


009546

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Voter Registration Fraud

<p>An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.</p>	<p>11/8/2005</p>	<p>Akron Beacon Journal</p>

009547

**EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - Voter Registration Fraud**

<p>An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.</p>	<p>8-Nov-05</p>	<p>Akron Beacon Journal</p>
<p>An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.</p>	<p>11/8/2005</p>	<p>Akron Beacon Journal</p>

009548

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - Voter Registration Fraud

one indictment on five counts of forgery	Argus Leader	
Red Earth Villeda, a contractor for the Democratic Party, is investigated. SEE SOUTH DAKOTA SUMMARY	Argus Leader	

009549


009550



009552

009553

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Charles H. Wesley Educ. Found., Inc. v. Cox	United States Court of Appeals for the Eleventh Circuit	408 F.3d 1349; 2005 U.S. App. LEXIS 8320	May 12, 2005	Plaintiffs, a charitable foundation, four volunteers, and a registered voter, filed a suit against defendant state officials alleging violations of the National Voter Registration Act and the Voting Rights Act. The officials appealed after the United States District Court for the Northern District of Georgia issued a preliminary injunction enjoining them from rejecting voter registrations submitted by the	The foundation conducted a voter registration drive; it placed the completed applications in a single envelope and mailed them to the Georgia Secretary of State for processing. Included in the batch was the voter's change of address form. Plaintiffs filed the suit after they were notified that the applications had been rejected pursuant to Georgia law, which allegedly restricted who could collect voter registration	No	N/A	No

009554

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				foundation.	forms. Plaintiffs contended that the officials had violated the NVRA, the VRA, and U.S. Const. amends. I, XIV, XV. The officials argued that plaintiffs lacked standing and that the district court had erred in issuing the preliminary injunction. The court found no error. Plaintiffs had sufficiently alleged injuries under the NVRA, arising out of the rejection of the voter registration forms; the allegations in the			

009555

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>complaint sufficiently showed an injury--in--fact that was fairly traceable to the officials' conduct. The injunction was properly issued. There was a substantial likelihood that plaintiffs would prevail as to their claims; it served the public interest to protect plaintiffs' franchise--related rights. The court affirmed the preliminary injunction order entered by the district court.</p>			
McKay v.	United	226 F.3d	September	Plaintiff	The trial court	No	N/A	No

009556

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Thompson	States Court of Appeals for the Sixth Circuit	752; 2000 U.S. App. LEXIS 23387	18, 2000	challenged order of United States District Court for Eastern District of Tennessee at Chattanooga, which granted defendant state election officials summary judgment on plaintiff's action seeking to stop the state practice of requiring its citizens to disclose their social security numbers as a precondition to voter registration.	had granted defendant state election officials summary judgment. The court declined to overrule defendants' administrative determination that state law required plaintiff to disclose his social security number because the interpretation appeared to be reasonable, did not conflict with previous case law, and could be challenged in state court. The requirement did not violate the Privacy Act of 1974, because it			

009557

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>was grand fathered under the terms of the Act. The limitations in the National Voter Registration Act did not apply because the NVRA did not specifically prohibit the use of social security numbers and the Act contained a more specific provision regarding such use. The trial court properly rejected plaintiff's fundamental right to vote, free exercise of religion, privileges and</p>			

009558

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					immunities, and due process claims. Order affirmed because requirement that voters disclose social security numbers as precondition to voter registration did not violate Privacy Act of 1974 or National Voter Registration Act and trial court properly rejected plaintiff's fundamental right to vote, free exercise of religion, privileges and immunities, and due process claims.			
Nat'l	United	150 F.	July 5,	Plaintiff, national	Defendants	No	N/A	No

009559

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Coalition for Students with Disabilities Educ. & Legal Def. Fund v. Scales	States District Court for the Southern District of Maryland	Supp. 2d 845; 2001 U.S. Dist. LEXIS 9528	2001	organization for disabled students, brought an action against university president and university's director of office of disability support services to challenge the voter registration procedures established by the disability support services. Defendants moved to dismiss the first amended complaint, or in the alternative for summary judgment.	alleged that plaintiff lacked standing to represent its members, and that plaintiff had not satisfied the notice requirements of the National Voter Registration Act. Further, defendants maintained the facts, as alleged by plaintiff, did not give rise to a past, present, or future violation of the NVRA because (1) the plaintiff's members that requested voter registration services were not			

009560

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>registered students at the university and (2) its current voter registration procedures complied with NVRA. As to plaintiff's § 1983 claim, the court held that while plaintiff had alleged sufficient facts to confer standing under the NVRA, such allegations were not sufficient to support standing on its own behalf on the § 1983 claim. As to the NVRA claim, the court found that the agency practice of only offering voter</p>			

009561

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>registration services at the initial intake interview and placing the burden on disabled students to obtain voter registration forms and assistance afterwards did not satisfy its statutory duties. Furthermore, most of the NVRA provisions applied to disabled applicants not registered at the university. Defendants' motion to dismiss first amended</p>			

009562

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>complaint was granted as to the § 1983 claim and denied as to plaintiff's claims brought under the National Voter Registration Act of 1993. Defendants' alternative motion for summary judgment was denied.</p>			
Cunningham v. Chi. Bd. of Election Comm'rs	United States District Court for the Northern District of Illinois	2003 U.S. Dist. LEXIS 2528	February 24, 2003	Plaintiffs, who alleged that they were duly registered voters, six of whom had signed nominating petitions for one candidate and two of whom signed	Plaintiffs argued that objections to their signatures were improperly sustained by defendants, the city board of election commissioners. Plaintiff's argued that they were	No	N/A	No

009563

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>nominating petitions for another candidate. They first asked for a preliminary injunction of the municipal election scheduled for the following Tuesday and suggested, alternatively, that the election for City Clerk and for 4th Ward Alderman be enjoined.</p>	<p>registered voters whose names appeared in an inactive file and whose signatures were therefore, and improperly, excluded. The court ruled that by characterizing the claim as plaintiffs did, they sought to enjoin an election because their signatures were not counted, even though their preferred candidates were otherwise precluded from appearing on the ballot. Without regard to their likelihood of</p>			

009564

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>obtaining any relief, plaintiffs failed to demonstrate that they would be irreparably harmed if an injunction did not issue; the threatened injury to defendants, responsible as they were for the conduct of the municipal election, far outweighed any threatened injury to plaintiffs; and the granting of a preliminary injunction would greatly disserve the public interest. Plaintiffs' petition for</p>			

009565

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					preliminary relief was denied.			
Diaz v. Hood	United States District Court for the Southern District of Florida	342 F. Supp. 2d 1111; 2004 U.S. Dist. LEXIS 21445	October 26, 2004	Plaintiffs, unions and individuals who had attempted to register to vote, sought a declaration of their rights to vote in the November 2, 2004 general election. They alleged that defendants, state and county election officials, refused to process their voter registrations for various failures to complete the registration forms. The election officials	The putative voters sought injunctive relief requiring the election officials to register them to vote. The court first noted that the unions lacked even representative standing, because they failed to show that one of their members could have brought the case in their own behalf. The individual putative voters raised separate issues: the first had failed to verify her mental	No	N/A	No

009566

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>moved to dismiss the complaint for lack of standing and failure to state a claim.</p>	<p>capacity, the second failed to check a box indicating that he was not a felon, and the third did not provide the last four digits of her social security number on the form. They claimed the election officials violated federal and state law by refusing to register eligible voters because of nonmaterial errors or omissions in their voter registration applications, and by failing to provide any notice to voter</p>			

009567

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>applicants whose registration applications were deemed incomplete. In the first two cases, the election official had handled the errant application properly under Florida law, and the putative voter had effectively caused their own injury by failing to complete the registration. The third completed her form and was registered, so had suffered no injury. Standing failed against the secretary of state. Motion to dismiss without</p>			

009568

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					prejudice granted.			
Bell v. Marinko	United States District Court for the Northern District of Ohio	235 F. Supp. 2d 772; 2002 U.S. Dist. LEXIS 21753	October 22, 2002	Plaintiff voters sued defendants, a county board of elections, a state secretary of state, and the state's attorney general, for violations of the Motor Voter Act and equal protection of the laws. Defendants moved for summary judgment. The voters also moved for summary judgment.	The board heard challenges to the voters' qualifications to vote in the county, based on the fact that the voters were transient (seasonal) rather than permanent residents of the county. The voters claimed that the board hearings did not afford them the requisite degree of due process and contravened their rights of privacy by inquiring into personal matters. As to the MVA	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>claim, the court held that residency within the precinct was a crucial qualification. One simply could not be an elector, much less a qualified elector entitled to vote, unless one resided in the precinct where he or she sought to vote. If one never lived within the precinct, one was not and could not be an eligible voter, even if listed on the board's rolls as such. The MVA did not affect the state's ability to</p>			

