



## RSC Policy Brief: Vote Fraud in the 2012 Election Cycle

*Updated: November 2, 2012*

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**Context:** As has been the case in previous election cycles, reports of potential voter fraud have already been uncovered, and undoubtedly more will surface. The U.S. Constitution states that, “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; *but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators...*” (Article I, Section 4). This authority gives Congress the responsibility to monitor and ensure the integrity of the electoral process of its Members throughout each of the fifty states.

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—or arguably to decrease in some cases—the integrity of elections nationwide. This document is *not* intended to be exhaustive.

**Feel free to send any examples of vote fraud (and the links to related media reports) to [shelby.emmett@mail.house.gov](mailto:shelby.emmett@mail.house.gov).**

### News, Public Opinion, Polls and Surveys

- **October 26, 2012: Two volunteer poll workers at an Ohio voting station informed Human Events that they observed van loads of Ohio residents born in Somalia — the state is home to the second-largest Somali population in the United States — being driven to the voting station and guided by Democratic interpreters on the voting process. No Republican interpreters were present, according to these volunteers. While it’s not unusual for get-out-the-vote groups to help voters get to the polls, the volunteers who talked to Human Events observed a number of troubling and questionable activities. <http://www.humanevents.com/2012/10/26/is-voter-fraud-being-committed-in-ohio/>**
- **President Barack Obama became the first U.S. President to cast his vote before Election Day. He [cast his vote early](#) in Chicago, IL on Thursday, October 25, 2012.**
- **On October 19, 2012, a U.S. military transport plane carrying absentee ballots for U.S. military members serving in Afghanistan crashed. A top official in the [Federal Voting Assistance Program](#) notified election officials across the nation that a**

transport plane crashed at Shindad Air Base on October 19<sup>th</sup> in Afghanistan. Federal officials in an email to state election offices said they did not know if any ballots were destroyed. They also said the lost mail was limited to one zip code but recommended election officials resend a new ballot to anyone who requested one. <http://news.yahoo.com/absentee-ballots-may-destroyed-crash-210240583--election.html>

- On October 17, 2012, Rasmussen Reports [released](#) a new public opinion survey of voter ID laws. According to the survey, 66% of likely U.S. voters believe voter fraud is a serious problem in America today, with 33% who say it is a very serious problem. Twenty-eight percent (28%) disagree, but that includes just 12% who say it's not at all serious.
- A Pew Hispanic Center [recent study](#) found that as many as 71 percent of Latino registered voters support Voter ID laws, which this year will be enforced for the first time in 11 states. Among all registered voters, Voter ID laws are supported by 77 percent. Consistent with this, 97 percent of those Latinos surveyed said they are confident they have the ID needed to vote in their state. <http://latino.foxnews.com/latino/politics/2012/10/11/latino-voters-strongly-support-voter-id-laws-polls-says/#ixzz29aXIsBo9>
- The Military and Overseas Voter Empowerment Act of 2009 (“MOVE Act”) provides statutory obligations upon the Department of Defense (DoD) for the collection and delivery of completed absentee ballots of our overseas military service members for the November 6, 2012 General Election. A key provision of this law requires the DoD to collect overseas troops’ completed ballots seven days prior the election (October 30, 2012) and express-mail them home in time to be counted by local election officials by Election Day. ***The DoD appears to be in violation of this law by not complying with its collection or express-mail requirements.*** According to the DoD’s internal [review report](#), the DoD is not prepared to carry out its express-mail duty for all overseas military voters. The report shows that the Department of Defense was responsible for the disenfranchisement of 8% of overseas military voters who tried to vote using the express-mail system in 2010. Further, reports show that the DoD is not living up to its responsibilities under the law’s ballot collections obligations as well. There are no signs that these deficiencies have been fixed. **Congressman Jack Kingston is circulating a letter to Secretary of Defense Leon Panetta requesting more information about this matter. For more information on the letter, please contact Michael Lake at 202 225-5831 or [Michael.Lake@mail.house.gov](mailto:Michael.Lake@mail.house.gov).**
- On Tuesday, October 23, 2012, Texas Attorney General Greg Abbott, threatened to arrest international election observers from the [Organization for Security and Co-Operation](#) (OSCE). The Organization has observed U.S. elections since 2002, including Texas. But after OSCE [released a report](#) this October on the U.S. election and referenced many states’ “restrictive” Voter ID laws, Texas authorities sent a [letter](#) to OSCE warning the organization that its representatives “are not authorized by Texas law to enter a polling place” and

