

TESTIMONY

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Absentee Balloting and Voter Fraud

In an effort intended to reverse our long-term decline in voter turnout and to increase voting "convenience," some states have adopted no fault absentee balloting statutes. However, removing the voting process from the polling site is not good public policy for a number of reasons.

1. When combined with the restrictions imposed by Motor Voter, absentee ballots make the job of voter thieves easier:

The United States has a long history of voter fraud, from an election in New York City in 1844 in which 135% of the eligible voters turned out, to cases in more recent years involving fraudulent absentee ballots in a 1993 state senatorial election in Philadelphia, a 1994 election in Greene County, Alabama, a county commission race in 1996 in Dodge County, Georgia, and the mayor's race in 1997 in Miami. There have been numerous other cases of voter fraud, many of them furthered by some of the unfortunate side effects of the National Voter Registration Act of 1993 or Motor Voter. While allowing registration at government offices is a good idea, some of Motor Voter's other provisions have opened security holes in our voting process. For example, Motor Voter made it illegal for election officials to check someone's identification before allowing them to register to vote and mandated mail-in registration. When combined with absentee voting, an individual can register and cast an absentee ballot without any election official ever seeing him. This makes multiple registrations and multiple votes very easy. I can guarantee the members of this committee that if they complete five mail-in registration forms under five different names and submit them, they will become registered five times and could easily cast five votes through absentee ballots with almost no chance of being caught.

2. No fault absentee ballot laws do *not* increase voter

turnout and may lead to *greater declines in turnout*:

According to a recent study, early voting and no-fault absentee voting states did not see any related increases in turnout and performed worse in terms of having lesser average turnout increases in years of increase such as 1992 and 1994, than states which did not adopt either of these procedures. I urge skepticism when you are asked to legislate easier access to absentee ballots based on the claim that this will help increase turnout. Motor Voter was passed on the claim that eliminating registration requirements would increase turnout; however, while the number of individuals registering to vote has increased since the passage of Motor Voter, voting turnout has continued its general decline. Numerous studies have shown that we have a cultural problem with large groups of citizens who are not interested in participating in our political process. This long-term problem cannot be solved by changing registration rules and voting methods.

3. Absentee ballots make *vote buying and voter intimidation* easier to commit and make poll watching impossible:

The secret ballot prevents coercion and helps prevent vote tampering. It was instituted in the U.S. in the late 1800's to prevent these very problems which were prevalent in American elections. Absentee ballots are voted in unmonitored settings where there is no election official or independent election observer available to insure that there is no illegal coercion or intimidation. The ability of poll watchers to monitor polling sites is also an important guarantee of the integrity and security of our election process. This transparency must be maintained. No fault absentee ballot laws make it easier for campaign organizations to engage in tactics such as requesting absentee ballots in the names of low-income housing residents and senior citizens and either intimidating them into casting votes or completing their ballots for them. Residents of nursing homes are especially vulnerable. Absentee ballots also make vote buying easier because buyers can make sure that the votes "stay bought," something not possible in traditional voting locations. We make a necessary exception for military personnel or the physically disabled who cannot go to a traditional polling place. However, because of the security risks, absentee ballots should remain an exception and not the rule.

4. When voters cast absentee ballots in large numbers, the costs of political campaigns, which are already prohibitive for many citizens, are

significantly increased:

Most campaigns spend the bulk of their money in the last few days before Election Day on advertising and get-out-the-vote efforts. When significant numbers of voters cast absentee ballots, any candidate who does not spend money on such efforts during the entire absentee voting period will be at an inherent disadvantage. No fault absentee balloting and early voting increase the cost barrier to the ability of the average citizen to participate in the political process as a candidate.

The right to cast our vote in a fair and secure election is our most precious right. Every American citizen who is eligible to vote should be able to do so with a minimum of administrative procedures and statutory requirements. None of the measures that can and should be taken to amend Motor Voter and tighten state election laws would infringe on the right of citizens to vote. Fraud can be deterred and prevented without diminishing voter turnout.

**FEDERAL AND STATE LEGISLATIVE
RECOMMENDATIONS**

Federal legislation should be passed that:

- 1. REQUIRES THE U.S. IMMIGRATION AND NATURALIZATION SERVICE AND THE SOCIAL SECURITY ADMINISTRATION TO COOPERATE WITH STATE ELECTION OFFICIALS IN CHECKING THE SOCIAL SECURITY NUMBERS OF INDIVIDUALS WHO REGISTER TO VOTE TO INSURE THEY ARE U.S. CITIZENS AND THAT THE NUMBERS ARE VALID AND NOT FRAUDULENT.** There have been numerous cases found of duplicate and fraudulent registrations under false names or by non-citizens because federal law prohibits states from checking someone's identification before registering to vote and because states are required to allow mail-in registration. The INS and the SSA refuse to cooperate with election officials in making routine checks of social security numbers of individuals who register. This is the only way to prevent fraudulent registrations unless election officials are allowed to check someone's identification or citizenship status when registering.
- 2. AMENDS THE NATIONAL VOTER REGISTRATION ACT OR MOTOR VOTER TO PROHIBIT MAIL-IN REGISTRATION AND ALLOW STATES TO CHECK IDENTIFICATION PRIOR TO ALLOWING AN INDIVIDUAL**

TO REGISTER. As previously outlined, this is necessary to prevent fraudulent registrations and registrations by noncitizens.