009570

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					condition eligibility to vote on residence. Nor did it undertake to regulate challenges, such as the ones presented, to a registered voter's residency ab initio. The ability of the challengers to assert that the voters were not eligible and had not ever been eligible, and of the board to consider and resolve that challenge, did not contravene the MVA. Defendants' motions for			

009571

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					summary judgment were granted as to all claims with prejudice, except the voters' state-law claim, which was dismissed for want of jurisdiction, without prejudice.			
Bell v. Marinko	United States Court of Appeals for the Sixth Circuit	367 F.3d 588; 2004 U.S. App. LEXIS 8330	April 28, 2004	Plaintiffs, registered voters, sued defendants, Ohio Board of Elections and Board members, alleging that Ohio Rev. Code Ann. §§ 3509.19-3509.21 violated the National Voter Registration Act, and the Equal Protection Clause	The voters contested the challenges to their registration brought under Ohio Code Rev. Ann. § 3505.19 based on Ohio Rev. Code Ann. § 3503.02. Specifically, the voters asserted that § 3503.02---which stated that the place	No	N/A	No

009572

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>of the Fourteenth Amendment. The United States District Court for the Northern District of Ohio granted summary judgment in favor of defendants. The voters appealed.</p>	<p>where the family of a married man or woman resided was considered to be his or her place of residence---- violated the equal protection clause. The court of appeals found that the Board's procedures did not contravene the National Voter Registration Act because Congress did not intend to bar the removal of names from the official list of persons who were ineligible and improperly registered to vote</p>			

009573

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>in the first place. The National Voter Registration Act did not bar the Board's continuing consideration of a voter's residence, and encouraged the Board to maintain accurate and reliable voting rolls. Ohio was free to take reasonable steps to see that all applicants for registration to vote actually fulfilled the requirement of bona fide residence. Ohio Rev. Code Ann.</p>			

009574

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Voter Registration Rejection Cases - 2

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>§ 3503.02(D) did not contravene the National Voter Registration Act. Because the Board did not raise an irrebuttable presumption in applying § 3502.02(D), the voters suffered no equal protection violation. The judgment was affirmed.</p>			

009575

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Ballot Counting Violation Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Hileman v. McGinness	Court of Appeals of Illinois, Fifth District	316 Ill. App. 3d 868; 739 N.E.2d 81; 2000 Ill. App. LEXIS 845	October 25, 2000	Appellant challenged the circuit court declaration that that the result of a primary election for county circuit clerk was void.	In a primary election for county circuit clerk, the parties agreed that 681 absentee ballots were presumed invalid. The ballots had been commingled with the valid ballots. There were no markings or indications on the ballots which would have allowed them to be segregated from other ballots cast. Because the ballots could not have been segregated, apportionment was the	No	N/A	No

009576

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Ballot Counting Violation Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>appropriate remedy if no fraud was involved. If fraud was involved, the election would have had to have been voided and a new election held. Because the trial court did not hold an evidentiary hearing on the fraud allegations, and did not determine whether fraud was in issue, the case was remanded for a determination as to whether fraud was evident in</p>			

009577

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Ballot Counting Violation Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					the electoral process. The court reversed the declaration of the trial court, holding that a determination as to whether fraud was involved in the election was necessary to a determination of whether or not a new election was required.			
DeFabio v. Gummersheimer	Supreme Court of Illinois	192 Ill. 2d 63; 733 N.E.2d 1241; 2000 Ill. LEXIS 993	July 6, 2000	Appellant challenged the judgment of the appellate court, which affirmed the trial court's decision granting appellee's summary judgment motion in action brought by	Appellee filed a petition for election contest, alleging that the official results of the Monroe County coroners election were invalid because none of the 524 ballots cast in	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Ballot Counting Violation Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>appellee to contest the results of the election for the position of county coroner in Monroe County.</p>	<p>Monroe County's second precinct were initialed by an election judge, in violation of Illinois law. The trial court granted appellee's motion for summary judgment, and the appellate court affirmed the judgment. The Illinois supreme court affirmed, noting that statutes requiring election judges to initial election ballots were mandatory, and uninitialed</p>			

009579

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Ballot Counting Violation Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>ballots could not have been counted, even where the parties agreed that there was no knowledge of fraud or corruption. Thus, the supreme court held that the trial court properly invalidated all of the ballots cast in Monroe County's second precinct. The court reasoned that none of the ballots contained the requisite initialing, and neither party argued that any</p>			

009580

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Ballot Counting Violation Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>of the uninitialed ballots could have been distinguished or identified as absentee ballots. The supreme court affirmed the judgment because the Illinois statute requiring election judges to initial election ballots was mandatory, and uninitialed ballots could not have been counted, even where the parties agreed that there was no knowledge of fraud or corruption.</p>			

009581

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Absentee Balloting

City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source 1	Source 2	Source 3	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Phillips	Arkansas	2-Nov-02	primary	The sanitation director for Helena, the Phillips County seat, admitted in court to illegally casting more than 25 absentee ballots in the Democratic primary in May.	Arkansas Democrat-Gazette						
South Gate	California	28-Jan-03	Treasurer and city council recall	Supporters of the recall, which is being led by the city's two police unions, say city employees have been illegally filling out absentee ballots against the recall.	Los Angeles Times						
Bridgeport	Connecticut	6-Sep-02		Election officials found an absentee ballot application for someone who is dead	Connecticut Post						
Bridgeport and New Haven	Connecticut	4-Nov-02	probate judge	FBI is investigating potential absentee ballot fraud in Bridgeport Democratic primary and two men face absentee ballot charges involving 2 New Haven primaries	Connecticut Post						
Hartford	Connecticut	12-Aug	state legislature	former state representative is charged with seven counts of absentee ballot fraud for absentee ballot coercion in a particular apartment complex	Hartford Courant						
Bridgeport	Connecticut	3-Dec-03	town committee	The elections commission wants four brothers to be charged with fraudulent voting for allegedly submitting illegal absentee ballots in the March 2002 Democratic Town Committee primary. The commission alleges that none of the brothers lived in Bridgeport when they voted in those city elections.	Connecticut Post						
Smyrna	Delaware	3-Aug-05	town	A challenger to the mayor who lost by 2 votes is suing the mayor for personally delivering absentee ballots to minority residents, some of whom were not eligible to vote	The News Journal						
Winter Garden	Florida	5-Mar-02	city commissioner	Four are charged with forging names on absentee ballots	AP						
Volusia	Florida	3-Oct-03	city	Elections officials inquire into 43 absentee ballot request forms with the wrong date of birth and 3 requests with forged signatures	Orlando Sentinel						
Winter Haven	Florida	6-Jan-04	town	criminal complaint filed against woman for voting by absentee ballot when she did not live in the district	Polk Online						

