STATE’S
EXHIBIT NO. 14
October 12–19, 1995

COVER STORY

Dead Men Can Vote

Dead Men Can Vote.

Voting fraud is alive and well in Philadelphia.

By Scott Farmelant

Don't ask Sherry Swirsky about election fraud. The 18-year observer of Philadelphia elections and co-chair of Mayor Rendell's Election Reform Task Force says the media has overblown the problem.

Specifically, Swirsky singles out the Inquirer's coverage of the '93 scandal in the Second Senatorial District, in which backers of Democrat Bill Stinson paid $1 bonuses to volunteers who rounded up absentee ballots. The Inky's intensive focus on this story, says Swirsky, "distorted people's views of the system and the process."

"I absolutely believe fraud should be rooted out and exposed," says Swirsky. "[But] the focus on Democratic fraud is misleading. Voter turnout and registration in Philadelphia. It contributes to this ultimately destructive view that 'My vote doesn't matter, the whole system is corrupt.' The Inquirer has done a grave disservice to democracy to this city. They have exaggerated the pervasiveness of fraud in elections."

Does the system accommodate abuse? If so, how much? Admittedly, there's no chance of a fix in the Rendell/ Rocks race, in which Rendell's margin of victory is expected to be huge. And experts say the city's election system is built, above all, to prevent major irregularities.

But election fraud on a smaller level has proven to be a reality. Like the Stinson campaign. Or City Councilman Lee Beloff's fraud in 1985. And the claims of "irregularities" in ex-U.S. Rep. Lucien Blackwell's 1994 nominating papers. And these are just the incidents the public knows about.

Most experts downplay the effects of fraud on Philadelphia's local elections. Yet given a history that shows politics fueled by power lust, cheating will occur again. Worse, some say, one reform proposed by the Election Reform Task Force will open the doors for more abuse.

The current system makes it "increasingly difficult" for wrongdoers to pull a fraud.

That's the opinion of Fred Voight, executive director of the Committee of 70, a non-profit election watchdog group. And it's a view shared by Democratic party boss Bob Brady and others familiar with the process.
The Stinson affair is a prime example. The dispute came down to roughly 600 absentee ballots (250 tainted). In a city with 800,000 voters, in a year that featured over 40 contests, the stench of the Second Senate race still reached the nose of election officials (thanks to the bitter complaints of Bruce Marks). In the end, authorities claimed that 20 people took part in the scheme, and justice prevailed.

Indeed, even the most powerful pol in Philly has pooh-poohed the idea of systemic voter fraud.

After the Stinson scandal emerged, Mayor (and one-time District Attorney) Ed Rendell said, "I don't think it's anything that's immoral or grievous, but it clearly violates the election code."

Questions of immorality aside, election fraud may depend upon the race. Take an election like Rendell-Rocks. Polling numbers say fraud would not make a difference. Moreover, many see Rendell bettering the 1991 outcome where the mayor destroyed Republican Joe Egan in 1991 by more than a 2-1 ratio.

But some contests suggest fraud could affect a mayor's election.

In the 1991 Republican primary for mayor, Frank Rizzo topped Ron Castille — the Big Man’s final and most dramatic win — by 1,400 votes. That’s a margin of less than one voter per polling place.

In the '87 race between incumbent Wilson Goode and Frank Rizzo, a whopping 67.5 percent of the electorate turned out (some 650,000 people out of nearly 1 million residents voted). Goode bested Rizzo by 17,000 votes, a margin of roughly 10 voters per polling place.

At the same time, experts have placed Philly's fraudulent voter registrations at 80,000.

Ultimately, in a city of 1.1 million eligible voters with 610,000 Democrats and 196,000 Republicans registered, election officials must struggle to keep tabs on everybody. Certain events make it harder.

There are last-minute registrations taxing the system. In 1992, 193,000 people signed up to vote between 4:50 p.m. and 6:00 p.m. on Election Day. Of the 300,000 who signed up to vote for the 1983 Goode/ Rizzo primary, 60,000 procrastinators entered at the last minute.

Election Day itself is a monster. The city opens 1,680 polling districts covering 66 wards and relies on more than 15,000 people to make it all work. Election Day workers, mostly volunteers, pull 15-hour days. All of this eases the way for dirty politicos to dabble in dirty tricks.

"I don't know if you can ever eliminate irregularities in any system, whether it's voting or accounting," admits Swirsky. "The key is to limit opportunities. You can't extinguish people who have felony in their hearts."

Rigging elections comes down to registration. Which in Philly, like any urban area, means enrolling out-of-towners, the dead or the exploitable — the homeless and ex-cons.

How is it done? City Hall insiders — nameless in order to save jobs — cite a litany of registration methods available to the would-be election rigger.

