly 3000 votes were lost for two days as some were taken home by poll workers, others misplaced. Vote totals failed to add up correctly when the votes were restored.	Detroit Free Press			
Detroit	Michigan	26-Nov-05	mayoral	Detroit officials lost track of ballots in nine precincts and did not count them until two days after the polls closed; a poll worker took home two computer data packs containing ballot information and did not return them until the next day, leading to tampering allegations. Judge overseeing the recount orders more security for the ballots	Detroit Free Press			
Middlesex County	New Jersey	19-Jun-03	assembly primary	Assemblywoman Friscia's suit alleges that election workers told voters who to vote for; allowed two or three people to enter voting booths at the same time; permitted people to vote even though their home addresses and signatures did not match the elections register; allowed registered Republicans to vote in a Democratic pri-mary; provided faulty voting machines; paid people to vote for Vas; allowed non-citizens to vote; refused to accept absentee ballots, and closed Friscia's own polling station in Woodbridge.	Home News Tribune			
Atlantic City	New Jersey	11-Nov-05	mayoral and city council	city council member accused of filing absentee ballot applications for 10 people without their authorization. The Attorney General charges councilman with 10 counts of tampering with public records and one count of hindering or preventing voting	AP			
Cleveland	Ohio	20-Jun-05	presidential	A Cleveland elections board employee is charged with changing the votes on ballots completed by five nursing home residents in favor of Bush	Yahoo News			

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Hamilton County	Tennessee	18-Jan-03	district primary	The Tennessee Bureau of Investigation searched the home of former Hamilton County Election Commission employee Rita Jones on Friday and seized an undiscovered number of documents. Ms. Jones, a 14-year employee of the Election Commission, was fired two days after the Nov. 5 general election when officials discovered a box of 189 ballots had not been counted on Election Day.	Chattanooga Times Free Press			
San Antonio	Texas	10-Dec-02	unclear	The county election administrator found that ballot counters switched ballots from Republican to Democrat	San Antonio Express News			
Alamo	Texas	15-Dec-03	county commission	A supporter of one of the candidates alleges that he saw the mayor in the city secretary's office going over a list of residents that showed who had voted and who had not and that the 340 were open mail-in ballots in front of them	The Monitor			
Ector County	Texas	15-Dec-04	county commission	On Election Day, Republican David Dunn had one more vote than his opponent for an Ector County commission seat. After a recount, he lost by a vote. He filed a lawsuit Tuesday accusing opponent Barbara Graff and elections administrator Sharon Wilson of election fraud. He accused Graff of ballot tampering during the recount, claiming she or her supporters doctored tally sheets. Wilson mishandled the recount, tossing out two duplicate ballots for Dunn, according to the suit.	AP			
Forney	Texas	13-Dec-05	mayoral	A judge found that votes cast by several people, including City Council member Andy Parker, could not be found in the ballot box. Mr. Parker testified during the seven-day trial that he had used ballot No. 331, but the No. 331 in the box did not match the way he voted. In all, 165 people testified that they had voted early for Mr. Wilson, while just 152 early votes were counted for him - something Judge Kupper called an "irreconcilable discrepancy." The Sheriff's Department is investigating	Dallas Morning News			
Salt Lake	Utah	20-Nov-02	County Council	County clerk candidate writes a letter to the Attorney General alleging altering of vote counts	Salt Lake Tribune			
King	Washington	26-May-05	gubernatorial	An election administrator admitted she falsified a report to make it appear that all absentee ballots were accounted for. It later proved inaccurate when workers discovered 95 unopened, uncounted absentee ballots in a warehouse. Republicans say of the 96 ballots, 47 came from Rossi districts and 28 Gregoire. Gregoire won four of the five King County precincts that recorded more votes than voters. Rossi won four of the six King County precincts that recorded more voters than votes. Republicans claim this proves ballot boxes were stuffed in precincts that favored Gregoire and ballots vanished in precincts favoring Rossi.	News Tribune			

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	Washington	30-May-05	gubernatorial	Republican attorneys allege King County election officials committee fraud by allowing illegal ballots in Democratic districts, ballot box stuffing and thefts of votes from the Republican candidate	The Olympian			
King	Washington		gubernatorial	GOP lawyer contends claim that the Democrats rigged the election by stuffing ballot boxes in the Democrat's two strongest precincts and by "losing" votes in two of the Republican's strongest precincts.	AP			

Los Angeles	California	7-Feb-03	neighborhood council	In the 2002 election two candidates had to be physically removed from the polling place, one for allegedly attempting to steal ballots. Charges of fraud and improprieties included photocopying ballots and stuffing ballot boxes. 135 more ballots than stakeholders were cast. After investigating, the city found no cause to dismiss the election and the League of Women Voters did not find any stuffing of the ballot boxes.	LA Weekly			
Durham	North Carolina	29-Mar-04	city council	poll worker adds ballots – state board investigates but does not recommend criminal charges, instead recommending that the poll judges in that precinct step down	Herald Sun			
Gaston	North Carolina	16-Dec-04	presidential	There are differences in most precincts between the number of ballots cast and the number of people recorded as voting. State investigators have concluded there is no way to rule out double voting or missing votes because poll workers cannot explain the discrepancies. More than 13,000 votes were omitted from the county's unofficial results, including 1,200 votes from a Dallas precinct and about 12,000 early votes.	Charlotte Observer			

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Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2

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See Washington summary -- judge eventually found no fraud		

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