009582

Deliberative Process  
 Privilege

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - Absentee Balloting

Hialeah	Florida	21-Mar-04	city council	Miami-Dade public corruption detectives fanned across Hialeah on Friday, questioning employees of the city's public housing agency, as well as friends and relatives of politicians aligned with Mayor Raul Martinez. Sources close to the investigation say those interviewed were asked about their alleged handling of absentee ballots gathered from voters - many of them elderly - in the city's public housing units.	Miami Herald					A special state prosecutor said he found no evidence of election fraud after a yearlong investigation of absentee voting at the Hialeah Housing Authority during that city's 2003 elections	Miami Herald, May 11, 2005	
Orlando	Florida	5-Mar-05	mayoral	A grand jury is investigating the possible mishandling of absentee ballots by a minority voting advocate who has worked for many campaigns	Orlando Sentinel					All charges are dropped. Democrats allege the whole case was politically motivated; Florida prosecutors dropped a case charging the mayor with paying a campaign worker to collect absentee ballots. Three others indicted on the same charge were also cleared.	April 21, 2005 Orlando Sentinel	April 21, 2005, The New York Times
Cook	Illinois	15-Mar-02	state	ACORN alleges that a man went to a senior citizen home and voted the seniors' absentee ballots	Chicago Sun-Times							
Calumet City	Illinois	3-Sep-03	mayoral	A county judge threw out and reversed an election because of absentee coercion of disabled voters	Chicago Tribune							
Marion	Indiana	1-Nov-02	county	The county prosecutor is investigating absentee ballots in which signatures don't match, voter's names were misspelled, and correction fluid was used to change te address	Indianapolis Star							
Madison	Indiana	29-Apr-03	primary	State police are investigating whether Democratic primary absentee ballots were delivered to nursing homes that traditionally vote Republican	Herald Bulletin							
Lake	Indiana	11-Jul-03	town	Allegations are made of absentee ballots from voters who moved and forged signatures by one person. Case will be heard by a county judge	Northwest Indiana News							
Porter	Indiana	31-Mar-04	town	Elections board investigates allegations that two ineligible voters voted by bsentee ballots	Northwest Indiana News							
East Chicago	Indiana	23-Jun-04	mayoral	The Indiana Supreme Court is considering whether to order a special mayoral election. The losing candidate claims he would have won if not for hundreds of fraudulent absentee votes cast for his opponent, including some cast on behalf of dead voters	AP							

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - Absentee Balloting

Anderson	Indiana	11-Dec-04	mayoral	The longtime Democratic Party chairman in Madison County is accused of illegally delivering absentee ballots cast by two Anderson residents. Another man is accused of 17 Class D felony charges for allegedly registering absentee voters, then telling them how to vote and picking up their ballots. A woman is accused of completing an absentee ballot in September 2003 that listed an address where she did not live.	Indianapolis Star						
East Chicago	Indiana	August 6, 2003, August 8, 2003	mayoral primary	It is alleged that city workers were asked to vote absentee, acquire absentee applications, and given paid election day positions for bringing in absentee votes	Northwest Indiana News			four people indicted, one for receiving absentee ballots for people ineligible to vote, one for failing to appear before the grand jury, and two for voter fraud and lying to the grand jury; county judges tosses out 155 absentee ballots but this does not change the election outcome; DOJ begins investigating	WISH TV, November 18, 2003; Northwest Indiana Times, January 21, 2004		Post Tribune, December 15, 2005: two Democratic precinct committeement and three people with ties to a city contractor were charged with pressuring acquaintances to fill out absentee ballots. This brings the total number of people charged to 22 (See East Chicago summary)
	Maine	13-Feb-04	state house	Police have begun investigating allegations that elderly voters were pressured into casting absentee ballots for a Green Independent candidate in Maine's special election. Chief Roger Beaupre said Thursday his department has received 10 complaints of voter intimidation from elderly voters who were told votes for candidates other than Green Independent candidate Dorothy Lafortune did not count.	AP						
River Rouge	Michigan	4-Apr-01	mayoral	state police investigating absentee coercion in a senior apartment building	Yahoo News						
Detroit	Michigan	8-Nov-05	mayoral	A lawsuit alleges the City Clerk's assistants have allowed voters to fill out ballots in group settings, didn't sign their names on ballot envelopes and advertised their services in nursing homes. She also sent 130,000 unsolicited absentee ballot applications defying a court order.	Detroit Free Press			County Circuit Court judge ruled the Clerk violated the law; There is an election contest and a federal investigation involving irregularities with absentee ballots.	November 9, 2005 Detroit Free Press; November 24, 2005 Detroit Free Press		
Houston	Mississippi	10-Nov-05	mayoral	Candidate files a complaint alleging 59 absentee ballots are questionable. He produced a letter from two elderly absentee voters saying they were given plates of food in exchange for allowing his opponent to fill out their ballots.	AP						

009584

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Absentee Balloting

	Missouri	19-Sep-04	gubernatorial	The state Democratic Party accused Republicans of coercion when they asked county clerks to send the names of people who had requested absentee ballots	AP							
East St. Louis	Missouri	5-Jan-05	city	investigations by the state attorney and the FBI into unspecified absentee ballot fraud	Post Dispatch							
Tonopah	Nevada	23-Oct-02	local general and primary election	The FBI investigates questionable absentee ballot requests	Pahrump Valley Times							
Las Vegas	Nevada	26-Apr-03	assembly	Man is indicted because he voted other people's ballots using absentee voter forms for people who lived outside the district.	AP							
Atlantic City	New Jersey	31-Oct-01	Mayoral	Mayor Whelan's campaign has alleged that street operatives for the mayor's challenger, Councilman Lorenzo Langford, tricked voters into requesting absentee ballots and then went to their homes to bully them into filling the ballots out for Langford. The Whelan campaign has also alleged that Langford has stockpiled absentee ballots to fill out fraudulently. The Langford campaign yesterday denounced Whelan's actions as a means of suppressing voter rights and said it would file a federal civil-rights lawsuit this week.	Philadelphia Inquirer							
Palisades Park	New Jersey	6-Nov-02		The Deputy Attorney General said in a court filing that the prosecutor is investigating four types of irregularities: "1) improprieties in the manner in which voters requested absentee ballots; 2) instances where the voter has stated that they received assistance in voting but that fact is not noted on the voter certification; 3) instances where the absentee ballot was delivered to the Board of Elections by a person other than the one to whom the voter gave the ballot; 4) instances where the voter gave an unmarked ballot to another person."	The Record				276 absentee ballots from the 2002 election in Palisades Park are still impounded in the office of Patricia DiCostanzo, the Bergen County superintendent of elections.	October 4, 2004, The Record		
Atlantic City	New Jersey	9-Jul-03	county primary	Board of elections requests an inquiry into alleged forged absentee ballots	Atlantic County News							
Passaic	New Jersey	22-Sep-04	county	The FBI is investigating charges that voters targeted by a Democratic campaign had their signatures forged or had been pressured or misled into voting absentee	Heral News (Passaic)							

009585

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Absentee Balloting

	New Jersey	4-Oct-04		In the city of Passaic, three dozen voters claimed they'd been victims of absentee ballot fraud in 2003.	The Record							
Albany County	New York	8-Mar-04	special primaries	131 absentee ballots were delivered by a ward leader, leading to vague allegations of coercion. All absentee ballots and machines impounded under a court order	Albany Times Union							
Albany County	New York	10-Mar-04	county legislature	One person filled in more than 140 signed absentee ballot applications, and there were other administrative errors in absentee ballot distribution and return. The candidates made a deal before the judge ruled on the case to have a special election; the absentee ballots are not counted	Albany Times Union							
Haskell	Oklahoma	7-Nov-02	district attorney	An absentee ballot scandal is being investigated in Haskell County, where one man allegedly admitted notarizing 42 absentee ballots without having the voters present while another man helped him, the District Attorney said.	Dañy Oklahoman							
Providence	Rhode Island	23-Aug-02	mayoral	Elderly woman says strangers coerced her into giving them her ballot	Providence Journal-Bulletin							
Senate District 30	South Carolina	27-Sep-04	state senate primary	A person with connections to the Williams campaign nicknamed "The Voter Man" convinced elderly voters, some living in residential care facilities, to fill out absentee ballot registration forms. Some say they never received a ballot, even though records indicate a ballot was cast in their names. * At least one staff member at a Mullins care facility said non-communicative Alzheimer's patients were coaxed into casting absentee ballots. * Another person with ties to the Williams campaign turned in nearly 60 ab-sentee ballots to election officials, many from elderly voters. While not tech-nically illegal, the volume of absentee votes raised eyebrows within the Norwood campaign. As a result of suspected fraud the party ordered a new election and the cases are being criminally investigated.	The State							

009586

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Nexis Articles - Absentee Balloting

