STATE’S
EXHIBIT NO. 12
EVEN DEATH CAN'T STOP SOME VOTERS RECORDS: ILLEGALLY CAST BALLOTS NOT RARE

Jingle Davis; Staff

Alan Jay Mandel of Atlanta, always a patriotic man, believed in the power of the ballot box. The former owner of the Tinder Box, a well-known Lenox Square tobacco shop, Mandel conscientiously exercised his right to vote in March 1997 and the following July and November.

Mandel's last three votes are particularly noteworthy because they were cast after his death. He died of congestive heart failure in January 1997, two months before the first of those elections.

Mandel is not the only dead Georgian to cast a ballot in recent years. The dead regularly vote in local, state and federal elections across Georgia, according to public records reviewed by The Atlanta Journal-Constitution and WSB Channel 2 Action News.

The two newspapers acquired databases from the Georgia Department of Human Resources listing the 1.1 million deaths on record statewide since 1980, from the U.S. Social Security Administration listing the 64.6 million deceased persons on record nationwide as of October, and from the Georgia Secretary of State's office listing the 3.6 million active voters and their voting history as of August.

An analysis matching names and dates of births, and addresses and Social Security numbers where available, and discarding matches with slight inconsistencies, show the actual number of ballots cast by the dead is fairly small --- 5,412 in the past 20 years. But the ranks of potential dead voters have grown dramatically in recent years. Currently, there are more than 15,000 dead people on active voting rolls statewide, increasing the potential for voting errors and fraud.

That trend, according to state officials, has developed because of efforts to cure another problem --- a concern that voting rolls were being purged too often, and that the effect of those purges might be diluting black voting strength.

The catalyst is the federal Motor Voter Law, implemented in Georgia in 1995. It allows people to register to vote when they get or renew their driver's licenses. About a million new voters signed up statewide when the law took effect, said Chris Riggall, spokesman for Secretary of State Cathy Cox.
The Motor Voter Law also changed the way voting rolls are purged, complicating efforts to remove ineligible voters from active lists, Riggall said.

Before then, county registrars automatically purged people who hadn't voted for three years. Sometimes the registrars were even more zealous, he said.

"Some had a hair trigger, kicking people off who didn't vote in one or two elections," Riggall said. "Unquestionably, a lot of living voters were kicked off the list under this policy."

The federal Department of Justice frowns on disenfranchising voters, especially in states such as Georgia with a history of discriminating against minority voters. Georgia is one of the states where all changes in voting practices must be federally approved, Riggall said.

Automatic purges were banned under the Motor Voter Law, meaning counties could no longer drop a voter from the active rolls simply for not voting.

Now, states are required to make more of an effort to track down erstwhile voters to determine their ongoing eligibility.

To help registrars in Georgia's 159 counties keep their voting lists current, the Secretary of State's Office set up a computerized statewide database, replacing the individual voter lists formerly maintained by each county. Once a month, the state Department of Human Resources provides a list of Georgians who have recently died, according to Riggall.

"We print that list out, county by county, and send it to the 159 registrars across the state," he said.

In addition, Riggall said, his office contracts with a Nebraska company that notifies the state when residents move. That information is used by the Secretary of State's Office to mail out so-called confirmation cards to people whose names are on the rolls. If no card is returned within a certain period, the voter is generally marked as inactive by the local county registrar's office and eventually removed from the voter rolls.

Many registrars in larger counties complain the lists generated by the state contain major inaccuracies.

"They said we gave them a substantial number of people who weren't dead, as well as those who were," Riggall said. "This really upset people, especially when they went to vote and got told they weren't active because they were dead."

The heaviest concentration of dead-but-active voters is in the populous metro Atlanta counties, records indicate.

Unlike rural counties where people tend to know one another, the bigger counties aren't able to rely on election workers' knowledge of who locally has died, moved or simply quit going to the polls. John Sullivan, Fulton County registrar, said he's sure dead and otherwise ineligible voters wind up on his rolls.

"The death data the state puts out is bad, very bad, just like any other data that's keyed in," he said. "And voters with bad handwriting give us Social Security numbers that we misread and enter wrong."