Do dead men die? Not always. Corpses, say the sources, are perfect tools for election abuse.

The scam works like this. A registered voter dies near the registration deadline (Oct. 10 this year) but remains eligible. A hack sends somebody to pose as the dearly departed. If the fraudulent voter slips by poll watchers, the "ghost" ballot glides through.
Is this fraud prevalent? Nobody can say. Conventional wisdom suggests not. Then again, Fani Papanikolau’s story raises questions.

Papanikolau, a 37-year-old Democratic committeewoman from Feltonville, cast an absentee vote in the 1993 primary. That is, Papanikolau voted in the 42nd Ward on behalf of a woman who was absent — permanently. She had departed the earth six months before. Papanikolau later owned up to 22 counts of election fraud when busted.

Beyond "ghosts," many non-Philly residents reportedly vote. This long-standing method boils down to strong city ties and vested interests.

Say a former city resident with family members in politics has moved to the 'burbs. The resident maintains a Philly address (usually a one-time residence or a business), then shows up at the polls. Easy to pull and very hard to detect (though not impossible — election officials caught a Wildwood, NJ resident voting during the '93 election).'

Then there are empty lot registrations. If somebody registers right before deadline at the address of a vacant lot, say sources, there’s not enough time for investigators to catch up.

One can also enlist voters at places such as homeless shelters, halfway houses, pretty much any address. Voight and others claim many people register to obtain welfare benefits. Indeed, a man went to prison last year after bilking $9,000 worth of emergency food stamps via 50 false voter registrations.

But sources insist a shady operative can also buy or use these votes. The Inquirer has written about unsubstantiated reports where campaigns allegedly paid bounties to volunteers who registered homeless people.

Finally, there is double-voting — when somebody votes in two divisions during one election. The city’s registration computer is supposed to weed out people who are registered in different divisions but in 1994, the Inquirer found more than 200 people who signed up to vote in two places.

These problems have been limited, judging from past inquiries and studies. Yet nobody can accurately say how much voter fraud exists in Philly. (News accounts place the number at 10 percent of all voters, roughly 80,000 in 1993.)

Despite this evidence, it is difficult to challenge fraud. The only pre-election method involves direct confrontation at the polls. An observer who suspects cheating must single out alleged offenders. The suspect can still vote, however, if a voter from within the division can vouch for the suspect’s identity.

Ultimately, the only safeguard on Election Day is the polling judge and observers. Some don’t see this as much of a barrier.

"People [working the polls] don’t ask for IDs," says Jimmy Tayoun, a former First District City Councilman and noted political felon.

Indeed, as the Inky revealed last year, many inspectors and judges are out-of-state residents, which is a clear violation of Pennsylvania election laws.

Further, one woman convicted of election fraud in the Second Senatorial vote scandal of 1993 worked at the 19th Division polls during 1994.

"Residence is a very difficult legal issue, and challenges are even tougher," concedes Voight. "So New Jersey residents with strong party ties can [cheat]. Am I concerned about non-residents registering to vote? Of course. But to what extent is it happening? Myth does not necessarily have anything to do with fact."

There are few means for stopping non-residents, "ghosts" or double-voters from pulling a lever once they are improperly registered. Look at the city’s outdated method of ferreting
out false registrations and one sees why.

Election officials mail postcards to registered voters. If a card comes back undelivered, investigators raise an eyebrow and the name is stricken from the rolls. Simple, right?

Not exactly. In the past, the City Commissioner’s office has admitted that many cards never find their way back due to problems with the U.S. Postal Service. (The City Commissioners did not return several calls.)

Sources also say that even if the mail doesn’t lose the post card, City Commissioners probably won’t catch up with the perpetrator before Election Day because of the short three-week time line.

Of course, after a lever is pulled, there’s no way to retrieve a vote.

Records indicate the City Commissioners catch many suspect registrations. In 1991, the commissioners struck 17,500 voters from the rolls following residence checks and other investigations. In 1993, the commissioners inspected 135,000 registrations and eliminated 8,000 voters from the primary and another 6,300 before the general election.

And state officials knocked 75,000 voters off the eligible list last November, including 40,000 who live in poorer sections of North Philly.

Yet the job remains difficult. And Congress hasn’t helped. The so-called federal "Motor Voter" law eases the path for legal registration. The law is designed to allow for greater participation in the election process. Currently, voters continue to stay away from the polls.

Under Motor Voter, everybody who applies for or renews a driver’s license can vote. Ergo, increased citizen participation.

But, it seems that Motor Voter may clear the way for increased illegal registration. That’s because once somebody is signed up, they’re on the rolls to stay.

