SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 1199
and THE NORTHEAST OHIO COALITION
FOR THE HOMELESS,

Plaintiffs,

vs.

J. KENNETH BLACKWELL, in his official
capacity as Secretary of State of Ohio,

Defendant.

INDEX OF AUTHORITY REGARDING VOTE FRAUD STUDIES

1. Vote Fraud, Intimidation & Suppression in the 2004
   Presidential Election (Ohio information ONLY)
   American Center for Voting Rights Legislative Fund
   August 2, 2005

2. Building Confidence in U.S. Elections
   Report of the Commission on Federal Election Reform
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3. Department of Justice to Hold Ballot Access and Voting
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4. Securing the Vote: An Analysis of Election Fraud
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5. Reports of the Task Force on the Federal Election System
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7. 58% Worried About 2004 Voting Debacle
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8. The Motor Voter Act and Voter Fraud
John Samples, Ph.D., Director, Center for Representative
Government, The Cato Institute

March 14, 2001
VOTE FRAUD, INTIMIDATION & SUPPRESSION IN THE 2004 PRESIDENTIAL ELECTION

American Center for Voting Rights
Legislative Fund

August 2, 2005
“Free and honest elections are the very foundation of our republican form of government. Hence any attempt to defile the sanctity of the ballot cannot be viewed with equanimity.”

August 2005

Dear Fellow Americans:

The American Center for Voting Rights Legislative Fund ("ACVR Legislative Fund") is proud to present the following report as the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election. Using court records, police reports and news articles, ACVR Legislative Fund presents this "after action report" which documents hundreds of incidents and allegations from around the country, notes whether a factual basis for the charge exists and assesses what actions, if any, were taken by the responsible party, law enforcement or the courts. Most importantly, ACVR Legislative Fund makes eight key recommendations that, if implemented, will secure the American election system so that all voters will have the ability to participate free of intimidation and harassment and no legitimate voter will be disenfranchised by an illegal vote. These recommendations also call for accountability for the political parties and activist groups engaged in the political process by holding them responsible for the actions of their operatives seeking to cast illegal votes or to intimidate or harass voters.

ACVR Legislative Fund found that thousands of Americans were disenfranchised by illegal votes cast on Election Day 2004. For every illegal vote cast and counted on Election Day, a legitimate voter is disenfranchised. This report documents a coordinated effort by members of some organizations to rig the election system through voter registration fraud, the first step in any vote fraud scheme that corrupts the election process by burying local officials in fraudulent and suspicious registration forms.

ACVR Legislative Fund further found that, despite their heated rhetoric, paid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts during the 2004 presidential election. Whether it was slashing tires on GOP get-out-the-vote vans in Milwaukee or court orders stopping the DNC from intimidating Republican volunteers in Florida, the evidence presented in this report shows that paid Democrat operatives were responsible for using the same tactics in 2004 that they routinely accuse Republicans of engaging in.

Based on the findings of this report, it is clear that legislative reforms alone will not restore the public's trust in the American election system. Thus ACVR Legislative Fund's central recommendation is for both national political parties to formally adopt a zero-tolerance fraud and intimidation policy that commits them to repudiate any effort to intimidate voters or volunteers or commit vote fraud and to cooperate in the prosecution of any individual or allied organization that commits vote fraud or that seeks to intimidate any eligible voter from participating in the election. By its very nature, vote fraud is not a crime which an individual has an incentive to commit. The only object of vote fraud – or voter
intimidation – is to achieve a political result. As such, legislation reform and enforcement should focus on the political stakeholders who are the beneficiaries of any vote fraud or voter intimidation. ACVR Legislative Fund also makes specific recommendations for legislative reform that will help stop vote fraud before it happens. ACVR Legislative Fund was founded on the belief that it should be easy to vote but tough to cheat. These common-sense recommendations – such as requiring government-issued photo ID at the polls and accurate statewide voter registration databases – will help assure that all legitimate voters are able to cast a ballot and that no American is disenfranchised by illegal votes.

In addition to recommended changes and a zero-tolerance commitment by the political parties, ACVR Legislative Fund has identified five cities as “hot spots” which require additional immediate attention. These cities were identified based on the findings of this report and the cities’ documented history of fraud and intimidation. ACVR Legislative Fund will work with national and state political parties, state legislators and local officials to create a process that supports local election officials in these cities and ensures that any effort to continue the historic pattern of fraud and intimidation in the 2006 election is exposed and stopped.

1. Philadelphia, PA
2. Milwaukee, WI
3. Seattle, WA
4. St. Louis/East St. Louis, MO/IL
5. Cleveland, OH

ACVR Legislative Fund believes that public confidence in our electoral system is the cornerstone of our democracy. Punishing those who engaged in acts of vote fraud and voter intimidation in 2004 and strengthening the legislative safeguards against such activity in future elections makes clear to the American public that such activities are not tolerated at any level by any party and serves as a warning to deter those who may consider illegal activities for future elections. In the coming weeks and months, ACVR Legislative Fund will work with national and local leaders from both political parties as well as election officials and grassroots activists to restore citizens’ faith in the American electoral process.

As Counsel and Board Member of the American Center for Voting Rights Legislative Fund, we are pleased to present this report to the public.

Mark F. “Thor” Hearne
ACVR Legislative Fund Counsel

Brian A. Lunde
ACVR Legislative Fund Board Member
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(c) **Other Voter Registration And Election Fraud Issues In New Mexico**

Other issues related to election fraud and questionable voter registration activities in New Mexico included:

- **Man “Working For Governor Richardson” Reportedly Attempted To Collect Woman’s Absentee Ballot.** According to the *Albuquerque Journal*, a woman said that a man claiming to be “working for Governor Richardson” came to her door and tried to collect her absentee ballot, an illegal practice in New Mexico. The director of Richardson’s political organization, Moving America Forward, said that the man did not work for the governor, and that the group did not collect absentee ballots.  

