



RSC Policy Brief: Vote Fraud in 2012

Updated: October 12, 2012

Context: The U.S. Constitution says that, “Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members,” ([Article I, Section 5, Clause 1](#)). As accusations of vote fraud around the country continue to escalate, RSC Members might find this document useful. We will periodically update this document, as new examples of vote fraud come in.

Although the media tends to focus on vote fraud allegations perpetrated by individuals, and deems any legislation intended to reduce vote fraud as indirect discrimination on minorities, more and more cases of vote fraud are perpetuated by local party bosses, elected officials, and voter registration organizations, not necessarily individual voters. In order to ensure all votes count, it is imperative to ensure the people’s choices are protected.

This RSC Policy Brief features a running list of examples of vote fraud reported in the media and highlights the legislative proposals introduced to increase the integrity of elections nationwide. This document is *not* at all intended to be exhaustive.

→ Please send any recent examples of vote fraud (and the links to related media reports) to shelby.emmett@mail.house.gov.

Running List of Examples of Vote Fraud Reported in the Media

This list will be updated as necessary throughout 2012. New items added since the last update of this policy brief are bolded below.

- **On October 4, 2012, the Florida Department of Law Enforcement began an investigation into alleged fraud involving a company hired by the state's Republican Party to register voters. The agency said it received a complaint from the Florida Division of Elections about suspicious forms submitted in several counties and determined that Strategic Allied Consulting should be investigated. The agency said it wouldn't comment further until the investigation is complete. http://www.huffingtonpost.com/2012/10/03/strategic-allied-consulting-florida_n_1937562.html?utm_hp_ref=politics**
- **On October 2, 2012, ten football players at North Dakota State pleaded guilty to misdemeanor election fraud and were sentenced to community service for faking**

signatures on ballot measure petitions they were hired to collect. North Dakota Secretary of State Al Jaeger said workers checking the petitions noticed repeated zip code mistakes, names "signed" in the same handwriting and other indications the signatures were faked. In one instance, a person signed the name of Hillary Rodham, who is better known as Secretary of State Hillary Rodham Clinton, and listed her as living at the White House, he said.

http://www.huffingtonpost.com/2012/10/03/north-dakota-state-guilty-fraud_n_1935322.html

- On October 1, 2012, Coachella Valley political groups began keeping an eye on claims of voter fraud in the western part of Riverside County. The complaints — brought to light by the 17-member Riverside County Progressive PAC — involve 133 people from the Moreno Valley area who say their party affiliation was improperly changed.
<http://www.mydesert.com/article/20121003/NEWS0301/310030032/Complaints-voter-fraud-Riverside-County-probed?odyssey=nav|head>
- On September 28, 2012, John Fernandez, 61, of Belleville, New Jersey was found guilty of election fraud following a two-week trial. The jury found Fernandez guilty of charges of conspiracy (2nd degree), election fraud (2nd degree), absentee ballot fraud (3rd degree), tampering with public records or information (3rd degree), and forgery (4th degree). The Mercer County jury found that Fernandez, who works for the Essex County Department of Economic Development, fraudulently tampered with documentation for absentee ballots in Ruiz's Nov. 6, 2007 general election, submitting ballots on behalf of voters who never received the ballots or had an opportunity to cast their votes.
<http://www.politickernj.com/60053/essex-man-convicted-absentee-ballot-fraud>
- On September 25, 2012, five more Crittenden County, Arkansas residents were arrested and charged with using absentee ballots to defraud an election official during three special elections in 2011. Special Prosecuting Attorney H.G. Foster filed the charges in Crittenden County Circuit Court after a nearly yearlong investigation that has already resulted in four others, including a state lawmaker, pleading guilty in federal court to felony charges.
http://www.baxterbulletin.com/article/20120927/NEWS01/309270034/5-charged-ballot-fraud-Crittenden-Co-?gcheck=1&nclick_check=1
- On September 20, 2012, the Iowa Division of Criminal Investigation filed election misconduct charges against three Council Bluffs residents, alleging they registered to vote without U.S. citizenship and voted in at least one election. The charges followed an investigation by a DCI agent assigned to work with Secretary of State Matt Schultz to root out voter fraud.
<http://www.sfgate.com/news/article/3-noncitizens-in-Iowa-charged-with-voter-fraud-3881337.php#ixzz28MFF01qd>

