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STATEMENT ON THE SENATE FLOOR: ELECTION FRAUD

Thursday, August 2, 2005

Mr. President, for the past months I have been patiently waiting for my opportunity to testify on election fraud before the Senate Rules Committee. I have watched the Committee hold days of hearings in Washington, and read about their road show.

My concern has been that perhaps the Committee was not interested in vote fraud, was not interested in hearing the details of the criminal activities that took place in Missouri this past election, and certainly was not interested in what election law reforms are necessary to attack the vote cheats.

Today I will wait no more.

I am here on the floor, rather than in the Committee, because although I was promised the opportunity to testify about the extraordinary circumstances that occurred around the election in St. Louis -- and thus make the case for real vote fraud reform, the Committee has decided to abandon that promise in its sudden haste to move a voting machinery bill before the recess.

To say I am disappointed would be a understatement, but rather than dampening my enthusiasm for the effort to enact real vote fraud protections ... I am now even more committed to the cause.

Simply put, it is imperative that we pass legislation this year that makes it easier to vote, but harder to cheat.

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Voting is the most important duty and responsibility of a citizen of our republic. It should not be diluted by fraud, false filings in lawsuits, judges who don't follow the law, and politicians who try to profit from the confusion.

At the same time, voters should not be unduly confused by complicated ballots and voter rosters, or confounded by inadequate phone lines or voting machinery.

Mr. President, I want to make one simple point as I begin. Vote fraud is not about partisanship. It is not about democrats vs. republicans. It is not about the North Side of St. Louis vs. The South Side.

It is about justice. For vote fraud is a criminal, not political act. Illegal votes dilute the value of votes cast legally. When people try and stuff the ballot box, what they are really doing is trying to steal political power from those who follow election laws. There can be no graver example of disenfranchisement.

As the Missouri Court of Appeals recently wrote:

“(E)qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

Anatomy of vote fraud

So what exactly is vote fraud? How does it work? How widespread is it? How can we stop it?

Vote fraud is, at its core, the practice of illegally adding votes to a candidate's vote total. It can be done by simply stuffing extra ballots into the ballot box at the end of the voting day. It can be done by voting in the names of people who are dead or otherwise not voting in an election. It can be done by creating lists of bogus names and addresses and then voting all those fake identities. It can be done in person, it can be done by absentee ballot, it can be done with a crooked judge and a court order.

However it is done, it's design and purpose is single-minded -- cheat to win. Fortunately, it doesn't usually work -- but unfortunately, there are those who argue that because it fails more than it succeeds it isn't a real problem.

To those who want to make that argument, I recommend a few moments with State Rep. Quincy Troupe of St. Louis who stated this year that to win elections in this town "you have to beat the cheat."

People trying to cheat to win -- the impulse has been around since the dawn of civilization. Parents, teachers, and coaches tried mightily to instill in us that we should play fair, abide by the rules, and 99% of the time their lessons took root.

Unfortunately, not everyone gets the message. Every day we read stories of consumer fraud, the selling of test scores, point-shaving scandals, stock swindles, real estate scams, double billing, and insurance rip-offs.

So I suppose we shouldn't be shocked that people also try and steal votes, and ultimately elections.

But because we are a nation of laws, and we have basic faith that people will play fair --- we simply don't like it when people try to cheat to win. And that of course is what voter fraud is all about -- cheating to win.

Unfortunately, we in Missouri saw it all this past election.

Mr. President, no one wants their state to become the poster child for a problem. No one wants their home town to become a laughingstock. So it is with dismay that I come before you today, to describe what has gone on in St. Louis, what is going on, and what reforms I believe are vital.

The Basics:

Missouri's Secretary of State has just completed a comprehensive review of the turmoil of election day 2000. His investigation centered around 4 basic voter fraud schemes, the question of felons voting, as well as reviewed the actions by local judges and the now infamous dead-man-claims-long-lines-keep-him-from-voting court case.

