STATE’S
EXHIBIT NO. 17
July 17, 2001

Voter fraud found in Kiryas Joel mayoral election

KIRYAS JOEL: At least 12 illegal votes and 28 other questionable ballots were cast in the June 6 village election, a Record investigation has found.

By Chris McKenna
The Times Herald-Record
cmckenna@th-record.com

Eliazer Klein lives in Montreal, but that didn't stop the former Kiryas Joel resident from voting illegally in a recent election in the Orange County village. He simply cast an absentee ballot.

Eight 17-year-old Kiryas Joel students also were untroubled by election laws on June 6. Having fudged their birth dates on their registration forms to appear as though they were 18, they went to the polling station that day and voted for mayor and two trustees.

During that same election, Chaim Englander, 22, a former village resident who moved to Antwerp, Belgium, three years ago, was back visiting his parents. Because his name was still on the voting rolls, he, too, cast a ballot. His vote was illegal.

In a three-week investigation, The Times Herald-Record found 12 fraudulent votes and 28 other questionable ballots cast in the June 6 election.

The clearly illegal ballots were cast by -- or in the names of -- people who were ineligible to vote because they were not yet 18, lived outside the village or -- in one case -- did not exist.

However, they would not have affected the outcome, since Mayor Abraham Wieder beat challenger Mendel Schwimmer by 651 votes, and Wieder's two running mates won by similar margins.

But the discovery lessened concerns about voting fraud raised before the election by supporters of the candidates who challenged Wieder's ticket.

'Honor system' under investigation

When told of the newspaper's findings, Orange County's two election commissioners -- who are conducting their own investigation into the Kiryas Joel voting rolls -- said they would immediately turn over any fraud allegations to District Attorney Francis D. Phillips II.

"Any case of potential fraud is serious," said David C. Green, the Republican commissioner.

Susan Bahren, his Democratic counterpart, added: "I have a low tolerance for this type of activity, whether in this village or in other parts of the county."

Lying on a voter registration form is perjury, a felony, as is voting illegally.

"One fraudulent vote is significant," Phillips said. "When the information is sent to us, we will investigate it."

The discovery of fraudulent voting also underscores how easily someone can register to vote using false information. Under state law, a voter does not have to show proof of residency, age or citizenship -- or even show up in person -- when registering. The main safeguard against fraud is the oath signed on the registration form.

"It's basically the honor system," said Lee Daghlian, a state Board of Elections spokesman.

Still, county election commissioners believe that the system generally works well.

"People have to be allowed to be accepted at their word," Bahren said. Registration problems rarely arise in Orange County outside of Kiryas Joel, she said. "It's unfortunate that you have to be as vigilant with this community as you do."

http://www.th-record.com/archive/2001/07/17/kjfull.htm 7/14/2005
What The Record found
The June 6 election was the first contested municipal race in the 24-year history of the Hasidic community. Almost 90 percent of the village's 5,110 registered voters cast ballots for mayor and two trustees.

Before the election, Schwimmer's supporters went to court to ask for protection against what they feared would be widespread voting fraud and intimidation. Lawyers for both sides reached an agreement that granted the Schwimmer side some but not all of its requests.

The Record reviewed the village's nine poll books after the election. And working with a list of people whose eligibility to vote had been challenged, the newspaper found people who did vote and should not have.

The Record's tally of illegal votes includes:
- Eight by children who had not yet turned 18, the minimum voting age in the U.S.
- Two by men who live in foreign countries. Under state law, an American living in a foreign country may vote in a federal race— for President or for members of Congress—but not in a state or local election.
- One by a man who lives outside the village in the Town of Woodbury. Only village residents were permitted to vote in the election.
- One non-existent voter. Residents at that address said the only person with that name in their household was their 2-year-old daughter.

The Record also discovered 28 other questionable votes. These included:
- Thirteen cast by people who have homes in Brooklyn and were registered to vote in New York City as well as in Orange County. Ten had voted in the city as recently as the November general election. State law prohibits registering to vote in two different places.
- Six cast by men whose registration address was that of the village's yeshiva but were not on the school's enrollment list. Their new addresses could not be determined. About half of the village's roughly 700 yeshiva students come from Brooklyn, Rockland County and other places outside the village.
- Five by men living in Brooklyn who remain registered to vote in Kiryas Joel at their parents' addresses. None were registered to vote in New York City. The Record spoke with each of these men or their wives by phone at their Brooklyn homes.
- Four by people who signed their names twice in the village poll books—and presumably voted twice.

Gray areas of election law
Daghlian, the state elections spokesman, said the people who were registered at their parents' homes voted legally as long as they were not also registered in New York City.

But Bahren had a different take on the issue. She said they could only vote in Kiryas Joel until they had established themselves at their new homes. After that, they would have to register at their new addresses, she said.

Ultimately, each case would have to be determined separately through an investigation.

Such inquiries would likely slide into a gray area, because some people who have homes or family members in Kiryas Joel and Brooklyn hold an ambiguous definition of where they live.

"I'm living in both," said David Mizrahi, 22, when reached by phone at his home on Park Avenue in the Williamsburg section of Brooklyn. His parents live on Hayes Court in Kiryas Joel, and he voted in the June 6 election.

When confronted, some people who may have voted illegally refused to comment, while others said they believed they had done nothing wrong.

Englander, the Antwerp resident, said he had stayed with his parents for a month when the village election was held. And he thought that met the state's requirement that someone live in a place for at least 30 days before voting there.

Besides, he said, he's considering moving back to Kiryas Joel with his wife and children.

"I'm still registered to vote there," he said, speaking by phone from Belgium. "I don't see what the problem is to vote."

When The Record explained Englander's situation to her, Bahren said, "The 30-day
rule does not apply to a man who’s visiting his parents for a month.”

New York voters cannot be registered in two places, and county election
commissioners regularly remove voters from their rolls when told that the voter has
moved. But people end up registered in two places if they don’t indicate on their
registration cards that they had been voting elsewhere.

Whether that constitutes fraud is arguable.

All 13 Kiryas Joel voters registered in both New York City and Orange County on
June 6 were listed as active voters in both places. Some later notified the city
elections office that they had moved after The Record made inquiries.

"If they were registered in Brooklyn and then changed or added their registration
locally and didn't cancel one, they're committing a violation," Daghlian said.

Mendl Indig, 41, has been registered to vote in New York City since 1985. In that
time, he has voted in 14 city elections, voting records show. But he registered to vote
in Kiryas Joel on May 24, and cast a ballot there 13 days later.

"I can tell you, I've paid taxes in Kiryas Joel for over 10 years," Indig said when
reached by phone at his Williamsburg home. Asked if he believed he had voted
legally in Orange County, Indig replied: "According to the rules of Kiryas Joel, yes."

He declined further comment.

Four days after that conversation, New York City Board of Elections indicated that
Indig had moved.

Leibish Teitelbaum, 29, is registered to vote in both Orange County and New York
City, and has voted in both places in different years, election records show. At the
city elections office, he's registered as Leon Teitelbaum, a resident of South Ninth
Street in Williamsburg.

Last month, he was Leibish, a Kiryas Joel voter.

"The law says you can't be registered in two places, and obviously they were,"
Daghlian said. "The question here is whether they did it purposely."