- On September 18, 2012 Michigan Republican Secretary of State Ruth Johnson said that an estimated 4,000 non-citizens are registered to vote in her state. Her announcement came a day after voting rights advocates and labor unions sued her in federal court over the question of whether she can legally require voters to affirm their U.S. citizenship at their polling places.
<http://dailycaller.com/2012/09/20/mich-secretary-of-state-4000-non-citizens-are-on-public-election-rolls/#ixzz270yCNY6W>
- **On September 14, 2012, two Floyd County, Indiana men were indicted on voter fraud charges. Prosecutor Keith Henderson said the investigation began several months ago, when his office was informed by the Floyd County clerk and the election commission of alleged voting improprieties in the May 2011 Democratic mayoral primary in New Albany, Indiana.**
<http://www.wlky.com/news/politics/New-Albany-mayoral-primary-candidate-indicted-on-voter-fraud-charges/-/9365900/16593866/-/34kwm5/-/index.html#ixzz28MESb4NZ>
- On September 13, 2012, former New Albany, Indiana mayoral candidate Paul Etheridge was arrested and charged with three felony counts of voter fraud. Etheridge finished third in the Democratic Party mayoral primary in 2011, and it was during that election cycle the alleged fraud occurred.
<http://newsandtribune.com/floydcounty/x72184884/Former-New-Albany-mayoral-candidate-Etheridge-charged-with-voter-fraud>
- On September 10, 2012, Maryland Democrat quits congressional race amid voter fraud allegations. Rosen, 57, a businesswoman and Maryland voter, told The Baltimore Sun that she registered to vote in Florida several years ago in order to support a "very close friend" running for the St. Petersburg City Council and to vote on local issues there. Rosen said she was able to register in Florida because she owned property there.
<http://www.baltimoresun.com/news/maryland/politics/bs-md-wendy-rosen-withdraws-20120910,0,3764352.story>
- On September 5, 2012, a Democratic state legislator from east Arkansas, his father and two campaign workers pleaded guilty to conspiracy to commit election fraud after federal prosecutors said the lawmaker's campaign bribed absentee voters and destroyed ballots in a special election last year. Prosecutors said Democratic Rep. Hudson Hallum, Kent Hallum, Phillip Wayne Carter and Sam Malone acknowledged that they participated in a conspiracy to bribe voters to influence absentee votes in the Arkansas District 54 primary, runoff and general elections in 2011.
<http://www.fox16.com/news/local/story/Ark-lawmaker-pleads-guilty-to-election-charge/qjc8PtXwfkC8frDCgwLNrg.csp>
- **On August 30, 2012, Election Integrity Maryland, a voter registration watchdog group, filed a complaint with the State Board of Elections stating it found several potentially dead voters, voters who registered after they had died, and a living**

Maryland resident who has been voting twice in elections for years.

<http://marylandreporter.com/2012/09/30/dead-people-voted-and-registered-to-vote-watchdog-group-finds-hundreds-of-deceased-still-on-the-rolls/#ixzz28M24vJr9>

- On August 10, 2012, the uncle of former Hialeah, Florida's mayor was arrested as part of a broad voter-fraud investigation, after police say the suspect filled out two absentee ballots with his own choices, not those of the voters involved, including a woman with dementia. Sergio Robaina was charged with two felony counts of voter fraud for allegedly filling out the two ballots in a way that did not match the voters' intentions. He also faces two counts of violating a county ordinance by possessing more than two absentee ballots belonging to others.
<http://miamiherald.typepad.com/nakedpolitics/2012/08/former-hialeah-mayors-uncle-arrested-in-absentee-ballot-fraud-investigation.html#storylink=cpy>
- **In August 2012, the Montgomery County Ohio Board of Elections opened an investigation of possible voter registration fraud, after receiving more than 100 "suspicious" registration cards from a single organization, many that appeared to have false or nonexistent addresses. Board of Elections Director Betty Smith said the registrations were turned in by The Ohio Organizing Campaign, which listed a Poe Avenue address in Dayton. The OOC is tied to the Ohio Organizing Collaborative, which describes itself as "a statewide organization that unites community organizing groups, labor unions, faith organizations, and policy institutes across the state."**
<http://www.daytondailynews.com/news/news/local-govt-politics/elections-board-probes-suspicious-voter-registrati/nQCD5/>
- In August 2012, a Florida man who authorities said admitted voting in two presidential elections in Broward County (though he is not a U.S. citizen) has been indicted on federal charges. Federal investigators began looking at Josef Sever, 52, earlier this year when state officials forwarded his name as a possible illegal voter, according to court records. The indictment against Sever was made public on Monday.
http://articles.sun-sentinel.com/2012-08-13/news/fl-broward-voter-gun-20120813_1_citizen-voter-registration-form-mary-cooney
- **On July 25, 2012, a Pinal County, Arizona supervisor candidate withdrew from the race in the wake of voter-fraud allegations involving a former companion who, records show, has continued to vote by absentee ballot in the five years since her death. John Enright, 66, had been seeking the Republican nomination for county supervisor of District 5, an area that includes Apache Junction and Gold Canyon.**
http://www.azcentral.com/community/pinal/articles/2012/07/25/20120725pinal-supervisor-hopeful-enright-quits.html?nclick_check=1#ixzz28MBUOZBu
- On May 18, 2012, a woman suspected of voter registration fraud in Sacramento County has been the subject of complaints in other campaigns as well. The registrar of

voters in El Dorado County sent a warning to Monica Harris last year after problems with registrations collected at Folsom Lake College.

