

By Michael Slater

Voter Fraud?

BALLOT



The attack came out of nowhere and it was devastating. When it was over, Democrat Harriet Miller had lost her rematch for a state house seat representing parts of Dallas, TX, to incumbent Republican Tony Goolsby.

On October 23, just two weeks before that 2006 election, the Dallas County Republican Party chairman wrote to the district attorney on Goolsby's behalf, claiming that Miller had committed voter fraud in her first race against Goolsby two years earlier. He asked for an investigation; but more importantly, he alerted the media to his allegations. While the district attorney never responded, CBS News did. They ran a 3-minute story reporting that allegations of voter fraud had been lodged against Miller. The Goolsby campaign had all it needed.

In the next ten days, the Goolsby campaign sent out at least five pieces of direct mail to voters in the district trumpeting the fact that Miller was "under investigation," citing CBS News as the source. On Election Day, door hangers greeted voters as they left their homes with the message

that Miller was a "liberal" and "under investigation for voter fraud."

Never mind the fact that Miller denied the charges, and the local Democratic Party debunked the claims. Never mind the fact that charges were not brought against Miller. The damage had been done; Harriet Miller became the latest victim of the politics of voter fraud.

The Politics of Voter Fraud

Americans can be forgiven for believing that voter fraud is threatening the integrity of our elections. Just like the Dallas County, TX, voters, they're the victims of an organized effort to persuade them of just that. Fortunately, Barnard College political science professor Lorraine Minnite's new report, *The Politics of Voter Fraud*, takes a hard look at the issue. What she finds exposes many of the deceptive tactics used by Goolsby and others.

Minnite finds that voter fraud, defined as the intentional corruption of the electoral process by a voter, is extraordinarily rare. At the federal level, only 24 people were convicted of illegal voting between 2002 and 2005, and all available evidence

suggests that state-level rates were no higher. Put another way, Americans are twice as likely to be hit by lightning than to have their vote cancelled out by a fraudulently cast ballot.

Still, there's a well-funded, well-organized campaign underway to make Americans believe that voter fraud is a serious problem. Allegations of voter fraud, however baseless, are used by partisans to build public support for laws and regulations that make it more difficult for minorities and low-income voters to cast their ballots. The same tactics used by Goolsby to push voters away from Miller are used by political operatives to justify the disenfranchisement of specific groups of Americans.

One favored tactic is to form organizations that claim to protect voting rights but, instead, work tirelessly to keep claims of fraud in the news, and then offer solutions that happen to disenfranchise voters likely to support their opponents. The Voting Integrity Project (VIP) is one example. Active from 1996–2001, VIP trained activists to challenge voters in urban, minority areas and helped pioneer the field of electronic voter purges.

The specter of convicted felons voting illegally was frequently invoked by VIP. Of course, they had a solution: matching felon lists against voter files and then purging the resulting names. Florida was one of the first states to put their ideas into practice. The results were famously disastrous. In an investigation following the 2000 Election, the U.S. Commission on Civil Rights found that tens of thousands of voters, disproportionately African-American, had been wrongfully targeted for purging. Undeterred, VIP gave Florida's contractor, ChoicePoint, an award for "innovative excellence," and attempted to promote the firm's methods nationwide.

More recently, high-ranking officials with the Bush-Cheney 2004 presidential campaign, the Republican National Committee and the Republican National Lawyers Association joined forces to form the American Center for Voting Rights (ACVR). ACVR attorneys took every opportunity to testify before Congress and federal commissions about allegations of voter fraud and inflated voter rolls, and lobbied hard for restrictive voter ID laws. In its first year of operation ACVR issued two reports purporting to document incidents of voter fraud. Both were mere compendia of newspaper articles. One ACVR attorney later admitted that the organization never bothered to learn the disposition of the allegations in their "reports."

As ACVR ran a national media campaign promoting the specter of voter fraud, their principals were lobbying U.S. Attorneys to investigate and prosecute voter registration organizations' staff and volunteers. In New Mexico, Patrick Rogers, ACVR attorney and state chapter chair of the Republican National Lawyers Association, took U.S. Attorney David Iglesias to lunch and pressured him to bring charges against activists working with ACORN, an organization registering voters in minority neighborhoods. When rebuffed by Iglesias, Rogers complained to the Justice Department and the White House. Iglesias was among nine U.S. Attorneys fired by the Bush administra-

tion. In Missouri, ACVR founder and Bush-Cheney '04 General Counsel Mark (Thor) Hearne reportedly complained to the White House that his state's U.S. Attorney, Todd Graves, was failing to pursue investigations into voter registration fraud and later boasted to colleagues about his role in Graves's dismissal.

And then, a funny thing happened. As the media began to scrutinize the role voter fraud investigations played in the politicized firings of nine U.S. Attorneys, including Iglesias and Graves, ACVR quietly closed shop. Over the past three months, the organization's Web site has been abandoned, and its principals have refused to talk to the media and even deleted references to ACVR from their resumes.

Restrictive Voting Laws

Though ACVR has disappeared, the policies they promoted have not. Since 2005, Georgia, Indiana and Missouri have passed strict laws requiring voters to show a government-issued photographic ID at the polls; only gubernatorial vetoes prevented passage of similar laws in Wisconsin and Pennsylvania.

These rules are likely to have a profoundly negative effect on the voting rates of minorities, low-income Americans, the elderly and the disabled. A report by the Brennan Center for Justice found that 25 percent of adult African-Americans, 15 percent of adults earning below \$35,000 a year, and 18 percent of seniors over the age of 65 do not possess a government-issued photo ID.

Recently enacted laws and regulations affecting voter registration drives are other examples of how, in the name of preventing voter fraud, partisan actors have succeeded in shaping the electorate to their advantage.

In 2005, Florida's Republican-controlled legislature established punitive fines for mishandling voter registration forms, forcing the League of Women Voters to halt all registration activities in the state. New Mexico's Democratic-controlled legislature passed a law, also in 2005, that requires voting rights activists to turn in registration forms within 48 hours of their completion, preventing organizations from reviewing the

forms for accuracy and completeness. Not to be outdone, Arizona now requires voter registration applicants to prove their citizenship when they try to register to vote.

It's no secret who these restrictions affect. In 2004, 15 percent of all African-American and Latino voters were registered to vote as a result of an organized drive; an African-American or Latino voter was 65 percent more likely to have been registered to vote by an organized drive than a White voter. In the final analysis, spurious allegations of voter fraud give rise to yet more roadblocks on the path to full participation in political life for historically disadvantaged Americans.

Buyer Beware

When it comes to claims of voter fraud and the accompanying solutions to this "problem," Americans need to adopt some good advice from the marketplace: buyer beware. Purveyors of voter fraud allegations deserve all the suspicion Americans normally reserve for used car salesmen. Tough questions are in order: What's the evidence? Who's making the claim or proposal? What's their agenda?

Closer scrutiny might well reveal that the real perpetrators of voter fraud are the ones making the claims. ■

Michael Slater is deputy director of Project Vote. Project Vote provides support to ACORN's voter registration program.

VOTER LINKS

- **Politics of Voter Fraud, Project Vote:** http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_Final.pdf
- **Citizens without Proof, Brennan Center for Justice:** www.brennancenter.org/stack_detail.asp?key=97&subkey=39242&init_key=9153
- **Restricting Voter Registration Drives, Project Vote:** http://projectvote.org/fileadmin/ProjectVote/Policy_Briefs/Project_Vote_Policy_Brief_5_Restricting_Voter_Registration_Drives.pdf