

Written by on October 13, 2008

Fraught With Fraud

On April 7 of this year, *USA Today* published a front-page headline article about the recent surge of new voters who participated in the primaries this year. This November, this surge may lead to long lines of voters. *USA Today* editorialized that this surge must be due to the popularity of Democrat candidates. The article, unfortunately, overlooked completely the likelihood that this surge of voters might be caused by the known problem of inaccurate and fraudulent voter registrations, much of it caused by federal and state programs.



On July 10 of this year, the Heritage Foundation released a report that should have sent shock waves throughout the America. One of the quotes alone — "In 2005, the U.S. Government Accountability Office found that up to 3 percent of the 30,000 individuals called for jury duty from voter registration rolls over a two-year period in just one U.S. district court were not citizens" — should have been front-page news. Instead, this case of massive electoral problems has been all but ignored by the major media.

In the 2006 congressional elections, 29 of the 435 elections for congressmen were won by three percent or less. In the Senate, four of the 33 contests were decided by three percent or less.

The Heritage Foundation study went on to document that not only were these noncitizens registered to vote, but many noncitizens have been voting in our elections and rarely is anything done about it. One noncitizen, Rafael Velasquez, even ran for office for the Florida State Legislature.

While much attention in voter fraud has been focused on America's vulnerabilities to wholesale election fraud within the computerized voting equipment and *possible* upcoming fraud, this real threat of illegal voters, which is assuredly already happening, deemed "retail election fraud," has been a taboo topic in the major media. Yet it may well be the biggest danger to accurate and honest elections this year.

Many of the noncitizens who are registered to vote, whether they are registered to vote by accident or by deliberate fraud, can easily be mobilized to vote in this upcoming election because their names can be found through computerized voter registration lists, and special interests can target them with special-interest mailings. Computer programs can scan the lists of names to identify those with a high probability of certain ethnic backgrounds. The bottom line is that these people, who should not even be registered to vote, might even have a higher percentage of voter turnout this November than American citizens who should be allowed to vote. This could be a major factor, especially in close congressional contests.

Lax enforcement of our voting laws, coupled with failure to cooperate by federal agencies, even though they are required by law to be cooperating, is contributing to this widespread problem.

Phantom Voters

Noncitizens on the voting rolls is not our only voter-registration problem. There is also the problem of



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phantom voters. Phantom voters could be people who were originally registered properly and legally, but have since died or moved away. Since their names can remain on voter rolls, someone can vote in their place. In these cases, political precinct workers can note these names on a list and assign them to repeaters, people who vote repeatedly in an election using assumed names.

Deliberate phantom registrations can be placed on voter-registration lists by using nonexistent addresses, such as vacant lots or nonexistent apartments in apartment buildings, or by people deliberately making fraudulent registrations in their own homes. There are well-documented instances of the use of deliberate phantom voter registrations for electoral fraud in our past. For example, in the infamous Louisville, Kentucky, municipal election of 1905, the results of which were overturned by courts within the state in 1907, testimony revealed that a number of government employees were required by the political bosses who got them their government jobs to have between three and seven phantom voters registered within their homes. Deliberate phantoms, by their nature, obviously have a high percentage of turnout in elections.

This raises the question: how serious is the phantom voter problem in America today? Unfortunately, we can only estimate how many inaccurate and fraudulent voter registrations there are on the rolls. That is because America's voter registration lists, which were once unrestricted public information, are frequently not easily available, forming an obstacle to voter registration clean-up. In his book *Stealing Elections*, John Fund wrote, "In 2001, the voter rolls in many American cities included more names than the US Census listed as the total number of residents over age eighteen."

Phantom voters have provided the foundations for a number of corrupt political dynasties. Boss Tweed of Tammany Hall infamy relied on phantom voters to keep his empire in power in New York City. The fraud, which spread to other cities in New York, was so great in the 1868 presidential election that it was investigated by the U.S. Congress. The congressional committee conservatively estimated that at least 50,000 of the 849,771 votes cast in the State of New York were fraudulent, a whopping six percent. The incredible level of fraud in this election amazed many people, even for the Boss Tweed era of Tammany Hall infamy, but the facts gathered by the congressional investigation were well documented.

Cleaning Up Voter Lists

The problem of retail election fraud is great, but similar vote fraud has been cleaned up in our nation's past by attacking it at its foundation — fraudulent voter registrations. In the post-Boss Tweed era in New York City for example, the voter registrations were cleaned up by the New York City Police Department. Voter registrations were closed 30 days prior to each election and police censuses were conducted during that 30-day period. While such a procedure wouldn't be feasible today, it was then. That was the era of the local cop-on-the-beat in residential neighborhoods. That's when a policeman assigned to a neighborhood knew the people and could conduct a great part of his verification of voters from his own memory.