- **College Student Said He Was Fired From Moving America Forward, The “527” Group Affiliated With Governor Richardson, For Registering Too Many Republicans.** New Mexico State University student Joshua Pena told the *Albuquerque Journal*, “They said I was registering too many Republicans ... We (the group) were pushing for the Democratic vote.” Moving America Forward’s director denied the charge, saying “We would never, ever fire somebody because of that.”

- **Republican Voter Registration Forms Stolen From New Voters Project Office In Albuquerque.** According to *The Associated Press*, 100 to 200 mostly Republican forms were stolen during the night of September 12.

6.11 **Ohio**

(a) **Charges That Exit Poll Results Exposed Republican Election Fraud & Confirmed Democrat Victory On Election Day**

Shortly after the election, theories began circulating on the Internet about the gap between the vote count and the results of the exit polls, which on Election Day showed Kerry leading nationally and in key battleground states. Only a week after the election, University of Pennsylvania professor Steven Freeman caused a stir on the Internet when he released a paper raising the specter of election fraud based on this exit poll discrepancy. By late November, the Rev. Jesse Jackson was citing a “suspicious” gap between exit poll results and the vote count. In January 2005, Democrats used this claim as a key rationale for their challenge of the Ohio election results in Congress. Democrat Rep. John Conyers’ Judiciary Committee staff report, which formed the basis of the challenge, charged that “exit polls bolster claims of irregularities and fraud” and “provide important evidence that something was amiss in the Ohio election.”

More recently, a study by the “left-leaning non-profit” U.S. Count Votes found that exit polls...

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248 *Woman Reports Ballot Ruse, Andy Lenderman, ALBUQUERQUE JOURNAL, October 23, 2004*

249 *Fight Over Voter ID Heats Up, Andy Lenderman, ALBUQUERQUE JOURNAL, September 19, 2004*

250 *Activist Reports Theft Of Voter Forms, THE ASSOCIATED PRESS, September 23, 2004*

251 *Election Numbers Still Leave Questions For Some, Larry Eichel, THE PHILADELPHIA INQUIRER, November 23, 2004*

252 *Jackson Rallies For Ohio Vote Probe, Stephanie Zimmermann, CHICAGO SUN-TIMES, November 28, 2004*

253 *Preserving Democracy: What Went Wrong In Ohio, Report Of The House Judiciary Committee Democratic Staff, January 5, 2005*
results showed "corruption of the official vote count occurred most freely in districts that were overwhelmingly Bush strongholds." The Washington Post reported that the U.S. Count Votes study "clearly leaves the impression that the authors believe there was wholesale fraud in the 2004 presidential election."

Yet as these theories circulated around the Internet, a bipartisan consensus emerged that the flaws in the exit polls did not support the conclusion that President Bush's victory in Ohio was the result of election fraud. In January 2005, the firms that performed the exit polls – Edison Media Research and Mitofsky International – released a report stating that the exit polls’ flaws were caused primarily by an oversampling of Kerry supporters, as Kerry voters were more likely to participate in the exit poll interviews than Bush voters. The report cited the inexperience and youth of its interviewers as another problem with their poll.

Democrat pollster Mark Blumenthal agreed that the faulty exit polls did not indicate fraud in the 2004 election for President. He said that some of the studies on the Internet come from people who "really want to find that the exit polls are evidence of some fraud." As Blumenthal told ABC's "Nightline,"

"There is a bit of a statistical food fight here if you go on the Internet, between those who really want to find that the exit polls are evidence of some fraud, and some of us who are more skeptical. And what I've said before is I think it's a lot of sound and fury signifying not very much. Because - at the end of the day, Warren Mitofsky agrees, I agree, everyone agrees that there was a small and probably significant error across the whole country."

Warren Mitofsky, considered the "father of the exit poll," leads one of the firms that produced the flawed exit polls in 2004. Mitofsky criticized the Internet theories and the U.S. Count Votes study, noting that polling is not its authors' area of expertise. "The trouble is they make their case very passionately and not very scholarly ... I don't get the impression that any of these people have conducted surveys on a large scale," Mitofsky said. According to Mitofsky, the theory that the exit poll results are some indication of fraud is "totally implausible."

In May 2005, the nonpartisan Election Science Institute (ESI) dealt another blow to the exit poll fraud theory when it released a study confirming "pollster Warren Mitofsky's assertion that the exit polls that put John Kerry ahead of George Bush in Ohio on Election Day 2004 do not necessarily indicate that there was fraud in the Ohio election." The ESI study was presented at the annual conference of the American Association of Public Opinion Research and conducted by a research team led by Dr. Fritz Scheuren, president of the American Statistical Association.

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255 Vote Fraud Theorists Battle Over Plausibility, Terry M. Neal, THE WASHINGTON POST, April 24, 2005
257 ABC's "Nightline," January 19, 2005
258 Id.
259 Vote Fraud Theorists Battle Over Plausibility, Terry M. Neal, THE WASHINGTON POST, April 24, 2005
and Vice President for Statistics at NORC, a research institute based at the University of Chicago. ESI "used more detailed information from the exit polls than previous studies." Dr. Scheuren confirmed Mitofsky’s finding, stating that "it looks more like Bush voters were refusing to participate and less like systematic fraud."

The liberal online newsmagazine Salon.com recently reported that a “consensus among experienced pollsters” now favors Mitofsky’s view it was the overrepresentation of Kerry voters in the exit polls – not election fraud – that caused them to differ from the official vote count. Several key individuals “who once suspected that the exit polls pointed to election fraud, have begun to change their minds.” Bruce O’Dell, one of the founders of U.S. Count Votes, “the group that has been leading the charge to show that exit polls prove Kerry won,” now believes “it’s impossible to say whether the exit polls suggest that Bush stole the election,” and calls Mitofsky’s explanation of what went wrong “plausible.” Salon.com reported that one researcher found a math error in U.S. Count Votes’ analysis that “basically stuck the final nail in the coffin of any theories purporting to show that the exit polls proved the election was stolen.”