<http://www.sacbee.com/2012/05/18/4498789/fraud-accusations-mount-for-voter.html>

- In April 2012, results of an ongoing Virginia State Police investigation of voter registration irregularities from the 2008 general election signaled a more significant voter fraud issue than some state lawmakers realized. A total of 194 cases statewide where police determined a violation likely occurred have been closed because the commonwealth's attorneys in those localities declined to prosecute those individuals, police said. "In some cases, the names were wrong, the individuals could not be located or there was something there that just could not justify the manpower and the resources that had to be devoted to tracking these individuals down, when you had such little to go with initially," said state police spokeswoman Corinne Geller.
<http://www2.timesdispatch.com/news/2012/apr/22/tdmain01-va-investigates-voter-fraud-ar-1859666/>
- On March 7, 2012, Jerry Bowman, the sheriff of Lincoln County, W.Va., stood in a federal courtroom in Charleston and pleaded guilty in a shocking voter fraud case that has stripped him of his job and could send him to prison for a decade. Prosecutors say Bowman and former Lincoln County Clerk Donald Whitten, 62, were part of a scheme to steal the May 2010 Democratic primary by stuffing ballot boxes with illegal absentee ballots. Bowman admitted to falsifying more than 100 of the absentee ballot applications and even voting with some of the ballots himself.
<http://www.foxnews.com/politics/2012/03/07/former-west-virginia-sheriff-county-clerk-plead-guilty-to-attempting-to-steal/#ixzz26Si6pAKU>
- On January 10, 2012, election workers in New Hampshire were caught on film giving out ballots in the names of dead voters at multiple voting precincts during the state's primary election. Voters in the Granite State are not required to present identification to vote.
<http://dailycaller.com/2012/01/11/video-nh-poll-workers-shown-handing-out-ballots-in-dead-peoples-names/#ixzz26kIRIwcn>
- In November 2011, two former Brooks County Georgia officials were indicted for voter fraud. The suspects are accused of illegally helping people vote by absentee ballot. State officials launched an investigation after an unusually high number of absentee ballots were cast in the July 2010 primary election. "As a result of their grand jury findings 12 individuals were indicted in that particular matter and we will be trying that case in a court of judicial law instead of a court of public opinion so that will be pending this next year," said District Attorney Joe Mulholland.
<http://www.walb.com/story/16104533/12-indicted-for-voter-fraud>

Legislative Proposals

Ballot Integrity

Rep. Joe Walsh (R-IL) re-introduced his bill, the [Federal Election Integrity Act](#). (H.R. 6408) The measure amends the Help America Vote Act of 2002 by requiring citizens to present a government-issued photo ID to vote in federal elections. The bill uses funds from the [Help American Vote Act](#) to provide money to states in order for them to provide IDs to their citizens who cannot afford them. “I want to be clear on something,” said Walsh. “I want to make sure every American eligible to vote has the opportunity to do so, and more importantly, I want to ensure that everyone who does vote has their vote counted. However, every fraudulent vote cast cancels out any cast by honest Americans – and that is what I am opposed to.” *The bill was introduced on September 13, 2012.*

Voter Verification

Reps. Tom Rokita, (R-IN) and Candice Miller, (R-MI) both former State Secretaries of State, introduced the [Voter Registration Integrity Act](#) (H.R. 6386) to amend the National Voter Registration Act of 1993 to require an individual who applies for a motor vehicle driver’s license in a new State to indicate whether the new State is to serve as the individual’s residence for purposes of registering to vote in elections for Federal office. *The bill was introduced on September 13, 2012.*

Legal Cases and Analysis

On January 9, 2008, the U.S. Supreme Court heard arguments in *Crawford v. Marion County Election Board* and *Indiana Democratic Party v. Rokita*. The controversy surrounds Indiana’s requirement that voters show photo identification when they cast their ballot. As Robert Bluey of the Heritage Foundation [notes](#), proponents of the Indiana law argue that, at a time when Americans are asked to show photo ID for routine things like buying alcohol or getting on an airplane, it does not seem unreasonable to require the same for voting in federal elections. Bluey also notes that there is also considerable public support for voter ID requirements; [Rasmussen puts the number at 77 percent approval nationally](#).