The 4 vote fraud schemes regularly practiced across the country are:

- Did individuals register and vote more than once?

- Did any dead individuals have votes cast in their names?
- Were false names/addresses voted?
- Were “drop sites” used to give individuals multiple voting identities?

Each of these are classic vote fraud schemes, designed to allow a small number of people to cast numerous votes either by absentee ballots or by moving from polling place to polling place and voting multiple names from the voter lists.

Each scheme relies on access to the registered voter lists – in order to know what names to use, knowledge of the false names, or requires the individuals to have control of absentee ballots. In one common form of absentee ballot fraud, the drop-site scam, the individuals involved in the scheme simply register multiple names at one address, usually by mail-in registration, then request absent ballots for all their new roommates and vote multiple times.

Sad to say, each one of these schemes was in use on election day in Missouri.

In a review which covered only 2 of Missouri’s 14 counties the Secretary of State found:

- 14 probable drop sites — with another 200 possible sites requiring further review;
- 68 dual registered people voted twice
- 79 vacant lots were used as addresses
- 14 dead people voted

In addition, his investigation found that 114 felons voted and over 1200 people who were not registered at all who voted – in direct contravention of Missouri law.

For each of the drop sites, the Secretary of State used an 8 person rule – meaning he only reviewed those sites that showed 8 or more registered voters at one address. And his staff only visited 20% of the total sites identified. Only law enforcement will be able to determine how many illegal votes were cast from these sites.

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However, those responsible for voting twice, voting dead persons names, and creating false addresses were obviously violating the law – so there can be no question that criminal fraud occurred.

But there does remain the question what can be done to protect us from this sort of cheating in the future.

In our review of the Secretary of State's report it is clear that a fundamental requirement for fraud is voter list manipulation. Bogus names are added with the intent to vote them absentee. Voters who have moved or died are left on the lists in order to create a pool of names to be voted, and the sheer confusion of clogged up voter rolls is used to further complicate efforts by election officials to keep the vote legal.

My staff's review of the voter lists in St. Louis has revealed rolls that are so clogged up with incorrect or fraudulent data that it almost defies description.

- The number of registered voters threatens to outnumber the voting age population. A total of 247,135 St. Louis residents, dead or alive, are listed as registered voters compared with the city's voting-age population of 258,532. That translates to a whopping 96 percent registration rate.
- Almost 70,000 St. Louis city residents, or 28 percent of registered voters, are on the inactive voter list. That means one in four eligible St. Louis voters cannot be located by the U.S. Postal Service as actually living where the voter rolls say they are registered.
- More than 23,000 people on St. Louis voter rolls are also registered elsewhere in Missouri. This means that 1 out of every 10 voters in St. Louis are actually registered twice in the state.
- Over 17,000 voters who are still listed as registered in the City, even after moving out and registering at their new address.
- Nearly 700 voters who are registered twice in St. Louis. No fewer than 400 who are registered once in the city and twice more elsewhere in the state.
- And five Missouri voters who are registered 4 different places across the state.

· Though dead for 10 years, former St. Louis Alderman Albert "Red" Villa actually registered to vote this spring in the city's mayoral primary. Ritzy Meckler, a mixed breed dog, was also registered to vote in St. Louis.

Mr. President, this spring, a City Grand Jury began an investigation of 3800 voter registration cards dumped on the election Board on the last day to register before the March 6th primary: press reports note that at least 1000 were bogus registrations for people already registered.

The U.S. Attorney has now taken over the case and a Federal Grand Jury investigation is underway as the FBI recently issued a subpoena to the St. Louis City Election Board for all records pertaining to any person who registered to vote between October 1, 2000 and March 6, 2001. It also requested all records of anyone who cast absentee ballots or regular ballots during that period, as well as anyone who was turned away from the polls and barred from voting.