Motor Voter mandates the end of the "nonvoting purge." Before, Philly election officials dumped registered voters who didn’t vote in a particular election. Now, the number of invalidly registered voters could swell via eased access to registration.

And unless the city improves its detection capabilities, those names will stay enrolled.

The new law doesn’t sit well with some, especially those who’ve been burned for breaking election law.

Like Matthew Cianculli. He spent 11 months in federal prison in 1979 for allowing nine people to register at his home address. Today, Cianculli would have earned a slap on the wrist.

"I thought then and I think now that as long as a person registers and votes only once, what does it matter where a person hangs their hat?" says Cianculli when discussing his prison term. "To me, [the laws] are absurd."

After all, Cianculli might ask, what happened to the family of the seven-year-old girl who was registered to vote in the Second Senate district back in ’93? Did they go to jail? Or what about Ralph Acosta’s people who registered voters on empty lots? Even Acosta’s brother Juan cast a vote in 1993 for his brother’s opponent despite being dead. Why, none of the 20 people implicated in the Stinson scandal went to jail.

And now, states allow the homeless to register and several more issue absentee ballots without restriction. Many hope the moves will bring more people out on Election Day. To veteran Philly street politicians and their operatives, the changes leave questions.

"Everything [Cianculli] supposedly did wrong — allowing nine guys to use his name as a
mail drop — is now legal," says Tayoun. "Everything that used to be illegal is becoming legal."

Ask Bill Stinson about the scandal which tainted his name forever and his eyes grow dark, his lips tighten and his manner shortens. "It was bullshit," he barks. "It was absolute bullshit."

Stinson isn't saying much more about the incident. He's moved on, now reading an Irish pub on Spring Garden Street. But Stinson's attitude suggests he did not have a reason to pull a fix.

Stinson did, of course, have a reason. But the '93 special election meant a whole lot more than a mere seat in Harrisburg for Bill Stinson. At the time, partisan control of the state Senate hung in the balance."

"Nobody gave a shit about Bruce Marks or Bill Stinson," says one veteran election observer. "This was about control of the Senate, this was about a power struggle in Harrisburg."

In the end, Stinson captured a 463-vote win. Then a federal judge booted Stinson from office and he lost his reputation, respect plus any future in politics. And Democrats lost control of the Senate when Marks took Stinson's place.

Everyone knows the Stinson campaign was not the first to dabble in election fraud as a means of gaining power. Philly has a long history of fixing elections as a means of controlling patronage, juicy municipal contracts, and other perks of elected office. The city has lived through the "vote early and often days," watched as crooked pols dumped ballot boxes into the river and endured a police force that escorted "repeaters" to their umpteenth ballot of the day.

This all occurred before the turn of the century and the 1917 murder in the "Bloody Fifth," better known as Society Hill.

In a battle fueled by Republican Boss Edwin Vare, Detective George Eppley died under a hail of assassins' bullets while protecting a councilman's candidate. Before it ended, the Fifth riot saw blackjack beatings, pistol whippings and the arrest of Mayor Thomas B. Smith for strong-arming and terrorizing the people.

Why did blood flow come election time? Vare and his brother William were garbage collectors. They needed control of City Hall to control waste disposal contracts. They also ran a construction business and needed a large slice of the city's capital budget. Hence, the Vares' vicious approach to elections.

Modern-day scandals pale by comparison. Yet even the seemingly insignificant method of counting votes can raise questions.

Tom Mattia, who oversees the city's election hardware at a warehouse on Wissahickon Ave., reports that it is impossible to tamper with voting machines.

"You can't cheat on the machines," says Mattia. "There's no way."

Yet Mattia, Voight, Swirsky and others readily admit that adding totals from the machines may cause problems.

Each polling station is staffed by a judge, two elected inspectors, an appointed clerk and a machine inspector from the County Board of Elections. When it comes time to count numbers, the judge and inspectors read totals off counters hidden inside the machines.

The work begins at 6:30 a.m. well into the night. Sometimes, when the numbers are read after 8 p.m., judges and workers make mistakes.

Officials can also cheat, concedes Voight. Which is one big reason why the Rendell Task
Force demands a new $19 million voting system with electronic counting features.

These machines, says the task force, would create a paper trail for challenges, quicken and clarify ballot counting, and "digitalize" voter registration.

"It's years and $19 million away, but it will be fast, accurate and voter friendly," says Voight.

In his Walnut Street office, Voight is often on the phone, talking votes. No great surprise. As the boss behind the city's top election safeguard, the bald, bespectacled man spends a lot of his time answering calls from candidates, voters and election workers.

At this minute, Voight's helping somebody who wants to register after a move. Where do they go to change their address? How is it done? Voight turns away for a moment, then ends the conversation with a warning.