	South Dakota	20-Oct-02	statewide	several counties forward questionable absentee ballot requests	Angus Leader				October 25, 2002: Red Earth Villeda, a former Democratic contractor is investigated; October 27, 2002: State and federal agents target 25 South Dakota counties; October 31, 2002: no illegally cast ballots are found (see South Dakota summary)	Argus Leader		
Shannon	South Dakota	30-Oct-04	presidential	The prosecutor in Fall River County says he will investigate possible multiple voting by absentee ballot. The multiple ballots were cast by fewer than 10 people	AP							
Sioux Falls	South Dakota	2-Nov-04	senatorial	Three former Republican notary publics pled guilty to signing absentee ballots without witnessing the signatures. Three other former GOP workers are charged, as is one Daschle staff person accused of not being present for two notary applications. Officials say none of the incidents affected any votes	AP				A fourth former employee of the South Dakota Republican Party's get-out-the-vote operation has pleaded guilty to improperly notarizing absentee-ballot re-quests, and another who had pleaded not guilty will appear in court next week to change his plea. Six workers for the GOP Victory effort resigned last month after questions surfaced about some absentee-ballot applications collected at college campuses across the state. Charges were filed after officials said the workers notarized applications collected by other workers, violating a state law that requires notaries to witness documents being signed before they can give them their official seal.	November 4, 2004, Argus Leader		
Dallas	Texas	10-May-01	district council	Both candidates accuse the other manipulating the absentee ballot votes of senior citizens	Dallas Observer							
Dallas	Texas	16-May-01	city council	Several affidavits alleging mail-in voter fraud have been submitted to the Dallas County district attorney's office, according to election officials. But prosecutors have declined to comment about whether those allegations, or any others, would result in a criminal complaint.	Dallas Morning News				A voter fraud investigation has resulted in the indictment of a Dallas woman who is accused of filling out a mail-in ballot in May without the voter's permission, a Dallas prosecutor said Tuesday.	February 13, 2002, Fort-Worth Star Telegram		
Dallas	Texas	27-Jul-02	district council	A candidate for the council alleged three campaign workers spent Friday reviewing mail-in ballots and applications for the ballots and found at least 69 that they believe might have forged signatures on either document.	Fort Worth Star-Telegram							
Dallas	Texas	22-Apr-03	city council	A candidate submitted 12 absentee ballot applications with forged signatures. The DA is investigating.	Dallas Morning News							

009587

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Absentee Balloting

Hearne	Texas	18-Oct-03	municipal	Man fined and sentenced to five years probation for voting in the names of three dozen other people by absentee ballot. He is the fifth person to plead guilty to similar charges brought by a grand jury in August. 17 were indicted.	Houston Chronicle							
Hearne	Texas	28-Dec-03	mayoral	30 people were indicted for forged absentee ballot applications and sending in multiple absentee ballots	Star Telegram							
El Paso	Texas	12-Feb-04	water board	Several mail in ballot requests appeared to be filled out by the same person and a few were in the names of dead people. A precinct chairwoman was charged with four counts of tampering with government records	Assoc Press				Five people have been charged with sending in absentee ballot applications in the names of other people	2/13/2004, El Paso Times		
Hidalgo	Texas	3-Mar-04	miscellaneous, from congress to judge's race	Complaints were made to the Board of Elections against workers for several campaigns of irregularities concerning absentee ballots, including coercion of elderly voters, a complaint that someone requested an absentee ballot for a dead voter; four people said their ballots were already sealed when they received them, and a voter whose absentee ballot that was sent elsewhere	The Monitor							
Bexar	Texas	25-Mar-04	congressional	The names of 42 deceased people, most of whom lived on the South Side, appeared on applications for mail-in ballots that were submitted to election officials for the primaries. A computer at the Bexar County elections office flagged the applications and the district attorney's office is investigating. No ballots appear to have been sent to a dead person as a result of the applications, election officials have said. However, the applications were cited by Henry Cuellar - a Democratic candidate for the District 28 congressional seat who lost by 145 votes - as one of several concerns that persuaded him to call for a recount this week. The list of applicants includes next-door neighbors, people who never voted when they were alive, and two who died in 1988. All but one bear the deceased's correct voter registration number. Each had the correct address and voting precinct, and all indicated the voter was older than 65, which is one of the reasons individuals may obtain a mail-in ballot. But whoever filled out many of the applications didn't alter his or her hand	San Antonio Express-News							

009588

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Absentee Balloting

South San Antonio	Texas	23-May-04		Elderly voters complain of "vote brokering" whereby "coyotes" pressure them into voting by absentee ballot. Investigators have looked into this in the past, and there has only been one conviction of someone pressuring others to vote absentee.	San Antonio Express-News						
Robstown	Texas	27-May-04	school district	The District Attorney requested a recount of ballots because of many complaints of people filing mail-in ballots sent to homes of people who have died. One of the candidates says that in one instance a wife mailed in the ballot of her husband who just died, and another was a son's vote being mistaken for the father's because they had the same name.	Corpus Christi Caller-Times						
Falfurrias	Texas	11-Sep-04	city	After a May 26 recount, Jaime received 501 votes and Martinez wound up with 500 votes. In June, Martinez filed an election contest in district court claiming that "numerous co-conspirators" obtained votes by instructing the voters to cast their ballots for particular candidates. But a criminal investigation into voting violations started before voters cast the final ballots, according to a police report. So far, the criminal investigation has resulted in five felony and one misdemeanor indictments: Santiago Vela was indicted on a bribery charge; Armando Gonzalez, Vanessa Kiser and Roel Mireles were indicted on illegal voting charges; Magdalena Saenz was indicted on an unlawful delivery of a voting certificate charge. One woman, Mirna Quintanilla, was indicted on a misdemeanor charge for allegedly filling out a mail-in ballot for a voter without permission.	Corpus Christi Caller-Times						
Houston	Texas	11-Nov-05	mayoral	Candidate alleges that 64 of the 579 absentee ballots cast in the primary are questionable.	AP						
Hidalgo	Texas	2/26/2004, March 6, 2004	primary	Texas Rangers investigate tampering with mail ballots by "politiqueras"	The Monitor						

009589

EAC Voting Fraud-Voter Intimidation Preliminary Research  
 Nexis Articles - Absentee Balloting

Gate City	Virginia	2-Aug-05	mayor	mayor is indicted on 37 felony counts of voter fraud for coercing choices on absentee ballots	Roanoke Times				The former mayor was arraigned in Scott County Circuit Court. He entered not guilty pleas to 18 charges of aiding and abetting in violating the absentee voting process, 17 charges of making a false statement on an absentee ballot application, and two charges of conspiracy. Authorities say he targeted elderly and unsophisticated voters, pressuring them to give false reasons for voting absentee and sometimes filling out their ballots himself.	8/17/2005, Roanoke Times		
Milwaukee	Wisconsin	5-Mar-03	county board recall	A police handwriting expert labeled signatures on 60 absentee ballot envelopes suspicious and elections officials and the DA questioned 36 more. The 96 are among 162 that were distributed to 5th District voters by the African American Coalition for Empowerment. The group had residents agree to ask the city to send absentee ballots to their offices rather than directly to the voters. The group then went to the homes, witnessed the votes and returned the ballots.	Milwaukee Journal Sentinel							
Milwaukee	Wisconsin	15-Jan-04	county recall	A voting rights activist was convicted of three felony counts stemming from his management of an absentee ballot campaign. Although evidence suggested forgery and other mischief, the case turned on one voter registration card. The voter had his signature forged by his girlfriend, and the activist had signed the form as a deputy registrar.	Milwaukee Journal Sentinel							
Milwaukee	Wisconsin	20-Feb-04	county recall	One person is convicted for forging absentee ballots	Milwaukee Journal Sentinel							

