STATE’S
EXHIBIT NO. 25
Bogus names jam Indiana's voter list
Invalid, repeat entries damaging credibility.

By Bill Theobald
Indianapolis Star
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The first general election of the millennium is just two days away, and Indiana's voter rolls are bursting with 4 million names -- a record.

But hundreds of thousands of those names, as many as one in five statewide and more in some counties, are bogus. The people behind those names have moved, died or gone to prison.

Tens of thousands are registered in more than one county in Indiana. And sloppy record-keeping makes it appear people have voted twice in the same election, at old addresses and in one case even after death.

The clogged voter registration records mean the heart of our election system, the soul of our democracy, is ailing.

Inaccurate voter lists mean a lot more than that, too -- they create the possibility of voter fraud and cost taxpayers thousands of dollars. And poor voter participation looks even worse than it is because of inflated
registration figures.

And for all that, the thousands of valid names added to the rolls mean little because the number of people showing up at the polls has barely budged.

Details of the bloated condition of the state's voter lists were uncovered in an examination by The Indianapolis Star.

Hoosier officials use terms like "ridiculous," "unbelievable" and "a nightmare" to describe that condition.

There's enough concern that legislation will be offered next year to make it a bit easier to clean up the rolls and to form a committee to study the ultimate solution -- a statewide computerized voter database.

This is not just a problem in Indiana. One national expert on voter registration says lists in many states are so inaccurate that the numbers are "virtually unusable."

Invalid names piling up on the state's voter registration rolls primarily are the result of the National Voter Registration Act, commonly called "motor voter" because it allows people to register to vote when they get their driver's licenses, and by mail.

The law was implemented in Indiana five years ago and has made it far easier to register to vote but far more difficult to rid the rolls of invalid names.

"It has become almost ridiculous. I don't know (if) there is fraud, but it invites the possibility of fraud," said state Rep. Mark Kruzan, D-Bloomington, Majority Floor Leader in the Indiana House, who tried unsuccessfully last year to pass legislation to help unravel the lists.

A lot of the problem could have been prevented had Indiana created a statewide computerized database of its voter rolls when the motor voter law went into effect.

622-4941, or the county election office at your old or new residence.

You can also get the form by clicking here. Once it has opened, print it and fill in the correct information.

Sign the form and mail it to the election office in the county where you used to live. You can get the address by using this list.

Findings:

Here is what The Indianapolis Star found in its examination of the state's voter rolls:

- Hundreds of thousands of invalid names clog the rolls, and nearly 100,000 people registered at more than one address, many of those in central Indiana.

- Several hundred dead people are still on the rolls.

- Voter turnout is made to look worse than it really is.

- Officials spend hundreds of thousands of tax
But fear blocked the way -- fear by Republicans that they would lose the political advantage they had held so firmly in this state and fear of uncertain technology and a loss of local control by county officials.

Now, the same solutions that were discussed when the law took effect are emerging again, though it may take some time to see them through.

Legislative leaders are focused on issues in the coming session that will bring them bigger political payoffs -- dividing up the state budget and redrawing political boundaries.

Meanwhile, the voter lists keep growing.

Large toll for inaccurate rolls

The lists that show who is registered to vote Tuesday are a quagmire of out-of-date information.

Interviews and a computer-assisted analysis by The Star found:

¥ Tens of thousands of people appear on the voter rolls more than once. Thousands of these double registrations exist in central Indiana.

¥ More than 300 dead people on the rolls were discovered, and the real number is probably higher. One of those registered, a South Bend woman, died in April 1998 but was recorded as voting in that fall's general election. Election officials believe it was a clerical error.

¥ The public has been misled about voter participation. Measured as a percentage of the voting age population, turnout was essentially the same in the 1998 general election as it was in 1994, just before the new law went into effect. But because the voter rolls have swelled so dramatically with incorrect information, it has appeared dollars to keep the rolls clean.

• A few voters in central Indiana were incorrectly counted as voting twice in the same election.

• Some people vote at old addresses.

• Convicted, imprisoned criminals remain on the rolls.

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http://www.englishfirst.org/ballots/indianavotefraud.htm

11/26/2005
that voter turnout dropped 10 percentage
points during that time.