Finally, the DNC Voting Rights Institute’s report on the election in Ohio, released on June 22, 2005, rejected claims that widespread fraud cost Kerry the election in Ohio. The DNC’s “statistical study of precinct-level data does not suggest the occurrence of widespread fraud that systematically misallocated votes from Kerry to Bush.” The DNC’s experts found that the similarity between the vote patterns for Kerry in 2004 and the Democrat gubernatorial candidate in 2002 was “strong evidence against the claim that widespread fraud systematically misallocated votes from Kerry to Bush.”

Back in Ohio, editorial boards around the state panned the exit poll fraud theories. The Akron Beacon Journal called them “frivolous,” saying that “early exit polls were inaccurate and never intended as predictors of the final vote.” The Cleveland Plain Dealer opined that the “die-hard band of zealots” pushing the exit poll fraud theory need to realize that “the only poll that counts is the one conducted by ballot.” Even Conyers’ hometown paper, the Detroit Free Press, accused him of “grasping at straws” in an effort to overturn the election. The Free Press suggested that if Conyers was truly interested in election reform he might turn his attention back home to Detroit:

“If Conyers really wants to get to the bottom of problematic balloting, he ought to come back home. Few places in America have as inept an election system as Detroit. Voters stand in lines that are needlessly long, show up to find balloting places closed, lose their votes to incompetent election officials, and have no confidence that the other people standing in line with them are really eligible to vote. Detroit would be fertile ground for congressional investigators. Conyers should turn his attention homeward and leave the media alone.”

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260 Election Science Institute, Ohio Exit Polls ‘Not a Smoking Gun’ For Fraud, Study Says, Press Release, May 14, 2005
261 No Exit, Farhad Manjoo, SALON.COM, June 15, 2005
262 Democracy At Risk: The 2004 Election In Ohio, Report Of The Democratic National Committee’s Voting Rights Institute, June 22, 2005
263 Do The Math, Editorial, AKRON BEACON JOURNAL, December 5, 2004
264 Conyers Has No Right To Polling Data, Editorial, DETROIT FREE PRESS, December 27, 2004
(b) **Voter Registration Fraud In Ohio**

A number of organizations seeking to influence the outcome of the presidential election were very active in Ohio in 2004. Election authorities received almost one million new voter registrations and a total of 5.7 million votes in Ohio were cast in the 2004 General Election, a historic high for Ohio.265 This unprecedented voter participation should be celebrated. However, not every organization involved in voter registrations efforts is to be commended. The unfortunate fact is that Ohio election authorities experienced an unprecedented number of fraudulent voter registrations and some organizations appear to have been engaged in efforts to facilitate and pay for the submission of fraudulent voter registration forms.

This point was noted by Keith Cunningham, President of the Ohio Association of Election Officials, when he testified about the election in Ohio before the House Administration Committee in March 2005. During his testimony, Cunningham remarked that “disruptive” and “distracting” political activists on the ground in Ohio made it increasingly difficult for elections officials to do their jobs.

Cunningham: “[T]he November 2004 election was probably the single most difficult thing I have ever tried to manage in my life. ... For instance, the card we send out to voters that tell them where they’re registered, what your precinct is. I spent the better part of an afternoon arguing with somebody that the type on that card was too small, when it’s the same card we’ve been sending out for some time and it’s the default setting on the printer. My belief is that not everyone in November 2004 was dealing in good faith. And there were people on the ground and present in Ohio who … were attempting to create chaos and confusion in hopes that out of it could come something that could be exploited.”266

Part of the “chaos and confusion” referenced by Cunningham stemmed from the thousands of fraudulent voter registrations submitted to elections officials in every corner of Ohio.

A state investigation of voter registration fraud in the Buckeye State in 2004 was one of the “biggest of its kind in recent years.”267 Perhaps as a result of registration fraud, it was reported that according to the 2003 Census numbers, voter registration exceeded the number of voting-age people in four Ohio counties: Franklin, Delaware, Fayette and Mercer.268 Further, the Cleveland Plain Dealer reported that 27,000 voters were eligible to cast ballots in both Ohio and Florida last year.269

265 *One Last Knock And A Plea: Volunteers Scratch For Votes*, Jack Torry, THE COLUMBUS DISPATCH, October 31, 2004; *Republicans Beat Democrats In Ohio Ground Game*, Sam Howe Verhovek and Elizabeth Shogren, LOS ANGELES TIMES, November 4, 2004
266 *Testimony Of Keith Cunningham At U.S. House Committee On House Administration Hearing*, Columbus, OH, March 21, 2005
267 *Voter Registration Investigation One Of Largest In Recent Years*, THE ASSOCIATED PRESS, September 23, 2004
268 *Figures Don’t Add Up*, Dennis J. Willard and Doug Oplinger, AKRON BEACON JOURNAL, October 2, 2004
269 *Voters Double-Dip In Ohio, Fla*, Scott Hiaasen, Dave Davis and Julie Carr Smyth, *[Cleveland] PLAIN DEALER*, October 31, 2004
NAACP National Voter Fund

- **NAACP National Voter Fund Worker Paid Crack Cocaine In Exchange For Fraudulent Registrations.** Perhaps the most outrageous example of voter registration fraud occurred in Defiance County, where Chad Staton pled guilty to submitting hundreds of fraudulent voter registration forms for the NAACP National Voter Fund in exchange for crack cocaine. Mr. Staton filled out and submitted voter registration forms in the name of cartoon characters, action figures, celebrities and other fictitious residents of Lucas, Cuyahoga and other counties.

Elections officials throughout northern Ohio received registration forms from Mary Poppins, Jeffrey Dahmer, George Foreman, Michael Jordan, Dick Tracy and a host of other individuals. After an investigation of the matter, Defiance County Sheriff David Westrick learned that Mr. Staton was responsible for completing some of these forms and arrested him.