Private citizens acting on their own have cleaned up our voting rolls in the past. For example, Corinne "Lindy" Boggs, wife of Congressman Hale Boggs, who eventually became a congresswoman herself, helped organize a group that verified voter registration lists in the New Orleans area by conducting house-to-house -canvassing.

Today's neocon Republicans have suggested a national ID card or something similar to it to solve our voter registration problem. But not only would a federal law requiring a picture ID card be



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unconstitutional, it probably wouldn't work. States could pass picture-ID laws. Depending on each state's constitution, such laws would probably be constitutional, especially if the picture ID requirement simply consisted of putting each voter's picture on the voter ID card similar to how driver's licenses are currently issued. But the fact is that picture ID cards aren't going to fix the problem.

ID cards are man-made and anything man-made can be counterfeited. The recent scandal at O'Hare Airport where illegal aliens used other people's picture ID cards to gain access to critical areas of the airport should also put that argument to rest. Also, lawsuits would probably be filed against attempts to use the ID cards for comparisons with other lists. In *Stealing Elections*, John Fund noted that "the ACLU once sued the US Attorney in San Francisco because he matched voter records against lists of legal immigrants who were not yet citizens." What good is a national ID card or statewide database when government officials can be sued just for merely comparing one government database to another?

To clean up the problem, we need to look for the source of the problem: fraudulent voter registrations. Fortunately, there is a solution. We have had successful voter registration clean-ups in the past and they succeeded in stopping or greatly reducing voter fraud. We need to clean up our voter registration lists now. It can be done fairly quickly, at relatively low cost, and the solution is 100 percent constitutional. That is to once again make voter registration lists unrestricted public information and put a small bounty, perhaps \$2 or \$3, to encourage people to report inaccurate or fraudulent voter registrations.

Such a voter registration clean-up would meet with strong opposition, and we must take steps to prevent obstruction of it. One way to obstruct it might be to overload the clean-up by flooding it with thousands of challenges of lawful voters. For that reason, all submissions of challenges should be on paper and delivered in person by the person making the challenge.

To aid the people in finding the inaccurate voter registrations, each registration should include the name of the registrar or source of the registration. In such states as Arizona and Washington where Internet voter registrations are allowed, using that source of registration should be a good evidence trail for finding phantom voter registrations. While Arizona and Washington require a driver's license or similar ID for online voter registration, such safeguards, weak as they are, will likely be removed in the future as the current trend in litigation is removal of ID cards for voting.

If the bounty approach is adopted, we'll probably see the lion's share of the voter registration clean-ups from America's high-school students. They're the ones who know who the noncitizens are and can track down the nonexistent addresses in their neighborhoods. And they're the population group most motivated by a \$2 or \$3 bounty for each one. They're less likely to think of \$2 or \$3 as a small amount of money, but rather as two or three downloads of music. With their assistance, our voter registration problems can be cleaned up very quickly, probably in about one to three months.

You may ask: "What happens if a *valid* voter finds his name purged from a voter registration list?" For one thing, we should require address verification as part of the voting process. I have seen this done in Texas, and it was effective as well as inexpensive. Aside from preventive measures, any voter whose name was purged should be allowed to cast a provisional ballot.

Provisional ballots can be handled efficiently and accurately, especially with optical scan ballots. While there have been numerous procedures for implementing provisional balloting, the following appears to me to be the best.

When a voter wishes to cast a provisional ballot, he needs to sign a sworn statement explaining why he



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should vote. Each signed statement of the voter should have the ballot's unique ID number and should be put in a sealed envelope with the voter's name and precinct on it. The ballot should be cast and counted. If an election has more provisional ballots than the plurality or is audited for other reasons, each provisional ballot envelope will be opened and the reasons why that provisional ballot was cast reviewed before a committee. This should be done in public and the reviewers should be videotaped as they explain why they accepted or did not accept each provisional ballot. If it's determined that a provisional ballot should not be allowed, the ballot should be retrieved based on its ID number and the vote totals adjusted.

This procedure is designed to safeguard the secret ballot as the only ballots that lose their anonymity are those that should not have been cast. In election recounts where provisional ballots are being reviewed, it should be illegal for political parties and candidates to survey provisional voters asking them how they voted until after the provisional ballot envelopes are opened and are officially accepted or rejected.

America's voter-registration problems can be fixed quickly, inexpensively, and within the bounds of constitutional government. This can be done, but only if the American people stand up to the politicians and tell them to stop using this as a springboard for advancing a national ID card and instead use tried and true methods that have successfully cleaned up elections in the past.

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