Georgia's Motor Voter provisions require county registrars to keep voters on active lists for at least three years in which they do not vote, and then maintain them on inactive lists for at least two federal elections. Only then can the voter's name be stricken, Sullivan said.

He said that in some cases, voters with similar names in different counties are registered to vote under the same Social Security number.

"In 1995, when we converted to a statewide system, 15 percent of voters had no Social Security numbers listed," he explained. The state contracted with Equifax to obtain them from its databases. But some numbers were wrong, Sullivan said.

"It's all human effort and humans make mistakes," he said.

In DeKalb County, Mary Ford, who weeds out names of ineligible voters in the registrar's office, said sometimes confirmation cards come back to her signed, even though the voter is dead.

That happened in the case of James Clark of Decatur, whose eligibility to vote was reconfirmed by one of the cards in March 1999, Ford's records show.

The problem is that Clark had died a decade earlier.

His widow, Minnie Pearl Clark, 78, said she never signed a card saying her husband was still alive. She never even received one, she said.

The elderly woman said she had no idea who might have voted in her late husband's name in 1992.

"Are people even robbing the dead of their votes now?" she asked.

Although records indicate that ballots have been deliberately cast in the names of dead people, the records are sometimes wrong, officials say.

They point, for example, to voter certificates signed at the polls by widows who voted, most likely by accident, in the names of their late husbands.

"We know this has happened, especially when the husband was registered as John Doe and the wife as Mrs. John Doe," Ford said. "A poll worker could have crossed off John Doe's name instead of Mrs. Doe's name, which would look like he voted when she was the one who did."

It may have happened in the case of William Rufie Brown of Atlanta, who died in October 1989. Records show ballots were cast in his name in elections in November 1990 and March 1992.

State law does not require voter certificates to be kept longer than two years, making it difficult to determine who --- if anyone --- actually voted in William Brown's stead.

"I don't remember if I voted as Mrs. William Brown, but I might have," said Brown's 85-year-old widow, Pauline Brown Hicks, who remarried in 1993. "But I always vote. I've been voting since I was 18 years old."

After the passage of the Motor Voter Law, then-Secretary of State Lewis Massey pushed successfully for legislation to require voters to present identification at the polls. The move was aimed at preventing voting lists from
swelling to gargantuan proportions, which would increase the prospect of voter fraud.

But there is a major loophole in the law. Prospective voters who have none of the approved forms of identification are allowed to sign an elector's oath, swearing they are the person they claim to be.

Some say more stringent safeguards, such as requiring voters to present picture identifications or be fingerprinted at the polls, are needed. But such measures are unlikely to be approved by the U.S. Justice Department because of the danger of disenfranchising legitimate voters, Riggall said.

"Disenfranchising is just as bad as voting fraudulently," he said. "Besides, you can go to any college town in Georgia and get a fake photo ID for $10."

Whatever the explanation for voting by dead people, experts agree that having them on active voting lists opens elections to fraud.

"There is certainly the possibility that unscrupulous people will take advantage of the fact that dead voters are still on the active rolls," said William Boone, a political science professor at Clark Atlanta University. "Especially in a close national election, where you'd only need a plurality to win, you could definitely affect the outcome."

Dead voters have affected Georgia elections in the past.

One of the state's most colorful cases of the dead voting occurred in the 1946 gubernatorial election, when 56 write-in votes for Herman Talmadge were "discovered" in Telfair County, the home of Talmadge's parents, after it appeared his opponent had won. Investigators later learned the ballots had been cast in the names of dead people and other ineligible voters. But the absentee ballots were sufficient to throw the election into the General Assembly and allow Talmadge to claim the governorship, Riggall told the court.

More recently, the Secretary of State's Office, which oversees elections and investigates election fraud in Georgia, was involved in a Dodge County investigation that ultimately resulted in the largest voter fraud prosecution in U.S. history, Riggall said.

As a result of the Dodge County investigation, a federal grand jury in 1997 indicted 21 county residents on charges of breaking election laws by buying votes for two county commission candidates and the incumbent sheriff. The number of defendants and the 124-count indictment made the case the largest prosecuted in modern times by the U.S. Justice Department's Public Integrity Section, Riggall said.