Mr. Staton provided a taped admission regarding these crimes, was indicted and subsequently pled guilty. Mr. Staton admitted being paid for his efforts in crack cocaine by an NAACP National Voter Fund employee, Georgianna Pitts. Ms. Pitts, a Toledo native, was reported to be an employee of the NAACP and paid Mr. Staton with crack cocaine for the falsified forms. Ms. Pitts died suddenly of a drug overdose before being prosecuted. Sheriff Westrick was able to trace the falsified registration forms and learned that they were submitted to the Cuyahoga County Board by NAACP Voter Protection Project, located in Cleveland, Ohio.  

- **NAACP National Voter Fund Registers Man Dead For Two Decades.** In Lake County, a man who had been dead for more than two decades was registered on a card submitted by the NAACP.

- **48 Forged Voter Registration Cards Submitted by NAACP.** In Mahoning County, 48 voter registration cards were flagged as part of a group of cards submitted by the NAACP in Cleveland. The registration cards were originally misfiled by the NAACP with the Cuyahoga County Board of Elections which forwarded them to Mahoning County. Many appeared to be in the same handwriting, and as the Board attempted to verify them, voters repeatedly told the board that they did not sign new registration cards.

- **NAACP National Voter Fund Investigated In Cleveland.** County Board of Election officials flagged 17 registration cards submitted by NAACP National Voter Fund state director Thaddeus Jackson, which all bore signatures that looked alike. The Board of

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270 See *State v. Staton*, Defiance County Court Case No. 04-CR-09070. (Exhibit T); *Man Arrested After Voter Forms Turned In For Mary Poppins, Michael Jordan, Ohio Officials Say*, THE ASSOCIATED PRESS, October 19, 2004

271 *Dead Man On Voter Rolls Sparks Inquiry*, Michael Scott, [Cleveland] PLAIN DEALER, September 23, 2004

272 *Suspicious Voter Cards Are Piling Up*, Lisa A. Abraham, AKRON BEACON JOURNAL, September 29, 2004
Elections asked the Cuyahoga County Prosecutors Office to investigate the potential forged signatures arising from a registration drive where volunteers were paid $2.00 per signature collected. Most of these registrations contained fake addresses, fictitious names and vulgarities.  

ACORN – Association of Community Organizations for Reform Now

✓ ACORN Submits “Blatantly False” Voter Registration Cards In Franklin County. In June 2004, ACORN fired two employees for filing false registration forms and forging signatures. The two ACORN employees claimed to be registering voters in Franklin County. Board of Election officials reviewed the forms and determined that the registrations contained “blatantly false” information. Election officials referred the matter to the Franklin County Sheriff’s Office for investigation. Registration cards submitted by ACORN and its partner group, Project Vote, contained fake first names, incorrect birth dates and Social Security numbers, forged voter signatures when compared to information on file with the Franklin County Board of Elections.

✓ ACORN Registrations Include Dead Person, 25 Addresses For The Same Man, And Suspected Terrorist. In Franklin County, hundreds of cases of suspected election fraud were reviewed. Among the applications reviewed were: One application signed in the name of a man who passed away February 25; applications showing different addresses for the same man; one registration purportedly from Nuradin Abdi, an illegal alien and suspected terrorist charged with plotting to blow up a Columbus mall. The Franklin County Prosecutor reviewed hundreds of cases of suspected election fraud in the days leading up to the November 2004 Presidential election. Prosecutor Ron O’Brien stated that, “what causes some of this to happen is that people are being paid to register new voters.” Some of the suspected cases of fraud were submitted by the Columbus Urban League, while others came from ACORN.

✓ Similar Handwriting And False Addresses Found On ACORN Cards In Hamilton County. In October 2004, the Hamilton County Board of Elections requested that the head organizer for ACORN appear before the Board to discuss fraudulent registrations submitted by a paid ACORN staffer. The employee submitted approximately 19 registration cards for individuals who did not exist after Board of Election officials noticed that the registration cards all had similar handwriting and false addresses. The Hamilton County Sheriff’s Department could not find the individuals, and the Board of Elections subpoenaed the individuals.

✓ ACORN Turned In Hundreds Of Registration Cards Past Deadline. Other improprieties by ACORN workers were investigated in Franklin County when ACORN

275 Suspected Terrorist Registered To Vote In Franklin County, WBNS-TV, www.10tv.com, Accessed October 23, 2004; Election Fraud Cases Under Review, WBNS-TV, October 22, 2004
276 Alleged Fraudulent Voter Cards Scrutinized, Cindi Andrews, THE CINCINNATI ENQUIRER, October 8, 2004; Voting Organizer Discusses Fraud, Mark Hansel, CINCINNATI POST, October 16, 2004

60
delivered 526 new voter registrations to the board of elections three days after the statutory deadline. ACORN explained that the registrations were found "in a mismarked box."\(^{277}\)

✓ **Warrant Issued For ACORN Employee Who Forged Signature On Voter Registration Card.** A Franklin County Grand Jury issued a warrant for a parolee accused of forging a signature on a voter registration form on behalf of ACORN. Kevin Dooley, a Columbus resident working for ACORN, was indicted on felony counts of false election registration and submitting false election signatures.\(^{278}\)

✓ **ACORN/Project Vote Employee Indicted In Lucas County.** A Toledo woman employed by Project Vote and paid $5 per registration card was charged with submitting a fraudulent registration card to the Lucas County Board of Elections. The election board received a registration card for a woman who was already registered with a different birth date and signature. The woman advised authorities she had not filled out a registration card.\(^{279}\)