"If you think it's confusing now, it's going to get more confusing," says Voight, a sardonic smile creasing his face.

Voight is discussing polling places, but he could be talking about Motor Voter. He could be talking about the city's practice of counting results. Or he could be talking about the reform package crafted by Rendell's task force.

The report, issued in mid-September, touched on several matters. One theme, however, emerged from the 73-page report with several hundred pages of appendices. If a Philly resident wants to vote, said the task force, let 'em — under almost any circumstance.

The report's rationale was clear. The public is jaded by public corruption, especially voter fraud. Now is the time to encourage participation, no matter what it takes.

This idea is viewed as noble, both here and across the land. As things stand, less than 40 percent of the state's electorate participate in the voting process.

At the same time, some worry that the committee's proposal to open the voting door wider arrives in a sticky package. This is because 24-member panel seeks "universal absentee ballots." Which, after the Stinson scandal, is a touchy matter.

The panel said anybody who wants an absentee form should get one "for any reason whatsoever." The current law limits the use of absentees to the disabled and those who can't make it to the polls on Election Day. Eligible residents must apply in person and vote by mail.

Thanks to the low-jinks of Stinson's machine, the phrase "for any reason whatsoever" sparks reasonable concern. After all, the Second Senate voting scandal revealed how easy it was for campaign workers to tamper with absentee ballots. And most did it for a $1 bounty.

So what was the committee thinking when they suggested free-flowing absentee ballots?

The answer, as it turns out, was simple. The task force felt that open eligibility would lessen the odds for trouble. Yet, as Swirsky and Voight are the first to admit, universal absentee balloting can only work if the city creates safeguards. Which at this point in time do not exist.

The proposal opens the door for "naysayers to point out that any such reforms enhance the potential for fraud," concedes Swirsky.

Indeed, players like Tayoun, Brady and Ward Two leader Buddy Cianfrani scoff at universal absentees.

"If you've got 10 blank forms and you've got $10, you'd just fill them out," says Brady.
"Who's to stop somebody from 100 people showing up and saying 'Here we are, no we don't have ID, we're homeless'?" asks Tayoun. "You can flood a lot of phony names on phony addresses and there's no way they're going to check."

Universal absentee "would increase the odds for people to do things that weren't right," adds Clanfrani. "Right off the top of my head, it doesn't make sense."

Further, the idea of universal absentee spurs one long-time political observer to blurt "if that happens, I'll go out, get 300 ballots and vote 'em myself."

This from a guy who hasn't worked a campaign in three decades.

Quotes like these infuriate Swirsky. The proposal, she stresses, demands built-in safeguards. Absentee ballots would only be released to a voter, she says, or to a designated agent who signed a form, thus leaving a paper trail. Further, the use of designated agents for aiding the handicapped would be limited.

"I don't see, under what we are proposing, how anyone could get their hands on 300 ballots unless they break into the Board of Elections," fumes Swirsky. "You'd have to be a master forger to do that."

Swirsky notes that universal balloting is legal in Arizona, California, Colorado, Iowa, Nebraska and Oregon. None of the states have encountered problems.

Finally, Swirsky notes that the state legislature must rewrite election law if the proposal is to ever become law. Under those restrictions, few believe absentee balloting will come to Philadelphia anytime soon, especially without safeguards.

For all the reform talk, however, one fact remains clear. Punishment for absentee ballot fraud is weak. Nobody, notes Swirsky, went to prison for wrongdoing in the Second Senate scandal (Stinson was acquitted of fraud charges). Democrat committeeman Charles Pollan was the last Philadelphia operative who went to jail for election tampering, getting three years in 1987. Indeed, the Task Force report admits that anti-absentee fraud measures "remain ineffectual."

The lack of penalties is odd, given the anti-fraud sentiment expressed by party heads, newspapers and candidates.

"The dirtballs in the Second Senate [scandal] should have gone to jail," says Voight.

Cheaters "should be nailed to the cross if they're caught," agrees Ron Donatucci, register of wills and leader of the 26th Ward. "There should be no mercy."

Alas, the only penalties of late are probation and fines. In the meantime, from empty lots to Motor Voter, many see a future where election abuse, fraud and irregularities exist.

"I don't think they're ever gonna stop [fraud]," laments Donatucci. "I don't know how they're ever going to stop it."

Fred Voight agrees: At the bottom line, those who can cheat will.

"Just remember one thing — any [election] system that man can invent, others are going to try to fuck it."

**Articles**

*Find, compare & buy Magazines Compare & Buy from 1000's of Stores*  
*Search Engine Ranking Info - Articles*  

*Ads by Google*