Recently, the American Civil Liberties Union filed suit against Secretary of State Cathy Cox on behalf of two Walton County residents, Deborah and Theodore Schwier, who say they should not be required to list their Social Security numbers on voter registration forms. The Schwiers claim the requirement violates their federally-protected right to privacy, although voter registrars are required by law to keep the numbers secret.

If the Schwiers prevail in their suit, the state could lose another tool to stem voter fraud.
Meanwhile, Riggall said his office is constantly looking for ways to make Georgia's voting system more secure. "We maintain three investigators on staff and we aggressively pursue cases of suspected voting fraud," he said.

He said his office would look into the case of Mandel, the tobacco shop owner, whose voter certificate was signed at the polls by someone after his death. Making false statements on a voter certificate is a felony, Riggall said.

Carola Mandel was shocked to learn that someone had voted fraudulently in her husband's name in at least one election, and maybe in all three in which he was listed as voting after death. Because the state only retains voter certificates for two years, there is no way to see whether his ballot was voted under his signature during the two earlier elections.

"It's very upsetting for me to think someone is voting in my late husband's name," Carola Mandel said. "If they can do that, can they steal his identity in other ways?"

But somebody definitely signed his name on a voter certificate on Nov. 3, 1998, offering a driver's license as proof of identity.

Carola Mandel said the signature could not be mistaken for her husband's.

"He had a sophisticated hand and this writing is crude, like it was written by somebody in the third grade," she said.

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Computer-assisted reporting editor David A. Milliron conducted the analysis for this article.

For more on this story, watch Richard Belcher's Whistleblower2 report on Channel 2 Action news tonight and Tuesday at 6 p.m.

Photo

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VOTERS: DEAD OR ALIVE
Records show 15,198 deceased individuals are on Georgia voter rolls; nearly half have metro metro Atlanta addresses.
Voters......Metro*.......State
White.......1,307,306..2,639,331
Black.......453,970....888,320
Other.........47,243......69,227
Total.......2,808,519..3,596,878
Dead..........7,206......15,198
*20-county MSA
Source: Analysis of Secretary of State election data as of August by DAVID MILLIRON / Staff
/ CHUCK BLEVINS / Staff
Minnie Pearl Clark pulls weeds at the grave site of her late husband, James Clark Jr. According to records, James Clark Jr., who died in 1989, voted in the 1996 presidential election. / JENNI GIRTMAN / Staff
VOTING RIGHTS ACT
The federal Voting Rights Act of 1965 has been hailed as the most effective civil rights law ever enacted. It immediately outlawed the worst of the so-called Jim Crow laws, such as literacy tests, designed to keep African-Americans from voting. The Act was later amended to include other minorities.
Section 5 mandates that any change in election law --- including something as small as relocating a polling place --- must be pre-cleared either through the U.
S. Justice Department or through federal district court in Washington, D.C., to be sure the change does not abridge minority voting rights. Pre-clearance applies specifically to jurisdictions that previously used a literacy test or the like and where less than half of the voting age residents were registered or had voted.

Covered jurisdictions include the states of Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia, and counties and towns in California, Colorado, Connecticut, Florida, Hawaii, Idaho, Maine, Massachusetts, Michigan, New Hampshire, New York, North Carolina, South Dakota and Wyoming.

Source: American Civil Liberties Union

VOTER IDENTIFICATION

Since 1998, voters have been required to show an approved form of identification to vote. However, if you do not have any of the approved forms of identification, the voter simply needs to sign a statement under oath swearing or affirming that he or she is the person identified on the elector's voter certificate. Then the person can vote without delay. The approved forms of identification are:

Valid Georgia driver's license
Valid ID card by any state or U.S.
Valid United States passport
Valid government employee ID with photo
Valid employee ID with photo
Valid student ID with photo
Valid Georgia hunting or fishing license
Valid Georgia permit to carry gun
Valid pilot's license
Valid U.S. military ID card
Certified copy of birth certificate
Valid Social Security card
Certified naturalization documentation
Certified copy of adoption or name/sex change

James Clark Jr., who, according to records, died in 1989, is listed as voting in 1992.

Although listed as dead since 1997, Alan Mandel has voted three times since then.
Sullivan; Theodore Schwier; Unquestionably; William Boone; William Brown)

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