Mr. President, it is obvious that there has been brazen fraud with these bogus voter registrations. With dead people reregistering, fake names, and phony addresses, it is clear the system is being abused.

Thus it is painfully clear that our voter registration system is broken. It has become too easy to get fraudulent names on voter lists, and too hard to clean the bogus names off.

The only conclusion? Reform is imperative. So where do we begin?

As I review all of the issues facing us it is clear that there are three key weaknesses in the current system – and these are places where the criminal vote fraud is begun.

These weaknesses are: 1) the ease in which drop sites can be created; 2) the ability of individuals to imposter others and vote in their name; and 3) dual registrations which lead to easy double voting.

The drop sites are a direct result of allowing mail-in or drop-off registration without also requiring some form of authentication that the name being registered actually exists. This then creates pools of false names on voter lists, and provides the opportunity to illegally vote these names.

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Because absentee voting after mail-in registration is allowed, it becomes very easy for those bent on cheating to cast votes for people who never existed. This clearly is in need of reform.

Secondly, the ability of individuals to imposter others is directly dependent on what type of identification is required for people voting. In the St. Louis mayoral primary this past March photo ID was required, and there were no complaints of voter impersonation – or voter intimidation. Obviously the ability to pose as another would be severely restricted with a simple photo ID requirement;

And thirdly, the number of dual registrations creates a huge pool of names for the unscrupulous to abuse. A statewide database would clearly eliminate most dual registrations almost immediately. This is certainly one recommendation of the Carter-Ford Commission that deserves support.

However, as simple as these reforms are, the problems we face to clean up are deeper than most know. For not only do the loopholes in current federal law actually make vote fraud easy, specific provisions are actually active opponents of state's efforts to police their own voter rolls.

For example, the National Voter Registration Act of 1993, a.k.a. "motor voter," act actually blocks states from requiring notarization or another form of authentication on mail-in registration cards.

And Mr. President, given that nearly all of the fraudulent registrations now under investigation in St. Louis were the mail-in forms, it is obvious we must make real reforms in this area. At a minimum state's need to be given the authority to require on the mail registration form a place for notarization or other form of authentication. Under current federal law states are actually prohibited from including this safeguard. This is one obvious place where the federal law is a clear impediment to anti-fraud efforts. Why do we so easily require photo ID to board a plane or to buy beer and cigarettes while leaving the ballot box so undefended?

Motor voter has also built a system whereby once bogus names are registered, it is almost impossible to get them off the lists.

Current federal law blocks a person's removal from the voter rolls unless he or she is (1)

reported dead, (2) requests removal or (3) the U.S. Postal Service returns certified election board mailings to the person as "undeliverable" and the person fails to vote in two successive federal elections. When names are added to vote lists for fraudulent purposes, they certainly aren't going to be requesting removal, or not voting ... so what protections do we have?

Congress passed the motor voter bill with the best intentions. Unfortunately, we now have proof that the very mechanism designed to boost voter participation has turned the nation's voter rolls into a tangled mess. In Missouri we saw how motor voter flaws paralyzed the St. Louis election board. The board's inability to maintain its lists invited brazen vote fraud, now the subject of a federal criminal probe.

In Florida, St. Louis and elsewhere, sloppy maintenance of voter rolls fueled charges of minority disenfranchisement. The legacy of the motor voter bill is that while it tried to boosted voter participation it may in fact now be responsible for reducing the integrity of and confidence in our elections. The best election "reform" Congress can undertake this year is to go back and fix the flaws in the law we passed seven years ago.

So we must get a handle on the voter rolls. People who register and follow the rules shouldn't be frustrated by inadequate polling places and phone lines or confused by out-of-date lists. At the same time, we must require voter lists to be scrubbed and reviewed in a much more timely manner -- so the cheaters cannot use confusion as their friend.

I certainly don't want St. Louis to have the lasting reputation described by my old friend Quincy Troupe:

"The only way you can win a close election in this town, you have to beat the cheat."

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