¥ State and county officials spend hundreds
of thousands of dollars dealing with the
bulging rolls. County officials have added
polling sites, bought voting machines and
spent staff time and money wrestling with
the lists.

¥ An analysis of the nine-county central
Indiana area revealed more than 500
examples that appear to show someone
voting in a county where they no longer
live. One person admitted to voting in
Marion County after having moved to
Hamilton County, but said poll workers said
it was OK. In the other cases where The Star
could track down voters, the people had
moved from one county to the other and
then moved back -- without their names
being removed from the rolls.

¥ Inaccurate voter records make it appear
that four people in central Indiana voted
twice in the same election. No one noticed
the apparently improper votes because no
one in Indiana looks for fraud in a
systematic way.

¥ A cursory check found three convicted
killers and two convicted child molesters on
the voter rolls in central Indiana -- even
though state law says the names of anyone
convicted and sentenced to even one day in
jail are supposed to be removed. People may
register again when they are released.

Officials don't think widespread, systematic
voter fraud is going on in the state. And The
Star analysis didn't find any.

"The bottom line here is I think we are
lucky to live in a state where most people
are pretty scrupulous," said Bruce Northern,
the state coordinator for implementing the
federal registration law. "It's a Midwest
thing."

Still, many concede, the potential is there
and fervor by misguided citizens easily could turn that potential into a problem.

"When you consider how low the turnout is and how narrow the margins are becoming in more and more races, it only takes a couple of votes to steal an election," said Deborah M. Phillips, president of the Voting Integrity Project, a national group pushing concerns about the motor voter law.

Not just a Hoosier problem

Many states besides Indiana have struggled to keep the voter rolls clean.

That's because the names just keep rolling in. According to a report from the Federal Election Commission, between 1994 and 1998, nearly 26 million names were added to the voter rolls nationwide -- about a 20 percent increase.

Alaska, according to the same report, had 502,968 names on its voter rolls in 1998. That's a mean trick considering the census estimates only 437,000 people of voting age were living in the state that year.

Curtis B. Gans, director of the Committee for the Study of the American Electorate, stated in a report on the 1998 general election that the voter registration numbers from around the country "are virtually unusable" and "more inaccurate than they have ever been."

Several voting fraud scandals have been blamed on the new law.


The 1997 Miami mayor's race was overturned after investigators discovered widespread absentee ballot fraud.

The motor voter law also has received some
attention when people in other states have used the mail-in forms to register fictitious people -- or pets -- and then obtain absentee ballots in those names. The same loophole exists in Indiana; other states have tried to close it by requiring people who register by mail to vote in person the first time.

While the law may have had the unintended consequences of making voter lists dirty and spawning fraud, two expected results have not materialized.

According to officials of both parties and academic studies, the law has not boosted the numbers of Democratic voters, as Republicans feared. Nor has it increased voter turnout, as some predicted.

In Indiana, 727,723 more names were on the voter rolls in 1998 than in 1994, but turnout dropped from 37 percent of the voting age population, compared to 38 percent in 1994. Nationwide, despite the 26 million additional names on the rolls, turnout dropped from a pathetic 39 percent of those of voting age in 1994 to an awful 36 percent in 1998.

Despite its problems, the law's noble intent to open up the voter registration process is applauded, even by those who were critics at the time or are worried about the side effect of dirty voter lists.

Gans, for example, calls motor voter a "wonderful law."

"It makes registration virtually automatic in this country, and that's a good thing," he said.

Whatever their view, everyone agrees that changes in the motor voter law aren't expected anytime soon.

Said William C. Kimberling, of the Federal Election Commission, "Right now, it's just kind of a dead issue."

Lots of deadwood
In Indiana, one word describes the problem with the motor voter law five years out: deadwood.

Since 1994, more than 1 million names have been added to Indiana's voter registration lists. That's up one-third in just half a decade.

Estimates from election officials on how many of those names are invalid range from 10 to 20 percent or even higher. Marion County voter registration board members Sherry Beck, a Republican, and Cathline Mullin, a Democrat, estimate up to 35 percent of the names in their county are no good.

The Indiana Election Division's "duplicate voter registration elimination project" this year identified more than 97,000 people in Indiana registered at more than one address.