009590







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

City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source 1	Source 2	Source 3
Apache	Arizona	31-Aug-04	2002 general	County Attorney alleges some Navajo Nation voters cast multiple ballots. The Election Director dismisses many of the allegations and questioned why the county attorney had waited more than a year and a half to make them.	Arizona Republic			
Eureka Springs	Arkansas	29-Jun-01	county judge	A special judge rules prosecutors must show the mayor intended to vote twice -- he says he got confused when he voted early for a city bond election and the voting clerk offered him a primary ballot at the same time. He then voted in the primary at his precinct on election day.	AP			
La Puente	California	3-Aug-02	municipal	Four family members of a councilman were charged with voting twice because they voted absentee and on election day.	Los Angeles Times			
San Francisco	California	1-Mar-04	mayoral run-off	One of the candidates alleged that 400 people who are dead cast votes. The allegation was based on a computer program that cross-referenced voters and the social security death index using first and last names and date of birth. When the Chronicle also used middle initials and other identifying indicators, the list was whittled to five cases. Some were by absentee but a couple were in person.	San Francisco Chronicle			
	Colorado	25-Mar-05		58 of 64 counties responded to a request by the Secretary of State to report on fraud investigations. Only 13 counties have referred cases to prosecutors. Those cases included 41 instances of citizens voting twice. Denver County officials said they had 81 instances of double voting.	Denver Post			
	Connecticut	22-Oct-02	all	Secretary of State says that RNC allegations that 54 Connecticut voters cast ballots in 2 different states have been investigated and found to be false. 15 voted only in CT, 29 voted only in another state, four names were wrong because they had different birth dates, and three were referred to the FBI and US Attorney because information from the other state could not be obtained.	New Haven Register			
Bridgeport	Connecticut	23-Sep-03	mayoral primary	Losing candidate alleges some voters were able to vote twice.	News 12			
	DC and Maryland	31-Oct-02	state primary and presidential election	Records indicate that 24 voters cast ballots in both DC and Maryland in the September 2002 primary and 90 voters did so in the 2000 election. Voters denied they had done so and election officials said it was possible for precinct workers to make mistakes when recording who voted.	Washington Post			
Palm Beach	Florida	5-Dec-02	2002 general	The County State Attorney will be investigating about a dozen people accused of voting twice. Each cast an absentee ballot and voted on Election Day. The Secretary of State says they may have forgotten they voted absentee. They all had to vote by provisional ballots so none of the second votes were counted. This is the first time the Secretary's office has found people who voted twice.	Sun-Sentinel			
Indian River	Florida	2-Nov-04	presidential	One voter returned two absentee ballots -- the first one was counted and the second discarded. A woman voted by absentee and then during early voting. Her absentee ballot will be thrown out.	Press Journal (Vero Beach)			

009594

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

Palm Beach	Florida	6-Nov-04	presidential	The Palm Beach Post reports that three voters cast absentee ballots and then filled out provisional ballots on Election Day. Local officials have asked the Attorney General to investigate. The Post reached two of the voters and they said they cast provisional ballots because when they tried to check on their absentee ballots they were unable to confirm they had been received.	Florida Times Union				
Volusia	Florida	6-Nov-04	presidential	Volusia officials said Friday they have identified 12 cases of suspected election fraud stemming from Tuesday's presidential election. All involved people trying to vote twice, said County Judge Steven deLaroche, a member of the county canvassing board. In one case, which occurred during early voting, a person was caught trying to feed an absentee ballot into a tabulating machine after casting a traditional ballot, deLaroche said. That person was stopped by a poll worker. In the other 11 cases, people who had voted by absentee ballot or at an early-voting site tried to vote a second time on Election Day, he said. In those cases, election workers discovered the attempts when computers showed those voters had already cast ballots. All the cases will be forwarded to the State Attorney's Office for prosecution.	Orlando Sentinel				
Duval	Florida	31-Jul-05	presidential	Officials said in January that a review of records found more than 50 cases in which the same person had cast an absentee and in person ballot. An FBI investigation found that every one of those instances was due to a clerical error, such as someone signing the voter rolls before they were told they had to vote elsewhere.	AP				
Fulton	Georgia	30-Sep-04	primary	A man who may be facing felony charges for voting twice says he voted during the early period and that when he went to his precinct on election day to make sure that vote had been recorded, he was told it was not. The poll worker told him he should vote again. Fulton County investigated and found no other advance voters had voted again on the day of the election. The registration chief acknowledged the county was late getting names of advance voters to the polls. The advance vote was tossed out after it was discovered.	Atlanta Journal Constitution				
Marshall	Illinois	13-Nov-04	2002 and 2004	A man has been charged for voting twice, in both Kane County and Marshall County	South Bend Tribune				
Lake County	Indiana	16-May-04	county primary	A newspaper analysis shows that five votes cast were attributed to people who were dead well before the election.	AP				
Prairie Village	Kansas	8-Jan-05	2002 general	A woman who voted twice pled guilty -- she had voted from her business address and cast an absentee ballot from a different location in the same election.	Kansas City Star				

009595

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

Hancock	Louisiana	3-Nov-04	presidential	A woman called a radio talk show Tuesday and admitted casting fraudulent votes in Hancock County. The woman said she voted once using her own name, but after realizing she was not required to show identification, she waited several hours and returned to the polls and used a friend's name. The county clerks said the incident seems to be isolated and her office has not received evidence of other fraudulent votes elsewhere in the county.	The Sun Herald			
Duluth	Minnesota	3-Nov-04	presidential	A voter claims someone forged his signature to vote under his name. He reported the incident to City Hall	Duluth News-Tribune			
Minneapolis	Minnesota	23-Feb-05	presidential	A felony charge filed Tuesday in Hennepin County District Court accuses Darin Randall Johnson, 34, of registering to vote and casting ballots in three different places in the November election. The criminal complaint alleges he filled out same-day registration forms and voted once in Brooklyn Park and twice in Minneapolis.	Saint Paul Pioneer Press			
Kansas City	Missouri	28-Mar-05	various	Man pleads guilty to casting double votes in four elections by voting in both Kansas and Missouri	Kansas City Star			
Kansas City	Missouri	September 6, 2004	all	Kansas City Star reports that their investigation shows there may be more than 300 voters voting twice in different counties. The exact number is impossible to determine because many counties have shredded their poll books and state computer files are rife with data errors. In fact, the number may be lower because the state computer files contain many errors that show people voting who did not actually vote. The study only flagged people registered in two places under exactly the same name and date of birth.	Kansas City Star, Belleville News-Democrat			
	New Jersey	16-Sep-05	presidential	Republican Party claims 4,755 people who have died voted in the election and 4,397 people registered to vote in more than one county voted twice	New York Times			
Sandoval	New Mexico	9-Nov-02	state house	A comparison of names on absentee-ballot-request rosters and affidavits for the absentee-in-lieu-of-ballots made it appear that 5 people had voted twice absentee by mail and absentee-in-lieu-of at the polls.	Albuquerque Journal			
Sandoval	New Mexico	24-Nov-04	presidential	Bureau of Elections employees found a woman who voted on a provisional ballot at one precinct also had voted at the regular precinct where she is registered. The signatures at both precincts appeared to be the same, so elections officials sent the case to the district attorney.	AP			
New York	New York	23-Oct-02	2000 and 2001	Former conservative party candidate for lieutenant governor is arraigned on an indictment for voting twice, from two different Manhattan addresses. He denies the charge	Newsday			

009596

## **TOVA WANG ON THE EAC GAG ORDER**

I have just received this press release via email:

Contact James Joseph, Arnold & Porter -- (202) 942-5355, james\_joseph@aporter.com

Tova Andrea Wang, Co-Author of the Voter Fraud and Voter Intimidation Report for the Election Assistance Commission, Calls for an End to the Censorship

Over the last few weeks, there has been a developing controversy in the press and in the Congress over a report on voter fraud and voter intimidation I co-authored for the Election Assistance Commission ("EAC"). It has been my desire to participate in this discussion and share my experience as a researcher, expert and co-author of the report. Unfortunately, the EAC has barred me from speaking. Early last week, through my attorney, I sent a letter to the Commission requesting that they release me from this gag order. Despite repeated follow-up, the EAC has failed to respond to this simple request. In the meantime, not only can I not speak to the press or public -- it is unclear under the terms of my contract with the

009597

EAC whether I can even answer questions from members of Congress.

My co-author and I submitted our report in July 2006; the EAC finally released its version of the report in December 2006. As numerous press reports indicate, the conclusions that we found in our research and included in our report were revised by the EAC, without explanation or discussion with me, my co-author or the general public. From the beginning of the project to this moment, my co-author and I have been bound in our contracts with the EAC to silence regarding our work, subject to law suits and civil liability if we violate the EAC-imposed gag order. Moreover, from July to December, no member of the EAC Commission or staff contacted me or my co-author to raise any concerns about the substance of our research. Indeed, after I learned that the EAC was revising our report before its public release, I contacted the EAC, and they refused to discuss with me the revisions, or the reasons such revisions were necessary.

Stifling discussion and debate over this report and the critical issues it addresses is contrary to the mission and

goals of the EAC and to the goal of ensuring honest and fair elections in this country. Commissioner Hillman stated in her defense of the EAC's actions that the EAC seeks to "ensure improvements in the administration of federal elections so that all eligible voters will be able to vote and have that vote recorded and counted accurately." I share this aspiration. But I believe that the best way to achieve that end is not by suppressing or stifling debate and discussion, but by engaging in a thoughtful process of research and dialogue that ultimately arrives at the truth about the problems our voting system currently confronts.