that it “may be a criminal offense for OSCE’s representatives to maintain a presence within 100 feet of a polling place’s entrance.” The Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Janez Lenarčič, stated, “The threat of criminal sanctions against [international] observers is unacceptable. The United States, like all countries in the OSCE, has an obligation to invite ODIHR observers to observe its elections.” State Department spokeswoman Victoria Nuland on Thursday, October 25, 2012, stated, “Since the initial issue with Texas we’ve received a letter, both for Secretary Clinton and one for Texas authorities, from the OSCE assuring us and Texas authorities that the OSCE observers are committed to following all U.S. laws and regulations as they do in any country where they observe elections and they will do so as well in Texas.” The State Department has cleared OSCE to observe the upcoming elections, as Texas has vowed to pay close attention to the organizations activities.

<http://thehill.com/blogs/global-affairs/un-treaties/264121-texas-sparks-international-row-with-election-observers>

- On Wednesday October 24, 2012, Iowa joined Texas in warning international election observers of possible criminal prosecution if they violate state laws by approaching polling places on Election Day. Iowa Secretary of State Matt Schultz threatened the Organization for Security and Co-operation in Europe (OSCE) election observers with arrest if they came within 300 feet of a polling place’s entrance, in violation of state law. “My office met with two delegation representatives last week to discuss Iowa’s election process, and it was explained to them that they are not permitted at the polls,” Schultz said in a statement. “Iowa law is very specific about who is permitted at polling places, and there is no exception for members of this group.”

<http://www.politico.com/news/stories/1012/83108.html#ixzz2AuQrfjBO>

### **Running List of Examples of Vote Fraud Reported in the Media**

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

- On Wednesday, October 31, 2012, Joan Stevens, a Marion County, Ohio resident, cast her ballot for “Mitt Romney” on the electronic touch screen, but President Barack Obama’s name lit up instead. It took Ms. Stevens three tries before her selection was accurately recorded. “You want to vote for who you want to vote for, and when you can’t, it’s irritating,” Stevens said. The issue was reported to Sophia Rogers, the director of the board of elections for Marion County. Rogers said the machine worked fine when she and others tried voting on it. No one else had reported problems with the voting machines malfunctioning. Rogers said that those still skeptical about using the electronic stations have the option of filling out a paper ballot or even voting via absentee ballot.

[http://www.marionstar.com/article/20121031/NEWS03/310310009/Problem-found-board-elections?gcheck=1&nlick\\_check=1](http://www.marionstar.com/article/20121031/NEWS03/310310009/Problem-found-board-elections?gcheck=1&nlick_check=1)

- On October 30, 2012, the Pima County Arizona Records Office revealed it is investigating a case of voter fraud. While verifying signatures, election operators came across a signature that did not match that of two voters, a husband and wife. The Records office then contacted the couple, who confirmed they had not even received their ballots in the mail, “and then what we ultimately did was send a team of representatives from our office to their actual house with replacement ballots, so they could vote their ballot, so they could actually see what we had received, and they acknowledged that that was not them.” Rodriguez said the investigation is ongoing, including the possibility the ballots may have been stolen.  
<http://www.kvoa.com/news/voter-fraud-investigation-underway-in-pima-county/>
- On October 30, 2012, former Morrisville, North Carolina Town Councilwoman, Linda Lyons, faces voter fraud-related charges after allegedly trying to vote twice during last year’s election, according to a Wake County prosecutor. Lyons is scheduled to appear in court November 19, 2012, on the misdemeanor charge, said Wake County Assistant District Attorney Steven Saad. If convicted, Lyons could be sentenced to up to 120 days in jail. Lyons, who had served 12 years on the Morrisville Town Council, was running for re-election last year when she faced allegations that she violated state election laws by mishandling absentee ballots, improperly witnessing absentee ballots and trying to vote twice.  
<http://www.carynews.com/2012/10/30/65976/former-morrisville-councilwoman.html>
- On October 30, 2012, Muscatine, Iowa resident Craig White says a Democratic campaign worker gave his 75-year-old mother the impression that it was OK for her to sign his name on an absentee ballot request form when he wasn’t home. It’s a felony under Iowa’s voting laws to falsify a signature. “It shocked me, and it really almost made me change my vote,” said White, a Democrat. “As far as I’m concerned, my civil rights were violated.” Floyd County Attorney Normand Klemesrud said the Division of Criminal Investigation (DCI) is checking into cases in his county in which someone allegedly filled out the request paperwork for an absentee ballot without the voter’s consent or knowledge. Floyd County Auditor Gloria Carr and her staff first detected the possibility of problems in that county when one of her elections’ clerks noticed a birth date didn’t match the voter whose name was listed on a ballot request form received from a campaign canvasser. It’s not clear whether the cases in Muscatine and Floyd counties are isolated incidents or represent a broader problem.  
[http://www.desmoinesregister.com/article/20121029/NEWS09/310290018/Absentee-ballot-issues-reported-in-2-Iowa-counties?odyssey=tab%7Ctopnews%7Ctext%7Cfrontpage&nlick\\_check=1](http://www.desmoinesregister.com/article/20121029/NEWS09/310290018/Absentee-ballot-issues-reported-in-2-Iowa-counties?odyssey=tab%7Ctopnews%7Ctext%7Cfrontpage&nlick_check=1)
- On October 25, 2012, [PolitiChicks.tv](http://PolitiChicks.tv) received information from a voter in Las Vegas, Nevada who tried voting for Governor Mitt Romney, but the machine automatically checked “Obama” multiple times instead. The source said:

**“Yesterday I went to an early voting site at Centennial Center in Las Vegas, NV. I went with my 19 year old son who was a first-time voter. I went to an open machine and inserted my card. When the selections came up, all of the candidate pairings were listed and I touched the box for Romney/Ryan. The checkmark appeared next to President Obama’s name. I touched the check mark removing it and touched the box next to Romney’s name again. Again, the checkmark appeared next to Obama. I motioned for an observer to come over and showed him. I touched the mark next to Obama, removing it and again touched Romney’s name. The checkmark appeared next to Obama. At this point, the gentleman next to me was looking over my partition to see. I touched the checkmark, again removing it from Obama’s name and selected Romney. The checkmark appeared next to Romney. I double-checked the paper ballot to ensure that Romney was indeed selected and cast my ballot. I didn’t make a fuss but have called our local election department only to get recordings. I also wrote an email to the Clark County Election Department about the incident. My son said that he had no issues casting his ballot.”**

**<http://politichicks.tv/2012/10/voter-machine-in-las-vegas-auto-checking-obama/>**

- On Wednesday, October 24, James O’Keefe of Project Veritas, released a [new investigation](#) that exposes Representative Jim Moran's Field Director, Patrick Moran, conspiring to commit election fraud. When approached by an undercover investigator for advice on how to steal the votes of more than 100 people, the Field Director advised falsifying documents to satisfy Virginia's new voter ID law. He said, "Bank statement obviously would be tough, but they can fake a utility bill with ease." The Field Director went on to clarify that, "You'd have to forge it." Announcing the release, James O'Keefe said, "This is the most damning evidence to date of the scope of voter fraud in this country." Shortly after the tape was released Patrick resigned from his father’s campaign. <http://www.redstate.com/jasonahart/2012/10/24/faking-a-utility-bill-would-be-easy-enough/>
  - **UPDATE: On Friday, October 26, 2012, in a unanimous vote at a rare emergency meeting, Virginia’s State Board of Elections asked state Attorney General Ken Cuccinelli to investigate accusations of voter fraud after the James O’Keefe video report which caught the field director for Democratic U.S. Rep. Jim Moran’s campaign in an apparent conspiracy to commit election fraud. Arlington County Police Department spokesman Dustin Sternbeck said the department decided to launch an investigation into a possible “election offense” by Patrick Moran after media reported the video sting. <http://www.wnd.com/2012/10/dem-caught-in-video-sting-now-probed-by-virginia-ag/>**
- **On Tuesday, October 23, 2012, more voters in Guilford County, North Carolina claimed the electronic voting machines are getting their votes wrong. Now, some voters are concerned about polling locations in Jamestown and Pleasant Garden. Voters who cast their ballots at the Bur-Mil Park polling location said when they attempted to vote for Mitt Romney the machine chose Barack Obama. Faurest Stum says she voted at the Pleasant Garden Town Hall location. Her vote was for**

**Mitt Romney, but the machine cast the vote for Barack Obama. She explained, “I thought this might be a one-time glitch in the machine. I had no idea this might be happening somewhere else...” Guilford County Board of Elections Director George Gilbert says the problem is the machines needed to be re-calibrated.**