Using the same methodology as the state, The Star looked more closely at the nine-county central Indiana region and found almost 19,000 people registered twice, about one-fifth of the state total.

Another source of deadwood is dead people.

By comparing a statewide list of Indiana voters compiled by the Election Division to a database of people who have died, obtained from the U.S. Social Security Administration, The Star identified more than 300 dead people statewide who remain on the registration lists. The number of dead people on the rolls is probably even higher because the Social Security agency said its database is not comprehensive.

More than half of those dead people identified in the comparison are registered in Lake County, a northwest Indiana industrial area with a reputation for political hi-jinks. None of those names, however, could be shown as having voted posthumously.
Sally La Sota, director of the Board of Elections and registration in Lake County, had no explanation for the large number of dead people still registered in her county.

The name of Ruth Brown of South Bend presents the most worrisome reminder of what can go wrong if voter rolls aren't kept up to date.

Brown was a longtime elementary teacher who was named Teacher of the Year in the South Bend school district in 1980, the year she retired.

She died at an Elkhart care facility on April 15, 1998, at age 83.

But her official voting record in the St. Joseph County clerk's office shows her casting an absentee ballot in the November 1998 election.

St. Joseph County Clerk Linda Scopelitis said the absentee ballot applications and the envelopes in which absentee ballots are placed were thrown away accidentally in that precinct. But John Court, the Democratic member of the county Voter Registration Board, said he discovered a list of people who voted absentee in that precinct. Brown's address appears, but the name has been typed over.

Brown's name was marked as voting absentee by precinct workers in the poll book, but so was the name of another person listed just below Brown and registered at the same address. Court thinks the poll workers incorrectly marked the other person's vote for Brown.

Indiana's voter rolls also include names of convicted criminals.

One is Collis Sivels, 27, of Indianapolis, who was sentenced to serve 60 years in prison in July 1999. He was convicted of murder in the September 1996 shooting death of a man at a Westside apartment
complex.

Voters caught unaware

_The Star's_ analysis and interviews also indicate people may be voting at old residences after they have moved to another county.

Just in the nine central Indiana counties, _The Star_ found more than 500 cases where it appeared that someone had moved from one county to another and yet voted in the previous county of residence.

Of those examples where _The Star_ was able to track down the voters, most people said they voted in the correct county.

Bradley E. Garloch of Fishers admits he voted at his old address in Marion County in the 1999 general election but said he tried to vote in the right place and was told he couldn't.

Garloch, 30, lived at a Northeastside apartment complex for several years and voted there. He moved to a house in Fishers late in the summer of 1999 and registered to vote. Close to Election Day, Garloch said he talked to an election official -- he doesn't recall whom -- and was told he couldn't vote in Hamilton County. He then went to his old precinct in Indianapolis and said poll workers told him because his name still appeared on his old apartment lease that he could vote.

But the law says clearly that people should vote where they live. For Garloch, that meant Hamilton County.

Based on inquiries they receive, election officials also suspect people are voting at old addresses.

John Williams, election deputy for Shelby County, said he has received calls from
former Shelby County residents who say they want to come back to vote.

"I warn them," Williams said, but because they won't give their names, there is no way to check whether they did vote illegally.

Far more disturbing than people voting in the wrong place would be people voting twice in the same election.

Just comparing voter rolls in the nine-county area, The Star found four examples of people who, according to official county records, voted twice in the same election.

But in each case, when county election officials at The Star's request went back to the poll books -- which people have to sign when they vote -- they discovered that votes in that person's name had been recorded incorrectly.

That's what happened to Jackson C. Mahaney of rural Boone County.

The 40-year-old travel-magazine editor is a native of Zionsville and has moved back and forth between Boone and Marion counties.

He ended up registered in both places, and the official records showed him voting in both counties in the 1996 general election.

Mahaney was living in Marion County then, he said, and didn't vote in Boone.

"I know I didn't do that because I was lucky to get in to vote once," he said, referring to his busy schedule.

Fortunately, Boone County officials saved the poll books from that election -- even though they legally could have thrown them out two years ago.