I'm ready to wear my "Free Tova Wang" t-shirt. **UPDATE:**

More from Dan Tokaji [here](#).

Posted by Rick Hasen at [08:46 AM](#)

## **Defining Election Fraud**

## **Deliberative Process Privilege**

Election fraud is any intentional action, or intentional failure to act when there is a duty to do so, that corrupts the election process in a manner that can impact on election outcomes. This includes interfering in the process by which persons register to vote; the way in which ballots are obtained, marked, or tabulated; and the process by which election results are canvassed and certified.

Examples include the following:

- falsifying voter registration information pertinent to eligibility to cast a vote, (e.g. residence, criminal status, etc);
- altering completed voter registration applications by entering false information;
- knowingly destroying completed voter registration applications (other than spoiled applications) before they can be submitted to the proper election authority;
- knowingly removing eligible voters from voter registration lists, in violation of HAVA, NVRA, or state election laws;
- intentional destruction by election officials of voter registration records or balloting records, in violation of records retention laws, to remove evidence of election fraud;
- vote buying;
- voting in the name of another;
- voting more than once;
- coercing a voter's choice on an absentee ballot;
- using a false name and/or signature on an absentee ballot;
- destroying or misappropriating an absentee ballot;
- felons, or in some states ex-felons, who vote when they know they are ineligible to do so;
- misleading an ex-felon about his or her right to vote;
- voting by non-citizens who know they are ineligible to do so;
- intimidating practices aimed at vote suppression or deterrence, including the abuse of challenge laws;
- deceiving voters with false information (e.g.; deliberately directing voters to the wrong polling place or providing false information on polling hours and dates);
- knowingly failing to accept voter registration applications, to provide ballots, or to accept and count voted ballots in accordance with the Uniformed and Overseas Citizens Absentee Voting Act;
- intentional miscounting of ballots by election officials;
- intentional misrepresentation of vote tallies by election officials;

- acting in any other manner with the intention of suppressing voter registration or voting, or interfering with vote counting and the certification of the vote.

Voting fraud does not include mistakes made in the course of voter registration, balloting, or tabulating ballots and certifying results. For purposes of the EAC study, it also does not include violations of campaign finance laws.

DRAFT

## **Deliberative Process Privilege**

Voter fraud is any intentional action or any omission to act when there is a duty to do so that corrupts the process by which ballots are obtained, marked, or tabulated; the process by which election results are canvassed and certified; or the process by which voters are registered. This includes: (1) coercing a voter's choice on an absentee ballot; (2) using a false name and signature on an absentee ballot; (3) destroying or misappropriating of an absentee ballot; (4) voting by felons or in some states ex-felons; (5) misleading an ex-felon about his or her right to vote; (6) voting more than once; (7) voting by non-citizens; (8) intimidating practices aimed at vote suppression; (9) deceiving voters with false information (10) mishandling of ballots by election officials; (11) miscounting of ballots by election officials; (12) misrepresenting vote tallies by election officials; (13) adding of ballots by election officials; (14) destroying ballots by election officials; (15) removing of eligible voters from voter registration lists; (16) falsifying voter registration information; (17) destroying completed voter registration forms; (18) buying of votes; (19) failing to follow the requirements of the Voting Rights Act and other voting rights laws, such as the National Voter Registration Act; (20) failing to enforce required state election laws; (21) abusing voter challenges; (22) purging of voter rolls in violation of HAVA; (23) failing to follow the requirements of the Uniformed and Overseas Citizens Absentee Voting Act; (24) acting in any other manner with the intention of suppressing voter registration, voting, or the corrupting of the voting process.

**Deliberative Process  
Privilege**

Voter fraud is any intentional action or any omission to act when there is a duty to do so that corrupts the process in a way that has an actual impact on election outcomes. This can include the way in which ballots are obtained, marked, or tabulated; the process by which election results are canvassed and certified; or the process by which voters register to vote. Examples include the following: (1) coercing a voter's choice on an absentee ballot; (2) using a false name and/or signature on an absentee ballot; (3) destroying or misappropriating of an absentee ballot; (4) felons or in some states ex-felons who vote when they know they are ineligible to do so; (5) misleading an ex-felon about his or her right to vote; (6) voting more than once; (7) intentional voting by non-citizens who know they are ineligible to do so; (8) intimidating practices aimed at vote suppression or deterrence; (9) deceiving voters with false information (10) intentional mishandling of ballots by election officials; (11) intentional miscounting of ballots by election officials; (12) intentional misrepresenting vote tallies by election officials; (13) adding of ballots by election officials; (14) destroying ballots by election officials; (15) removing of eligible voters from voter registration lists; (16) knowingly falsifying voter registration information pertinent to eligibility to cast a vote, e.g. residence, criminal status, etc.; (17) destroying completed voter registration forms; (18) buying of votes; (19) failing to follow the requirements of the Voting Rights Act and other voting rights laws, such as the National Voter Registration Act; (20) failing to enforce required state election laws; (21) abusing voter challenge laws; (22) purging of voter rolls in violation of HAVA and NVRA; (23) failing to follow the requirements of the Uniformed and Overseas Citizens Absentee Voting Act; (24) acting in any other manner with the intention of suppressing voter registration, voting, or vote counting.

**Formatted:** Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

**Deleted:** by

**Deleted:** are registered

**Deleted:** This

**Deleted:** s

**Deleted:** voting by

**Deleted:** s

**Deleted:** the corrupting of the voting process.

**Deliberative Process  
Privilege**

Voter fraud means intentional misrepresentation, trickery, deceit, or deception, arising out of or in connection with voter registration or voting

## **Case Summaries**

After reviewing over 40,000 cases, the majority of which came from appeals courts, I have found comparatively very few which are applicable to this study. Of those that are applicable, no apparent thematic pattern emerges. However, it seems that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility. But because so few cases provided a picture of these current problems, I suggest that case research for the second phase of this project concentrate on state trial-level decisions.

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Powers v. Donahue	Supreme Court of New York, Appellate Division, First Department	276 A.D.2d 157; 717 N.Y.S.2d 550; 2000 N.Y. App. Div. LEXIS 12644	December 5, 2000	Petitioner appealed an order of the supreme court, which denied his motion to direct the New York County Board of Elections, in cases where more than one absentee ballot was returned by a voter, to count only the absentee ballot listing correct candidates' names.	When the New York County Board of Elections learned some absentee ballots mailed to voters in one district listed the wrong candidates for state senator it sent a second set of absentee ballots to absentee voters informing them the first ballot was defective and requesting they use the second ballot. The board agreed if two ballots were received from the same voter, only the corrected ballot would be counted.	No	N/A	No

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>Appellant candidate moved in support of the board's determination. Respondent candidate opposed the application, contending that only the first ballot received should have been canvassed. The trial court denied appellant's motion, ruling that pursuant to New York law, where two ballots were received from the same voter, only the ballot with the earlier date was to be accepted. The court found the</p>			

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					local board officials should have resolved the dispute as they proposed. The order was modified and the motion granted to the extent of directing the New York County Board of Elections, in cases where more than one absentee ballot was returned by a voter, to accept only the corrected ballot postmarked on or before November 7, 2000, and otherwise affirmed.			
Goodwin v. St. Thomas--	Territorial Court of the	43 V.I. 89; 2000	December 13, 2000	Plaintiff political candidate alleged that certain general	Plaintiff alleged that defendants	No	N/A	No

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
St. John Bd. of Elections	Virgin Islands	V.I. LEXIS 15		election absentee ballots violated territorial election law, and that the improper inclusion of such ballots by defendants, election board and supervisor, resulted in plaintiff's loss of the election. Plaintiff sued defendants seeking invalidation of the absentee ballots and certification of the election results tabulated without such ballots.	counted unlawful absentee ballots that lacked postmarks, were not signed or notarized, were in unsealed and/or torn envelopes, and were in envelopes containing more than one ballot. Prior to tabulation of the absentee ballots, plaintiff was leading intervenor for the final senate position, but the absentee ballots entitled intervenor to the position. The court held that plaintiff was not entitled to relief since he failed to			

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>establish that the alleged absentee voting irregularities would require invalidation of a sufficient number of ballots to change the outcome of the election. While the unsealed ballots constituted a technical violation, the outer envelopes were sealed and thus substantially complied with election requirements. Further, while defendants improperly counted one ballot where a sealed ballot</p>			