<http://myfox8.com/2012/10/24/more-early-voting-issues-in-guilford-county/>

- On Tuesday, October 23, 2012, a DeSoto Parish, Louisiana School Board member already facing federal drug charges was arrested Tuesday for voter registration fraud. Sheriff's deputies booked Douglas "Barthlomew" Claiborne, 30, in Mansfield, into the DeSoto Parish Detention Center on a warrant issued by the 10th Judicial District in Natchitoches Parish. The arrest warrant was based on a complaint by the Louisiana Secretary of State's Election and Compliance Unit. It accuses Claiborne of "procuring falsified voter registration applications."  
<http://www.sfgate.com/news/crime/article/DeSoto-School-Board-member-booked-with-voter-fraud-3975086.php#ixzz2AF6lsTjH>
- On Monday, October 22 the Colorado Republican Party filed a formal letter of complaint to the Larimer County clerk's office after apparently catching Obama supporters offering free t-shirts and pizza to students who voted early at Colorado State University in Fort Collins. The dust-up comes on the first day of early voting in Colorado, a critical swing state that could determine the race for the White House and one that's sure to see a lot of legal wrangling between the campaigns over the final two weeks of the campaign.  
<http://denver.cbslocal.com/2012/10/23/state-gop-file-complaint-against-obama-campaigners-at-csu/>
- On Monday, October 22 several voters complained that their electronic ballot machine cast the wrong vote. All the complaints were made by people who voted at the Bur-Mil Park polling location. One of the voters, Sher Coromalis, says she cast her ballot for Governor Mitt Romney, but every time she entered her vote the machine defaulted to President Obama. “I was so upset that this could happen,” said Coromalis. Guilford County Board of Elections Director George Gilbert says the problem arises every election. It can be resolved after the machine is re-calibrated by poll workers.  
<http://myfox8.com/2012/10/23/guilford-county-voters-say-they-voted-for-the-wrong-candidate/>
- October 22, 2012: The plan: offering cheap vodka ... for votes. It was part of a scheme to steal an election in eastern Arkansas that included absentee ballot fraud and buying votes with money, food and even alcohol. "I guess I always knew all along it was wrong, but I really didn't think it was that big a deal," explained former Democratic state Rep. Hudson Hallum. "I always heard ... that's what everybody did."  
<http://www.foxnews.com/politics/2012/10/22/arkansas-operatives-plead-guilty-in-vodka-for-votes-scam/#ixzz2AERQhkAS>
- On October 21, 2012 the Florida Division of elections and state law enforcement officials are investigating "multiple" bogus letters sent to Florida voters to inform them that they have been flagged as suspected illegal, non-citizen voters. "I sat there and actually had to

read it a couple times because I didn't understand what it said at first," Republican Charles Callaghan of Ponte Vedra recounted about the letter he opened Saturday. It claimed to be from the St. Johns County elections supervisor, informing him that elections officials had been informed he may be ineligible to vote and "registering to vote under fraudulent conditions or swearing a false oath are both third degree felonies in Florida."

<http://www.tampabay.com/blogs/the-buzz-florida-politics/content/voter-suppression-efforts-fla-against-republicans>

- On October 19, 31-year-old Colin Small, a worker for the Virginia Republican party was charged with 13 counts of destruction of voter registration applications, disclosure of voter registration information, and obstruction of justice. Allegedly, a local man reportedly spotted Small's throwing a bag into a Harrisonburg, Virginia dumpster reserved for private use by the company at which he works, and investigated because he was annoyed that the man had improperly used the dumpster. He looked in the bag to discover eight filled-out registration forms.  
[http://www.cbsnews.com/8301-250\\_162-57535950/man-charged-after-tossing-voter-registration-forms-in-virginia/](http://www.cbsnews.com/8301-250_162-57535950/man-charged-after-tossing-voter-registration-forms-in-virginia/)
- In October 2012, the Wisconsin Government Accountability Board began urging would-be voters to register to vote for the November election without proving they are in fact Wisconsin residents. A loophole in the state law allows any person who registers to vote 20 days or more before an election to not have to prove they are a Wisconsin resident in order to vote.  
<http://www.redstate.com/briansikma/2012/10/17/gov-agency-tells-people-to-register-to-vote-in-wisconsin-not-prove-residency/>
- On October 16, 2012, three people were indicted for felony vote fraud in Ohio. Elections officials working to audit the voter-registration rolls this summer uncovered the fraud. In each case, the voter requested, received and returned absentee ballots in both names.  
<http://www.dispatch.com/content/stories/local/2012/10/17/3-people-indicted-for-felony-vote-fraud.html>
- On October 10, 2012, James O'Keefe and [Project Veritas](#) released another [video](#) of voter fraud—this time by a Houston, Texas Obama campaign staffer allegedly assisting an undercover woman on how to vote twice in both Texas and Florida.  
<http://dailycaller.com/2012/10/10/new-okeefe-video-obama-campaign-staffer-caught-helping-activist-vote-twice/>
- On Friday, October 5, 2012, the Florida Department of State confirmed that it has forwarded complaints of voter registration fraud that have been filed against the state Democrat party, as well as two other groups—the Florida New Majority Education Fund and the National Council of La Raza/Democracia USA..  
<http://www.sfgate.com/news/article/Voter-fraud-complaint-filed-against-Fla-Democrats-3923654.php#ixzz29aIb0O4U>