Mahaney's name doesn't even appear in those records, according to the clerk there. The culprit: clerical error.
Donald A. Decker was at first a little glib when told he was registered in two counties -- Marion and Hancock.

"I don't want Clinton to win, so I gotta do what I can," he said, laughing.

But when he discovered that the official voting records showed him casting a ballot in both counties in the 1998 general election, Decker grew concerned -- and was adamant that it didn't happen.

The 59-year-old engineer said he lived with his stepson in Indianapolis when he moved here in 1997. He and his wife moved to New Palestine in June 1998.

Marion County election officials solved the mystery when they discovered that in the poll book someone had written "moved last year" in the signature area next to Decker's name.

That was counted as a vote.

Costly to taxpayers

The clogged rolls have cost taxpayers thousands of dollars in cleanup costs and additional election expenses.

The Indiana Election Division has conducted its statewide duplicate program four times at a total cost of about $900,000.

And several county officials, such as Monroe County Clerk Pat Haley, believe they have increased the number of voting sites unnecessarily because the lists are so out of whack.

Haley, whose county includes the transient student population of Indiana University at Bloomington, has added about a half dozen precincts since the law went into effect. Each new precinct costs county taxpayers $10,000 for two voting machines and about $500 per election for additional poll workers and supplies.
Statewide, more than 200 precincts have been added since the motor voter law went into effect, according to state election officials.

More precincts -- and more cost -- could be in the offing.

Kathy Richardson, a state representative who also is the Hamilton County Election Administrator, said she has 13 precincts that already are over the 1,200-registered-voter limit that forces splitting off a new precinct. Marion County officials also report 13 precincts with more than the legal limit and a total of 39 with more than 1,000 voters.

Money also is wasted in Indiana because thousands of people fill out new registration forms even though they are already validly registered at their current address.

In fact, according to a Federal Election Commission report, 121,783 wasted forms were filed out in Indiana in 1997-98, giving the state the highest percentage of unnecessary registrations of any state in the country.

Some election officials even worry that making registration so easy has eroded the importance of the voting process.

"I think we've tossed away that responsibility for numbers that don't mean anything," Haley said.

Mobility causes unreliability

People move around a lot these days.

That is the key reason why it's so difficult to keep voter rolls up-to-date.

According to a U.S. Census report released this summer, 43 million people, or 16 percent of the population, moved from March 1998 to March 1999.

Under the old system, before the motor
voter law, people who moved or died or were sent to prison were removed at the request of a party precinct official. That also occurred when they didn't show up to vote for several years.

But now there exists a complex system requiring precise communication and follow-through by state and local officials and individual voters before a name can be purged from the rolls.

Precise communication and follow-through don't always happen, however.

A case in point is the main cleanup program the state runs to find people registered in more than one place.

Here is how it worked -- or didn't -- this year:

**Step 1:** The Indiana Election Division hired a contractor to obtain a computer copy of the voter registration lists from each of Indiana's 92 counties.

**Problem 1:** The data provided by the counties was incomplete and inconsistent. Counties use different computer systems, and some county lists lacked dates of birth for some voters, or the address information was incomplete.

**Step 2:** The contractor compiled the county lists into one master list and looked for exact matches using the first name, last name and date of birth.

**Problem 2:** No birth dates in some records meant no way to match names. Plus some people don't register in the exact same name each time, and others change their names when they marry.

**Step 3:** Those who were matched were sent postcards. More than 200,000 were sent this summer. People were supposed to mark their old address and return the card. The counties then were sent the names of those
people to be removed.

**Problem 3:** Just under one-third of the cards came back from the post office because the address was wrong or the forwarding address had expired. Many people either missed or blew off those that did make it to the right mailbox. Only about a fourth of the people returned their cards this year.

**A final twist:** Those who didn't return the postcards have their registration placed on "inactive" status, but it takes at least two more years before they can be removed from the voter lists.

In fact, these people could vote Tuesday at their old address or in both places.

**The kicker:** If someone does vote at an old address, his or her registration status reverts to active and the name won't be removed from the rolls.

Candy Marendt, the Republican co-director of the Indiana Election Division, and Spencer Valentine, the Democratic co-director, sympathize with county officials but acknowledge frustration with getting the information they need -- accurately and on time -- to run the state cleanup program.