Opponents of photo ID laws, including the Democrat Party and the American Civil Liberties Union (ACLU), assert that requiring photo ID at polling places disenfranchises low-income citizens, minorities, and seniors, who are less likely to have photo IDs. However, a [statistical analysis completed by The Heritage Foundation](#) in September 2007, found that voter ID laws do not depress voter turnout.

In July 2012, the Heritage Foundation published a brief, [Lessons from the Voter ID Experience in Kansas](#), analyzing the effects of voter ID on residents there. According to the latest data compiled by the Secretary of State of Kansas, Kris Kobach, opponents of voter identification are wrong. Kobach reported that just 32 of the state’s 1.7 million voters requested free IDs from the state so they could vote. Thus, contrary to the assertions of

opponents to voter ID laws that there are large numbers of American voters without a government-issued photo ID, Kansas has had to issue a remarkably small number of IDs to individuals who did not already have one.

As of September 2012, 31 states have some form of voter ID laws requiring citizens to show proof of identification before participating in the electoral process.

- In August 2012, Texas, Virginia and Pennsylvania enacted new voter ID laws.
 - The Department of Justice (DOJ) has prevented Texas' new Voter ID law from taking effect because it determined that the law was in violation of Section Five of the Voting Rights Act (which requires Southern states and some other jurisdictions to prove changes in elections laws won't be discriminatory, as determined by DOJ). The State Attorney General is continuing to challenge this overruling of the state law, arguing, among other things, that Section Five is outdated and unfair.
 - Virginia's recently-enacted Voter ID law, which is also subject to Section Five of the Voting Rights Act, did not meet DOJ opposition because the Obama DOJ asserted that the law is less stringent than the Texas law currently being challenged. The law will be in effect for the November 6, 2012 General election.
 - Pennsylvania's Voter ID law was upheld on August 15, 2012. The case was appealed to the State Supreme Court. On Tuesday, September 18, 2012 the Pennsylvania Supreme Court decided not to hear the case, instead directing the lower court to first determine whether the state can provide photo IDs to all eligible voters by Election Day. If the lower court finds voters will be disenfranchised as a result of the Voter ID law a preliminary injunction will be implemented until after the 2012 elections. The lower court must file its findings concerning the effects of the law on voter disenfranchisement by October 2, 2012.
 - **UPDATE: On Tuesday, October 2, 2012, Pennsylvania Judge Robert Simpson issued a partial injunction against the State's Voter ID law. The judge ruled the law will stand but it cannot be applied to the upcoming 2012 elections, determining there is not sufficient time to ensure those who need I.D. receive them. Although the law will not be enforced for this election cycle, election workers can still ask for voter ID, but will not be allowed to require it to cast a vote.**
<http://www.usatoday.com/story/onpolitics/2012/10/02/voter-identification-pennsylvania-court-ruling/1608047/>
- In 2011, South Carolina passed a Voter ID law which required specific photo identification. Five types of photo identification qualify: a state-issued driver's license, a non-driver identification card issued by the Department of Motor Vehicles, military

identification, a U.S. passport, or state voter registration card. Furthermore, waivers are allowed with a signed affidavit of the voter explaining why he or she can't obtain proper identification. In August 2012, the Department of Justice (DOJ) rejected South Carolina's law, arguing it would disproportionately disenfranchise poor and minority voters. The State Attorney General has appealed the decision to the Federal District Court of Washington, DC and it is unclear if a decision will be reached before the November 6, 2012 elections.

- On April 28, 2008, the Supreme Court of the United States ruled in [*Crawford v. Marion County Election Board and Indiana Democratic Party v. Rokita*](#) that the burden the Indiana photo ID requirement places on voters is offset by the benefit to voters at large and to electoral integrity of reducing the risk of vote fraud. Thus, the Supreme Court upheld the constitutionality of Indiana's photo ID law. The controversy involved an Indiana's law requiring that voters show photo identification when they cast their ballot to vote in any state or local election.

State Requirements for Voter Identificationⁱ

States that Request or Require Photo ID		States that Require ID (Photo not required)	
Strict Photo ID	Photo ID	Strict Non-Photo	Non-Strict Non-Photo ID
Georgia	Alabama (2014)	Arizona	Alaska
Indiana	Florida	Ohio	Arkansas
Kansas	Hawaii	Virginia	Colorado
Mississippi	Idaho		Connecticut
Pennsylvania	Louisiana		Delaware
South Carolina	Michigan		Kentucky
Tennessee	New Hampshire		Missouri
Texas	South Dakota		Montana
Wisconsin			North Dakota
			Oklahoma
			Rhode island
			Utah
			Washington

RSC Staff Contacts: Shelby Emmett, Esq. @ 202 226-9717 & Joe Murray @ 202 226-0678

ⁱ The National Conference of State Legislatures, Voter identification Requirements, <http://www.ncsi.org/legislatures-elections/elections/voter-id.aspx>.