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>envelope and a loose ballot were in the same outer envelope, the one vote involved did not change the election result. Plaintiff's other allegations of irregularities were without merit since ballots without postmarks were valid, ballots without signatures were not counted, and ballots without notarized signatures were proper. Request for declaratory and injunctive relief denied.</p>			
Townson v. Stonicher	Supreme Court of Alabama	2005 Ala.	December 9, 2005	The circuit court overturned the results of a mayoral	The voters and the incumbent all	No	N/A	No

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
		LEXIS 214		election after reviewing the absentee ballots cast for said election, resulting in a loss for appellant incumbent based on the votes received from appellee voters. The incumbent appealed, and the voters cross--appealed. In the meantime, the trial court stayed enforcement of its judgment pending resolution of the appeal.	challenged the judgment entered by the trial court arguing that it impermissibly included or excluded certain votes. The appeals court agreed with the voters that the trial court should have excluded the votes of those voters for the incumbent who included an improper form of identification with their absentee ballots. It was undisputed that at least 30 absentee voters who voted for the incumbent provided with			

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>their absentee ballots a form of identification that was not proper under Alabama law. As a result, the court further agreed that the trial court erred in allowing those voters to somewhat "cure" that defect by providing a proper form of identification at the trial of the election contest, because, under those circumstances, it was difficult to conclude that those voters made an honest effort to comply with the law. Moreover, to</p>			

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					count the votes of voters who failed to comply with the essential requirement of submitting proper identification with their absentee ballots had the effect of disenfranchising qualified electors who choose not to vote but rather than to make the effort to comply with the absentee-voting requirements. Affirmed.			
Gross v. Albany County Bd. of Elections	Supreme Court of New York, Appellate Division, Third Department	10 A.D.3d 476; 781 N.Y.S.2d 172; 2004 N.Y.	August 23, 2004	Appellant candidates appealed from a judgment entered by the supreme court, which partially granted the candidates' petition challenging the method used by respondent	The candidates argued that the Board violated a federal court order regarding the election. The appellate court	No	N/A	No

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
		App. Div. LEXIS 10360		Albany County Board of Elections for counting absentee applications and ballots for the office of Albany County Legislator, 26th and 29th Districts, in a special general election required by the federal courts.	held that absentee ballots that were sent to voters for the special general election based solely on their applications for the general election were properly voided. The Board had no authority to issue the ballots without an absentee ballot application for the special general election. Two ballots were properly invalidated as the Board failed to retain the envelopes. Ballots were properly counted for voters who failed to			

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>identify their physician on their applications. A ballot was properly counted where the Board failed to scrutinize the sufficiency of the reason for the application. A ballot containing two signatures was properly rejected. A ballot was properly rejected due to extraneous marks outside the voting square. A ballot was properly counted despite the failure of the election inspector to witness the voter's signature. A ballot was</p>			

009615

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					properly counted as the application stated the date of the voter's absence. A ballot was properly counted as the failure to date the application was cured by a time stamp. Affirmed.			
Erlandson v. Kiffmeyer	Supreme Court of Minnesota	659 N.W.2d 724; 2003 Minn. LEXIS 196	April 17, 2003	Petitioners, representing the Democratic--Farmer--Labor Party, brought an action against respondents, the Minnesota Secretary of State and the Hennepin County Auditor, seeking relief in regard to the election for United States Senator, following the death of Senator Wellstone. The issue concerned the right of absentee voters to obtain replacement ballots. Individuals intervened on behalf of the Republican	The appellate court found that, while it may have seemed unfair to the replacement candidate to count votes for other candidates from regular absentee ballots on which the replacement candidate did not appear, those were properly cast ballots voting for a properly	No	N/A	No

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				Party. The instant court granted review.	nominated candidate. Petitioners' request that the Minnesota supreme court order that votes for United States Senator cast on regular absentee ballots not be counted was denied. A key issue was Minn. Stat. § 204B.41 (2002), which provided, in--part, that official supplemental ballots could not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were			

009617

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>prepared. The supreme court held that, by treating similarly-situated voters differently, § 204B.41 violated equal protection guarantees and could not even survive rational basis review. For voters who cast their regular absentee ballots for Wellstone before the vacancy occurred, but were unable to go to their polling place on election day or pick up a replacement ballot by election day, the prohibition on</p>			

009618

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					mailing replacement ballots in § 204B.41 denied them the right to cast a meaningful vote for United States Senator. The petition of petitioners was denied in part, but granted with respect to mailing replacement ballots to all applicants for regular absentee ballots who requested a replacement ballot.			
People v. Deganutti	Appellate Court of Illinois, First District, Third Division	348 Ill. App. 3d 512; 810 N.E.2d 191; 2004 Ill.	May 12, 2004	Defendant appealed from a judgment of the circuit court, which convicted defendant on charges of unlawful observation of voting and on charges of	Defendant went to the voters' homes and obtained their signatures on absentee ballot	No	N/A	No

009619

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
		App. LEXIS 518		absentee ballot violations in connection with the completion and mailing of the absentee ballots of two voters.	request forms. Once the ballots were mailed to the voters, defendant returned to the homes. With voter one, defendant sat on the couch with the voter and instructed which numbers to punch on the ballot. With voter two, defendant provided a list a numbers and stood nearby as voter two completed the ballots. Defendant then looked at the ballot and had voter two re-- punch a number that had not			

009620

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>punched cleanly. Defendant then put the ballots in the mail for the voters. On appeal, she argued insufficient evidence to sustain her convictions. The court affirmed, holding that (1) the circumstantial evidence surrounding defendant's presence as the voters completed their ballots supported the unlawful observation convictions; (2) the fact that defendant knowingly took the voters ballots</p>			

009621

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					and mailed them, a violation of Illinois law supported her conviction, and (3) the fact that the statutes defendant was convicted under required only a knowing mental state rather than criminal intent did not violate substantive due process. Affirmed.			
Jacobs v. Seminole County Canvassing Bd.	Supreme Court	773 So. 2d 519; 2000 Fla. LEXIS 2404	December 12, 2000	In an election contest, the First District court of appeal certified a trial court order to be of great public importance and to require immediate resolution by the supreme court. The trial court denied appellants' request to invalidate absentee ballot requests in	Prior to the general election, two political parties mailed preprinted requests for absentee ballots to registered voters in Seminole County.	No	N/A	No

009622

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				Seminole County in the 2000 presidential election.	Forms mailed by one party failed to include either a space for the voter identification number or the preprinted number. Representatives from that party were allowed to add voter identification numbers to request forms after they were returned, and absentee ballots were sent to the persons named on the request forms. The supreme court affirmed the trial court's refusal to invalidate the			

009623

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>ballot requests, and adopted the trial court's reasoning that the information required, which included the voter identification number, was directory rather than mandatory. The trial court properly found that the evidence did not support a finding of fraud, gross negligence, or intentional wrongdoing. Allowing one party to correct ballots did not constitute illegal disparate treatment because there was no need to correct the</p>			

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					other party's forms. Affirmed.			
Gross v. Albany County Bd. of Elections	Court of Appeals of New York	3 N.Y.3d 251; 819 N.E.2d 197; 785 N.Y.S.2d 729; 2004 N.Y. LEXIS 2412	October 14, 2004	Appellant candidates sought review from an order of the Appellate Division, which affirmed a trial court order holding that absentee ballots from a special general election were not to be canvassed because respondent Albany County Board of Elections failed to follow the set procedure for those voters.	Due to a challenge to a redistricting plan, the Board was enjoined from conducting primary and general elections for certain county districts. A special primary election was directed, with a special general election to be held "expeditiously thereafter." Absentee ballot requests for the first special election were based on prior requests, but new requests had to be	No	N/A	No

009625

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>made for the general election. However, the Board forwarded absentee ballots for that election as well, based on the prior requests. Candidates in two close races thereafter challenged those absentee ballots, as they violated the procedure that was to be followed. The trial court held that the ballots should not be canvassed, which decision was affirmed on appeal. On further review due to dissenting opinions, the</p>			

009626

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>court found that the ballots were in violation of the federal court order that directed the procedure to be followed, as well as in violation of New York election law. The court concluded that the Board's error was not technical, ministerial, or inconsequential because it was central to the substantive process, and the voters who used absentee ballots were not determined to be "duly qualified electors."            Affirmed.</p>			