"It's like herding cats," Valentine said.

**Cleanup programs ignored**

Two statewide cleanup programs allowed under Indiana law have never been used by the Election Division.

One, checking the state list against the Social Security Administration death list, which *The Star* did, has been considered but never implemented.

The other, a provision in state law that allows the Election Division to mail a notice to every registered voter in the state and then use the responses as a basis for
cleaning up the lists, has been rejected because of cost.

It is estimated such a mailing would have a price tag of about $2 million -- about twice the Election Division's entire annual budget.

One reason dead people have not been removed from the rolls is that the Indiana State Department of Health has been behind in its state-mandated requirement to notify county officials of people who have died in another Indiana county or elsewhere in the country.

Barbara Stultz, state registrar and director of vital statistics for the Health Department, said the state was two to four years behind in its reports to the county election offices when she took over the job in 1994. The office is now about two quarters behind and hopes to be caught up soon, she said.

Several county election officials also said they don't regularly receive lists of convicted criminals sentenced to jail from their county sheriffs' offices.

Beck and Mullin, the two in charge of Marion County's voter registration rolls, said Marion County Sheriff Jack Cottey never has filed the required report of convicted prisoners with their office.

A Sheriff's Department spokesman said the office didn't know about the requirement until notified by The Star and hadn't been called by election officials whose office is just across the street from the sheriff's. The sheriff now will begin producing the convicted-prisoner reports, he said.

The voter lists are dirty, too, because county election officials are banned under law from doing any comprehensive cleanup at the county level. Several counties, including the two largest, Marion and Lake, have explored doing countywide mailings to weed out invalid names, but state officials say the law requires any such mailing must
be done statewide.

Still, county officials do what they can, and some even skirt the law a bit. Removing a dead voter is supposed to require an official document.

Linda Grass, Hancock County Clerk and co-chairwoman of the state clerks association's legislative committee, said if she or someone she knows well has gone to the funeral home and seen the body:

"We'll take that."

Same solutions, obstacles

Eventually, the same politics that helped get the state into this mess may lead it out.

The solution that's beginning to win acceptance is a statewide computerized database combined with a unique identifying number for each voter -- possibly the last four digits of a person's Social Security number.

The statewide computer system is the same idea some Republican leaders opposed because they believed the lists the state GOP uses for campaigning were better than those of their Democrat rivals. Having a more accurate state-generated list would have surrendered that advantage.

But Democrats have caught up to the Republicans, financially and technologically, and that's one reason officials from both parties stood side by side at a legislative study committee this summer and argued for the system.

County election officials are now more willing to study the idea. But many still have reservations -- particularly about state officials messing with their voter registration records.

Those worries prompted the study committee, chaired by Rep. Thomas
Kromkowski, D-South Bend, chairman of the House Elections and Apportionment Committee, to pull back from recommending legislation for next year's session to create a statewide computer database of the people registered to vote in Indiana. Instead, Kromkowski will propose that the state form a special summer study committee in 2001 to look at the issue in depth.

His committee did recommend a bill to require people to provide the last four digits of their Social Security numbers when they register to vote. On its own, that would take a while to have much impact.

County officials are content to wait on the statewide computer system.

Said Richardson, the Hamilton County election official who served on the interim legislative committee: "I'd rather delay it for another year than mess it up."

And the coming legislative session is already crowded with issues leaders consider more important.

"I think it's a second-tier priority," said Sen. Robert Garton, R-Columbus, President Pro Tempore of the Senate. The first tier, he said, includes redistricting -- a purely political battle over which party can win advantage in the drawing of new election boundaries. Lawmakers also will focus on taxes, education, and the state budget, Garton said.

House Speaker John Gregg, D-Sandborn, was dismissive. "You guys are really scraping for a story," he said. "This is about the most boring topic."

Democratic Gov. Frank O'Bannon, expected to win a second term Tuesday, didn't have time to respond to questions about the issue, his spokesman said.

Gans, the national voter registration expert,
said there is one thing that will push inaccurate voter rolls to the top of the political agenda: a crisis.

And make no mistake, he said, one is possible.

"It is a potential accident waiting to happen."

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