**ACT – America Coming Together**

✓ **1,000 Registration Cards Investigated In Summit and Lake Counties.** Election officials in Lake and Summit Counties investigated irregularities in some 1,000 voter registration forms and absentee ballot requests. In Lake County, one group attempted to register a dead person. Other potentially fraudulent documents were referred to the Lake County Sheriff's Office by the Board of Elections. The investigation centered on registration efforts by the NAACP National Voter Fund and America Coming Together (ACT).\(^{280}\)

✓ **Jive Turkey, Sr., Registers To Vote.** The Cuyahoga County Board of Elections received some 1,284 suspicious voter applications that were turned over to prosecutors to investigate for potential fraud. Among those registered was a Jive Turkey, Sr., who included an off-color middle name on the form. Most forms were submitted by America Coming Together (ACT) and ACORN/Project Vote.\(^{281}\)

✓ **ACT Accused Of Falsified Registration From Nursing Home Resident.** In Lake County, a woman in a nursing home was registered by ACT and purportedly signed the card in a firm cursive signature. Upon investigation, it was learned that the registrant was not able to sign her name, but used a shaky "X" as her signature.\(^{282}\)

\(^{277}\) *Alleged Fraudulent Voter Cards Scrutinized*, Cindi Andrews, THE CINCINNATI ENQUIRER, October 8, 2004

\(^{278}\) *Warrant Issued For False Registration*, THE ASSOCIATED PRESS, September 7, 2004

\(^{279}\) *Voter Aide Indicted In Fake Registration*, TOLEDO BLADE, January 6, 2005

\(^{280}\) *1,000 Cases of Suspicious Voter Registrations*, Steve Luttner and Michael Scott, [Cleveland] PLAIN DEALER, September 24, 2004; *Possible Election Fraud is Probed*, John Arthur Hutchinson, LAKE COUNTY NEW HERALD, September 22, 2004

\(^{281}\) *Fowl Play*, Scott Haasen, [Cleveland] PLAIN DEALER, October 22, 2004

\(^{282}\) *Dead Man On Voter Rolls Sparks Inquiry*, Michael Scott, [Cleveland] PLAIN DEALER, September 23, 2004
✓ Trumbull County Investigated Possible ACT Voter Registration Fraud. The Trumbull County Board of Elections asked its county prosecutor to investigate possible fraud on a registration card submitted by ACT. Upon investigation, the Board found that the voter did not fill out a voter registration card, the address, birth date and telephone number on the card were wrong and the signature was not his.283

AFL-CIO

✓ Forged Signatures, Duplicate Registrations, And Nonexistent Addresses Found On Registrations Submitted By AFL-CIO. Over 50 registration cards submitted by the Ohio AFL-CIO to the Summit County Board of Elections turned out to be illegitimate, as some were for individuals who were already registered, and many appeared to have the same handwriting.284

6.12 Pennsylvania

(a) Third-Party Groups And Voter Registration In Pennsylvania

Given its status as a major battleground state in the 2004 election, Pennsylvania was a key target for third-party groups seeking to influence the outcome of the presidential race last year. The state was such a high priority that the George Soros-funded get-out-the-vote group America Coming Together (ACT) actually had its start in Philadelphia in 2003. ACT waged an aggressive voter identification and turnout campaign for the 2003 Philadelphia mayoral race that became the model for its widely expanded national activities during the 2004 election, in which ACT had a budget of $8.5 million for Pennsylvania alone.285

As a result of this third-party investment, Pennsylvania’s voter rolls surged to almost inexplicable dimensions. Philadelphia’s voter rolls nearly matched census estimates of the voting-age population.286 In all, the state’s voter rolls surged by 535,000 new voters.287

283 Elections Chief Fears Scheme, Lisa A. Abraham, AKRON BEACON JOURNAL, August 19, 2004
284 Prosecutor To Probe Vote Fraud, Lisa A. Abraham, AKRON BEACON JOURNAL, August 25, 2004
285 Focusing On Face Time In Battleground States, Thomas Fitzgerald, THE PHILADELPHIA INQUISER, July 18, 2004
286 Election-Eve Song: Republicans Charge Fraud, Democrats Intimidation, Mary Claire Dale, THE ASSOCIATED PRESS, October 26, 2004
287 Voters: Newly Registered Pose New Variables, Matthew P. Blanchard and Alleta Emeno, THE PHILADELPHIA INQUISER, October 31, 2004
Building Confidence in U.S. Elections

REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM

SEPTEMBER 2005

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REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM

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LETTER FROM THE CO-CHAIRS

Elections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable. At the same time, elections are a core public function upon which all other government responsibilities depend. If elections are defective, the entire democratic system is at risk.

Americans are losing confidence in the fairness of elections, and while we do not face a crisis today, we need to address the problems of our electoral system.

Our Commission on Federal Election Reform was formed to recommend ways to raise confidence in the electoral system. Many Americans thought that one report — the Carter-Ford Commission — and one law — the Help America Vote Act of 2002 (HAVA) — would be enough to fix the system. It isn’t. In this report, we seek to build on the historic achievement of HAVA and put forward a bold set of proposals to modernize our electoral system.

Some Americans will prefer some of our proposals to others. Indeed, while all of the Commission members endorse the judgments and general policy thrust of the report in its entirety, they do not necessarily support every word and recommendation. Benefiting from Commission members with diverse perspectives, we have proposed, for example, a formula for transcending the sterile debate between integrity and access. Twenty-four states now require identification for voters, with some systems likely to restrict registration. We are recommending a photo ID system for voters designed to increase registration with a more affirmative and aggressive role for states in finding new voters and providing free IDs for those without driver’s licenses. The formula we recommend will result in both more integrity and more access. A few of our members have expressed an alternative view of this issue.

Still, our entire Commission is united in the view that electoral reform is essential and that our recommended package of proposals represents the best way to modernize our electoral system. We urge all Americans, including the legislative and executive branches of government at all levels, to recognize the urgency of election reform and to seriously consider the comprehensive approach outlined herein.