009627

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election	Supreme Court of Pennsylvania	577 Pa. 231; 843 A.2d 1223; 2004 Pa. LEXIS 431	March 8, 2004	A county elections board voided certain absentee ballots cast in the November 4, 2003, general election. The court of common pleas held that absentee ballots delivered by third persons were valid and should be counted. The commonwealth court affirmed the trial court's decision. The state supreme court granted allocatur. Appellants and appellees were certain candidates and voters.	The absentee ballots at issue were hand-delivered to the county elections board by third persons on behalf of non--disabled voters. On appeal, the issue was whether non--disabled absentee voters could have third persons hand--deliver their ballots to the elections board where the board indicated that the practice was permitted. The state supreme court concluded that the "in person" delivery requirement was mandatory, and	No	N/A	No

009628

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>that absentee ballots delivered in violation of the provision were invalid, notwithstanding the board's erroneous instructions to the contrary. Under the statute's plain meaning, a non-disabled absentee voter had two choices: send the ballot by mail, or deliver it in person. Third-person hand-delivery of absentee ballots was not permitted. To ignore the law's clear instructions regarding in-person delivery</p>			

009629

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>would undermine the statute's very purpose as a safeguard against fraud. The state supreme court concluded that its precedent was clear, and it could not simply ignore substantive provisions of the Pennsylvania Election Code. The judgment of the Commonwealth Court was reversed in so far as it held that certain absentee ballots delivered on behalf of non--disabled absentee voters were valid.</p>			
In re Canvass of	Commonwealth Court of	839 A.2d 451;	December 22, 2003	The Allegheny County Elections Board did not	On appeal, the issue was whether	No	N/A	No

009600

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Absentee Ballots of November 4, 2003	Pennsylvania	2003 Pa. Commw. LEXIS 963		allow 74 challenged third-party hand--delivered absentee ballots to be counted in the statewide general election. The court of common pleas of Allegheny County reversed the Board's decision and allowed the 74 ballots to be counted. Appellant objecting candidates appealed the trial court's order.	non-disabled voters who voted by absentee ballots and had those ballots delivered by third parties to county election boards could have their ballots counted in the statewide general election. First, the appellate court concluded that political bodies had standing to appeal. Also, the trial court did not err by counting the 74 ballots because absentee voters could not be held responsible for following the statutory			

009631

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>requirements of Pennsylvania election law where the Board knowingly failed to abide by the statutory language regarding the delivery of absentee ballots, changed its policy to require voters to abide by the language, and then changed its policy back to its original stance that voters did not have to abide by the statutory language, thereby misleading absentee voters regarding delivery requirements.</p>			

009632

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>Under the circumstances, it was more important to protect the interest of the voters by not disenfranchising them than to adhere to the strict language of the statute. However, one ballot was not counted because it was not delivered to the Board. Affirmed with the exception that one voter's ballot was stricken.</p>			
United States v. Pennsylvania	United States District Court for the Middle District of Pennsylvania	2004 U.S. Dist. LEXIS 21167	October 20, 2004	Plaintiff United States sued defendant Commonwealth of Pennsylvania, governor, and state secretary, claiming that overseas	The testimony of the two witnesses offered by the United States did not support its	No	N/A	No

009533

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>voters would be disenfranchised if they used absentee ballots that included the names of two presidential candidates who had been removed from the final certified ballot and seeking injunctive relief to address the practical implications of the final certification of the slate of candidates so late in the election year.</p>	<p>contention that voters protected by the Uniformed and Overseas Citizens Absentee Voting Act would be disenfranchised absent immediate injunctive relief because neither witness testified that any absentee ballots issued to UOCAVA voters were legally incorrect or otherwise invalid. Moreover, there was no evidence that any UOCAVA voter had complained or otherwise expressed concern regarding their ability or</p>			

009634

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>right to vote. The fact that some UOCAVA voters received ballots including the names of two candidates who were not on the final certified ballot did not ipso facto support a finding that Pennsylvania was in violation of UOCAVA, especially since the United States failed to establish that the ballot defect undermined the right of UOCAVA voters to cast their ballots. Moreover, Pennsylvania had</p>			

009635

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					adduced substantial evidence that the requested injunctive relief, issuing new ballots, would have harmed the Pennsylvania election system and the public by undermining the integrity and efficiency of Pennsylvania's elections and increasing election costs. Motion for injunctive relief denied.			
Hoblock v. Albany County Bd. of Elections	United States District Court for the Northern District of New York	341 F. Supp. 2d 169; 2004 U.S. Dist.	October 25, 2004	Plaintiffs, candidates and voters, sued defendant, the Albany County, New York, Board of Elections, under § 1983, claiming that the Board violated plaintiffs'	An election for members of the Albany County Legislature had been enjoined, and special	No	N/A	No

009636

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
		LEXIS 21326		Fourteenth Amendment rights by refusing to tally the voters' absentee ballots. Plaintiffs moved for a preliminary injunction.	primary and general elections were ordered. The order stated that the process for obtaining and counting absentee ballots for the general election would follow New York election law, which required voters to request absentee ballots. However, the Board issued absentee ballots for the general election to all persons who had applied for an absentee ballot for the cancelled election. The voters used absentee ballots			

009637

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>to vote; their ballots were later invalidated. A state court determined that automatically sending absentee ballots to those who had not filed an application violated the constitution of New York. The district court found that the candidates' claims could have been asserted in state court and were barred by res judicata, but the voters were not parties to the state court action. The candidates were not entitled to joinder and had</p>			

009638

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>not filed a motion to intervene. The voters established a likelihood of success on the merits, as the Board effectively took away their right to vote by issuing absentee ballots and then refusing to count them. The voters' claims involved more than just an "unintended irregularity." The candidates' claims were dismissed, and their request for joinder or to intervene was denied. Plaintiffs' motion for a preliminary injunction preventing the</p>			

009639

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					Board from certifying winners of the election was granted.			
Griffin v. Roupas	United States Court of Appeals for the Seventh Circuit	385 F.3d 1128; 2004 U.S. App. LEXIS 21476	October 15, 2004	In a suit brought by plaintiff working mothers against defendants, members of the Illinois State Board of Elections, alleging that the United States Constitution required Illinois to allow them to vote by absentee ballot, the mothers appealed from a decision of the United States District Court for the Northern District of Illinois, Eastern Division, which dismissed their complaint for failure to state a claim.	The mothers contended that, because it was a hardship for them to vote in person on election day, the U.S. Constitution required Illinois to allow them to vote by absentee ballot. The district court dismissed the mothers' complaint. On appeal, the court held that the district court's ruling was correct, because, although it was possible that the	No	N/A	No

009640

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>problems created by absentee voting might be outweighed by the harm to voters who would lose their vote if they were unable to vote by absentee ballot, the striking of the balance between discouraging fraud and encouraging voter turnout was a legislative judgment with which the court would not interfere unless strongly convinced that such judgment was grossly awry. The court further held that Illinois</p>			

009641

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>law did not deny the mothers equal protection of the laws, because the hardships that prevented voting in person did not bear more heavily on working mothers than other classes in the community. Finally, the court held that, although the length and complexity of the Illinois ballot supported an argument for allowing people to vote by mail, such argument had nothing to do with the problems faced by working mothers. It</p>			

009642

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					applied to everyone. Affirmed.			
Reitz v. Rendell	United States District Court for the Middle District of Pennsylvania	2004 U.S. Dist. LEXIS 21813	October 29, 2004	Plaintiff service members filed an action against defendant state officials under the Uniformed and Overseas Citizens Absentee Voting Act, alleging that they and similarly situated service members would be disenfranchised because they did not receive their absentee ballots in time. The parties entered into a voluntary agreement and submitted it to the court for approval.	The court issued an order to assure that service members and other similarly situated service members who were protected by the UOCAVA would not be disenfranchised. The court ordered the Secretary of the Commonwealth of Pennsylvania to take all reasonable steps necessary to direct the county boards of elections to accept as timely received absentee	No	N/A	No

009643

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>ballots cast by service members and other overseas voters as defined by UOCAVA, so long as the ballots were received by November 10, 2004. The ballots were to be considered solely for purposes of the federal offices that were included on the ballots. The court held that the ballot needed to be cast no later than November 2, 2004 to be counted. The court did not make any findings of liability against</p>			

009644