- 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](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](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 (2<sup>nd</sup> degree), election fraud (2<sup>nd</sup> degree), absentee ballot fraud (3<sup>rd</sup> degree), tampering with public records or information (3<sup>rd</sup> degree), and forgery (4<sup>th</sup> 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&ncklick\\_check=1](http://www.baxterbulletin.com/article/20120927/NEWS01/309270034/5-charged-ballot-fraud-Crittenden-Co-?gcheck=1&ncklick_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>

- August 30, 2012: Voting in Uniontown, Alabama has raised questions after there were more registered voters than the town's listed population. The total votes casted in Uniontown on Tuesday, August 28, were 1,431, which represented a turnout of 55 percent of the number of registered voters and 80.6 percent of the town's population. According to the census, when compared with the 1,140 people in the town who are 18 and older, the turnout was 125 percent. <http://www.waka.com/news/west-alabama-news/Uniontown-voting-raises-questions-in-Ala-168039976.html>
- 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](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](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>
- In March 2012, between 18,000 to 25,000 voter registration cards mailed to voters in Pecan Grove and Cinco Ranch, Texas have not been delivered. Although the Fort Bend County Election Administration sent replacement cards no one seems to know what happened to the missing ballots. About 45,000 cards were mailed on March 30 and April 5th. By May, conscientious voters noticed they did not have their ballots and they reached out to the election commission as well as the local post office. All sides have allegedly "investigated" the matter but the missing ballots have not been found. Representative Pete Olson, (TX-22) who represents parts of the district, wrote a letter to the Post Master General requesting more information on the matter.  
<http://fbindependent.com/two-zip-codes-to-get-duplicate-vrcs-p5080-1.htm>

- 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**

The legislative proposals that have been introduced in the House during the 112<sup>th</sup> Congress to address election integrity can be grouped into two main subgroups: 1) ballot integrity and 2) voter verification.

### **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

- 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.
  - 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 an approved ID 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/>

- On September 4, 2012 the Department of Justice approved New Hampshire's Voter ID law. Under the law, voters who do not have photo identification at the polls will still be allowed to vote but must first sign an affidavit stating their right to vote and why they lack proper identification. Once the affidavit is signed the voter will receive a letter requesting confirmation of voting. If there is no response within a month, the state may investigate to determine if voting fraud occurred.
  - On October 8, 2012 the New Hampshire Secretary of State announced that any registered voter whose name already appears on a voter checklist but does not have an acceptable form of identification can now pick up a voucher for a free voter ID card at their city or town clerk's office. The voter must then take the voucher to any state motor vehicle office to obtain a special voter identification card.  
<http://www.unionleader.com/article/20121009/NEWS06/710099922>
- 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.
  - On Wednesday, October 10, 2012 a federal court [upheld](#) South Carolina's voter identification law, but similar to the ruling in Pennsylvania, the court delayed implementation until 2013. The three-judge panel upheld the law stating the law was not enacted for a discriminatory purpose. Furthermore, the court argued citizens can vote without a photo ID if they state why they do not have a photo ID and reasoned that the new law actually makes it easier for voters to obtain identification for voting purposes.  
<http://www.foxcarolina.com/story/19785023/sc-voter-id-law-upheld-by-federal-court>
- 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 Identification<sup>i</sup>

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

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