We present this report because we believe the time for acting to improve our election system is now.

Jimmy Carter

James A. Baker, III

Co-Chairs of the Commission on Federal Election Reform
2.5 VOTER IDENTIFICATION

A good registration list will ensure that citizens are only registered in one place, but election officials still need to make sure that the person arriving at a polling site is the same one that is named on the registration list. In the old days and in small towns where everyone knows each other, voters did not need to identify themselves. But in the United States, where 40 million people move each year, and in urban areas where some people do not even know the people living in their own apartment building let alone their precinct, some form of identification is needed.

There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election. The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important.

The voter identification requirements introduced by HAVA are modest. HAVA requires only first-time voters who register by mail to show an ID, and they can choose from a number of different types of identification. States are encouraged to allow an expansive list of acceptable IDs, including those without a photograph, such as utility bills or government checks. These requirements were not implemented in a uniform manner and, in some cases, not at all. After HAVA was enacted, efforts grew in the states to strengthen voter identification requirements. While 11 states required voter ID in 2001, 24 states now require voters to present an ID at the polls. In addition, bills to introduce or strengthen voter ID requirements are under consideration in 12 other states.

Our Commission is concerned that the different approaches to identification cards might prove to be a serious impediment to voting. There are two broad alternatives to this decentralized and unequal approach to requirements for an ID because the evidence of multiple voting is thin, and ID requirements, as some have argued, are "a solution in search of a problem." Alternatively, we could recommend a single national voting identification card. We considered but rejected both alternatives.

We rejected the first option — eliminating any requirements — because we believe that citizens should identify themselves as the correct person on the registration list when they vote. While the Commission is divided on the magnitude of voter fraud — with some believing the problem is widespread and others believing that it is minor — there is no doubt that it occurs. The problem, however, is not the magnitude of the fraud. In close or disputed elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system. A good ID system could deter, detect, or eliminate several potential avenues of fraud — such as multiple voting or voting by individuals using the identities of others or
those who are deceased — and thus it can enhance confidence. We view the other concerns about IDs — that they could disenfranchise eligible voters, have an adverse effect on minorities, or be used to monitor behavior — as serious and legitimate, and our proposal below aims to address each concern.

We rejected the second option of a national voting identification card because of the expense and our judgment that if these cards were only used for each election, voters would forget or lose them.

We therefore propose an alternative path. Instead of creating a new card, the Commission recommends that states use “REAL ID” cards for voting purposes. The REAL ID Act, signed into law in May 2005, requires states to verify each individual’s full legal name, date of birth, address, Social Security number, and U.S. citizenship before the individual is issued a driver’s license or personal ID card. The REAL ID is a logical vehicle because the National Voter Registration Act established a connection between obtaining a driver’s license and registering to vote. The REAL ID card adds two critical elements for voting — proof of citizenship and verification by using the full Social Security number.

The REAL ID Act does not require that the card indicates citizenship, but that would need to be done if the card is to be used for voting purposes. In addition, state bureaus of motor vehicles should automatically send the information to the state’s bureau of elections. (With the National Voter Registration Act, state bureaus of motor vehicles ask drivers if they want to register to vote and send the information only if the answer is affirmative.)

Reliance on REAL ID, however, is not enough. Voters who do not drive,²² including older citizens, should have the opportunity to register to vote and receive a voter ID. Where they will need identification for voting, IDs should be easily available and issued free of charge. States would make their own decision whether to use REAL ID for voting purposes or instead to rely on a template form of voter ID. Each state would also decide whether to require voters to present an ID at the polls, but our Commission recommends that states use the REAL ID and/or an EAC template for voting, which would be a REAL ID card without reference to a driver’s license.

For the next two federal elections, until January 1, 2010, in states that require voters to present ID at the polls, voters who fail to do so should nonetheless be allowed to cast a provisional ballot, and their ballot would count if their signature is verified. After the REAL ID is phased in, i.e., after January 1, 2010, voters without a valid photo ID, meaning a REAL ID or an EAC-template ID, could cast a provisional ballot, but they would have to return personally to the appropriate election office within 48 hours with a valid photo ID for their vote to be counted.
To verify the identity of voters who cast absentee ballots, the voter's signature on the absentee ballot can be matched with a digitized version of the signature that the election administrator maintains. While such signature matches are usually done, they should be done consistently in all cases, so that election officials can verify the identity of every new registrant who casts an absentee ballot.

The introduction of voter ID requirements has raised concerns that they may present a barrier to voting, particularly by traditionally marginalized groups, such as the poor and minorities, some of whom lack a government-issued photo ID. They may also create obstacles for highly mobile groups of citizens. Part of these concerns are addressed by assuring that government-issued photo identification is available without expense to any citizen and, second, by government efforts to ensure that all voters are provided convenient opportunities to obtain a REAL ID or EAC-template ID card. As explained in Section 4.4, the Commission recommends that states play an affirmative role in reaching out with mobile offices to individuals who do not have a driver's license or other government-issued photo ID to help them register to vote and obtain an ID card.

There are also longstanding concerns voiced by some Americans that national identification cards might be a step toward a police state. On that note, it is worth recalling that most advanced democracies have fraud-proof voting or national ID cards, and their democracies remain strong. Still, these concerns about the privacy and security of the card require additional steps to protect against potential abuse. We propose two approaches. First, new institutional and procedural safeguards should be established to assure people that their privacy, security, and identity will not be compromised by ID cards. The cards should not become instruments for monitoring behavior. Second, certain groups may see the ID cards as an obstacle to voting, so the government needs to take additional measures to register voters and provide ID cards.

The needed measures would consist of legal protections, strict procedures for managing voter data, and creation of ombudsman institutions. The legal protections would prohibit any commercial use of voter data and impose penalties for abuse. The data-management procedures would include background checks on all officials with access to voter data and requirements to notify individuals who are removed from the voter registration list. The establishment of ombudsman institutions at the state level would assist individuals to redress any cases of abuse. The ombudsman would be charged with assisting voters to overcome bureaucratic mistakes and hurdles and respond to citizen complaints about the misuse of data.
The Commission's recommended approach to voter ID may need to adapt to changes in national policy in the future. Since the attacks of September 11, 2001, concerns about homeland security have led to new policies on personal identification. Under a presidential directive, about 40 million Americans who work for or contract with the federal government are being issued ID cards with biometrics, and the REAL ID card may very well become the principal identification card in the country. Driven by security concerns, our country may already be headed toward a national identity card. In the event that a national identity card is introduced, our Commission recommends that it be used for voting purposes as well.

### Recommendations on Voter Identification

**25.1** To ensure that persons presenting themselves at the polling place are the ones on the registration list, the Commission recommends that states require voters to use the REAL ID card, which is mandated in law based on the presidential directive. The card should include the voter's current photograph, full legal name, date of birth, signature, transformed or digitized fingerprints, and the person's Social Security number. The card should be no larger than a standard passport and can be issued in both paper and electronic formats. The Commission recommends that the cards be issued by the same state agency that issues driver's licenses.

**25.2** The right to vote is a fundamental component of citizenship, and all states should work diligently to modernize their systems to ensure accuracy and accessibility.

**25.3** We recommend that all states that allow voters without a valid photo ID to use a provisional ballot by signature, the signature should be a digital signature validated with the voter's registration information in the state's voter registration database. If the signature is not verified, the provisional ballot should be rejected. A signature would be considered valid if the voter returned to the appropriate election office within 48 hours with a valid photo ID.

**25.4** To address concerns about the abuse of ID cards, or the fear that it could be an obstacle to voting, states should establish legal protections to prohibit any commercial use of voter data and establish institutions to respond expeditiously to any citizen complaints about the misuse of data or about mistaken names on voter registration lists based on interstate matching or statewide updating.

**25.5** In the event that Congress mandates a national identification card, it should include information related to voting and be converted to voter registration.
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DEPARTMENT OF JUSTICE TO HOLD BALLOT ACCESS AND VOTING INTEGRITY SYMPOSIUM

Conference To Focus On Election Fraud, Voting Rights

WASHINGTON, D.C. - The Department of Justice announced today that the 4th annual Ballot Access and Voting Integrity Symposium will be held in Washington, D.C. on Oct. 4 and 5, 2005. The annual training conference is part of the Ballot Access and Voting Integrity Initiative, which was established in October 2002 to spearhead the Department's expanded efforts to address election fraud and voting rights violations.

The initiative is headed by the Assistant Attorneys General of the Criminal and Civil Rights Divisions. The goal of the initiative is to protect the integrity of the election process by increasing the Department's efforts and effectiveness in combating election fraud by: publicizing election fraud convictions to deter similar crimes in the future; ensuring nationwide compliance with the federal laws protecting voting rights; and assuring the public that the Department will combat election fraud and voting rights abuses vigorously, fairly and effectively.

"The power to vote is one of the greatest opportunities we share as Americans," said Attorney General Alberto R. Gonzales. "The very fiber of our Nation rests on the zealous protection of certain inalienable rights for every citizen, and we cannot grow complacent in the safeguarding of those rights. The Department of Justice will continue to aggressively protect each person's right to vote - and just as important - preserve the value of that vote from those who would corrupt the election process."

The Ballot Access and Voting Integrity Initiative includes:

Annual Training. Prosecutors serving as District Election Officers in the 94 U.S. Attorneys' Offices are required to attend annual training conferences on fighting election fraud and voting rights abuses. Previous conferences were held in October 2002, September 2003 and July 2004. These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. As a result of these conferences, there is a nationwide increase in Department expertise relating to the prosecution of election crimes and the enforcement of voting rights.

State Coordination. Each U.S. Attorney is required to meet with the state Attorney General, Secretary

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of State, or other state official responsible for handling election matters in his or her district. These
meetings underscore the Department's commitments to: prosecute election fraud and to protect voting
rights; coordinate investigation of criminal matters involving joint federal and state jurisdiction; help
ensure state compliance with federal voting rights laws; and avoid interference with the administration
of elections, a function left primarily to the states by the Constitution. In addition, several U.S.
Attorneys have established task forces with their state counterparts to increase their effectiveness in
addressing election fraud and in deterring both discrimination at the polls and electoral corruption.

Prioritization of Election Fraud Enforcement. The initiative requires that all components of the
Department place a high priority on the investigation and prosecution of election fraud. The Criminal
Division's Public Integrity Section oversees the national effort to ensure that election fraud
investigations and charges have sufficient factual and legal predication, that they will not interfere with
an ongoing election, and that a national standard is maintained in this critical area of criminal law
enforcement. As a result of the initiative, nationwide enforcement of election fraud matters has increased
dramatically.

More than 120 election fraud investigations are currently pending throughout the country,
all but four of which were opened after the initiative began in October 2002. In addition, over 60
election fraud matters have been closed after investigation since the initiative began. Finally, since the
start of the initiative, 89 individuals have been charged with election fraud offenses.

To date, 52 of these individuals have been convicted.

The following are examples of the Department's enforcement successes under the Ballot Access and
Voting Integrity Initiative:

CRIMINAL DIVISION

In Illinois, four precinct officials pleaded guilty to vote buying in the 2004 general election and five
more people are awaiting trial on these charges. Also, an election official pleaded guilty to forging
ballots in the 2002 general election.

In Kentucky, seven persons were convicted of vote buying in the 1998 primary in Knott County, two
at trial and five through guilty pleas. Another three persons recently were indicted for vote buying for a
candidate for the state senate in the 2000 primary in Knott County and neighboring counties. Finally,
four persons were convicted by juries of vote buying and related offenses in the 2002 general election in
Pike County, including the county district judge. Another person also pleaded guilty to these charges.

In New Hampshire, two political party officials and another person were indicted on charges relating
to a scheme to prevent voters from getting to the polls in the November 2002 general election by
jamming phone lines of local organizations. Two of the defendants pleaded guilty to telephone
harassment charges and the third is awaiting trial for conspiring to violate the right to vote for federal
officials and other related offenses.

In Kansas and Missouri, three Kansas residents have been convicted, one in Kansas and two in
Missouri, of voting in both Kansas and Missouri in the 2002 and 2000 elections.

In Florida, 14 non-citizens, including a candidate for the state legislature, pleaded guilty or were
convicted at trial of voting-related offenses in 1998 or later elections.

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In Louisiana, a candidate for St. Martinsville City Council pleaded guilty to conspiring to submit false voter registration information in 2002.

In North Carolina, five persons were convicted of vote buying in the 2002 general election, three by a jury and two through guilty pleas.

In West Virginia, four individuals, including the sheriff, the former chief of police, and the treasurer of a candidate for state representative, pleaded guilty to vote buying and related offenses in Logan County in the 2004 or 2002 elections. Also, five people have been indicted and are awaiting trial on charges of vote buying in Lincoln County in 2004 and earlier elections.

In Wisconsin, four individuals have been charged with multiple voting, and six people have been charged with providing false information regarding their felon status, in the 2004 general elections.

CIVIL RIGHTS DIVISION

Election Coverage. On Election Day in November 2004, the Division sent out 251 employees from the Division and 822 federal observers from the Office of Personnel Management (OPM) to monitor elections in 86 political subdivisions in 25 states. The number of monitors and observers used for that election was more than were used in all of 2000. During all of 2004, the Division sent a total of 1,996 individuals (533 department personnel; 1,463 OPM observers) to monitor 163 elections in 105 political subdivisions in 29 states.

Sections 203, 208 and 4(f)(4) of the Voting Rights Act. The Civil Rights Division has undertaken the most vigorous enforcement of section 203 in the history of the Act. Since 2001, the Division has filed as many section 203 cases as in the previous 23 years, and the pace is accelerating, with more cases filed and successfully resolved since May 2004 than in the previous 11 years. These latter lawsuits alone provided comprehensive minority language programs to more citizens than all previous Section 203 and 4(f)(4) cases combined. During this period the Civil Rights Division filed the first-ever cases to protect Filipino voters (San Diego, California) and Vietnamese voters (San Diego) and in addition it negotiated a private agreement in Harris County, Texas. The Division also used sections 2, 4(e) and 208 to protect the rights of Haitian voters (Miami-Dade, Florida), Arab voters (Hamtramck, Michigan), and Puerto Rican voters (Berks County, Pennsylvania).

Section 2. In July 2005, the Civil Rights Division filed a case against Osceola, Florida under section 2 alleging that the at-large method of election for the county commission dilutes Hispanic voting strength. It also filed a case against Boston, Massachusetts for discriminatory treatment of Chinese, Vietnamese and Hispanic voters at the same time. In February 2005, the Division filed a case in Noxubee County, Mississippi under section 2, alleging that local officials routinely discriminated against white voters on the basis of their race. That case has already resulted in a consent decree with several local officials and litigation of the claims against remaining defendants is ongoing. The Noxubee County case marks the first time the Division has filed a case under the Voting Rights Act on behalf of white voters.

HAVA. The Civil Rights Division is charged with enforcing the requirements of the Help America Vote Act of 2002, which mandates uniform and non-discriminatory election procedures for federal office. The Division has actively informed state and local officials of the Act’s requirements through an extensive outreach effort, including the creation of a HAVA section on the Division website, responses to questions from election officials, and speeches given to election official conferences. The Division has worked closely with the Election Assistance Commission, which also has responsibilities under the Act, to ensure that the federal government gives consistent views to election officials about HAVA. The
Division has obtained extensive voluntary compliance, but has also filed two lawsuits to ensure HAVA compliance, and has filed amicus briefs in several private HAVA cases to ensure consistency in interpretation of its provisions.

UOCAVA. During 2004, the Civil Rights Division ensured that members of the armed forces and other persons protected by the Uniformed and Overseas Citizens Absentee Voting Act were able to request, receive and cast a ballot for federal offices in a timely manner in the 2004 elections. The Voting Section was able to resolve problems with state officials without the necessity of litigation, and also initiated litigation against Pennsylvania in April 2004 and Georgia in July 2004, successfully obtaining court orders requiring changes in the deadlines for the return of ballots so that overseas and military ballots would be counted in each state’s 2004 primary election.

NVRA. The Division brought two lawsuits under the National Voter Registration Act, a law designed to expand registration opportunities for all citizens and to ensure proper maintenance of voter registration lists. In United States v. Pulaski County (E.D. Ark.), the Division obtained a consent decree requiring the county to establish procedures to ensure that eligible voters were not improperly removed from the list of registered voters. The second lawsuit, United States v. State of New York (N.D.N.Y.), challenged the state’s failure to provide registration opportunities at public college offices that provide services to persons with disabilities. This case remains in litigation. A third NVRA lawsuit remains pending in New York.

“As these election fraud and voting rights cases demonstrate, the Department’s Ballot Access and Voting Integrity Initiative is a balanced law enforcement effort that is designed to make voting easier and cheating harder,” said Acting Assistant Attorney General John C. Richter of the Criminal Division. “The Criminal Division, through the hard work of the Public Integrity Section, will continue its vigorous enforcement of voter fraud laws to ensure that elections are not corrupted and that every vote counts.”

“Protecting access to the ballot for all eligible voters is a major priority of the Civil Rights Division,” said Bradley J. Schlozman, Acting Assistant Attorney General for the Civil Rights Division. “The Ballot Access and Voting Integrity Initiative has been an important instrument in ensuring the effectiveness of our enforcement efforts.”

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