3. AMENDS MOTOR VOTER'S RESTRICTIONS ON THE PURGE PROCEDURES THAT CAN BE USED BY STATE ELECTION OFFICIALS TO DELETE INELIGIBLE VOTERS FROM THE VOTER

REGISTRATION. States should be allowed to purge voters who do not vote at least once in a presidential election cycle after they have been sent notice by election officials and do not contact such officials after a reasonable amount of time. The current restrictions imposed by Motor Voter result in large numbers of ineligible persons remaining on the voter registration list, increasing the possibility that fraudulent ballots will be cast in their names.

4. REQUIRES THE DEPARTMENT OF JUSTICE TO PROVIDE FELONY CONVICTION RECORDS TO STATE ELECTION OFFICIALS. States that suspend the voting rights of convicted felons need easy access to federal felony records. The Department of Justice should be required to routinely provide such felony records to election officials of states where a defendant was a resident and likely registered to vote.

States should pass legislation that:

1. REQUIRE ALL VOTERS TO PRESENT PHOTO IDENTIFICATION AT THEIR PRECINCT POLLING LOCATIONS. A number of states already require identification to be shown by voters on election day, but all states should pass such legislation to prevent fraud at the polls. Currently, an impostor knowing the name and address of a registered voter can simply walk in and vote; requiring identification would prevent such fraud. Likewise, a dishonest poll worker could vote ballots at off-peak times, or after the polls close by simply checking of the names of persons on the voter registration list who did not cast a ballot, making it appear as if they had. Requiring poll workers to record the registration number of the identification presented by the registered voter would prevent the poll worker from engaging in such actions.

2. REQUIRE AN INDIVIDUAL WHO REGISTERS MY MAIL TO VOTE IN PERSON THE FIRST TIME. This is necessary to prevent individuals from registering numerous times under false names with mail-in registration forms and then requesting absentee ballots to vote. Any exception to this requirement for disabled individuals who cannot vote in person should require the absentee ballot request form to be notarized or signed by at least two witnesses. When an individual can register to vote and vote without any election official ever seeing that

individual and checking their identification, voter fraud becomes very easy to commit.

3. (A) REQUIRE THE ENVELOPE THAT AN ABSENTEE BALLOT IS PLACED IN TO BE SIGNED BY THE VOTER IN THE PRESENCE OF A NOTARY OR TWO WITNESSES WHOSE ADDRESSES AND TELEPHONE NUMBERS ARE PROVIDED;

(B) ALLOW ONLY VOTERS TO REQUEST AN ABSENTEE BALLOT, NOT THE VOTER'S FAMILY MEMBERS, SINCE SUCH A PROCEDURE MAKES IT IMPOSSIBLE TO COMPARE THE SIGNATURE ON A REQUEST FORM WITH THE VOTER'S SIGNATURE ON FILE; AND

(C) PROHIBIT ANY THIRD PARTIES SUCH AS CAMPAIGN WORKERS FROM DELIVERING ABSENTEE BALLOTS. Absentee ballots represent the biggest source of potential voter fraud because of the way they are obtained and voted. Requiring notarization or witnesses and allowing only voters to request absentee ballots would make such fraud more difficult to commit and improve the security of the absentee ballot process. Prohibiting third parties from delivering ballots would prevent alteration of ballots by campaign organizations and other parties.

4. REQUIRE STATE ELECTION OFFICIALS TO RUN COMPUTER COMPARISONS ON A REGULAR BASIS (AT LEAST MONTHLY) OF THEIR VOTER REGISTRATION LIST WITH THE DEATH RECORDS OF THEIR STATE VITAL RECORDS AGENCY AND CORRECTIONS DEPARTMENT TO DELETE DECEASED INDIVIDUALS AND FELONS WHO ARE INELIGIBLE TO VOTE. The administrative procedures in most states for purging deceased voters and felons from the voter roles are inadequate and slow. Requiring monthly computer comparisons would provide election officials with the information they need to begin the administrative procedures required to investigate such records and promptly and routinely purge such persons upon confirmation of the information.

5. GRANT INVESTIGATIVE SUBPOENA POWERS TO STATE AND COUNTY ELECTION AUTHORITIES AND THE ABILITY TO IMPOSE ADMINISTRATIVE FINES ON VIOLATORS OF ELECTION LAWS. Historically, election officials have relied too heavily on candidates themselves to identify election irregularities. Most election boards also do not have the authority to conduct vigorous investigations of voter fraud and must rely on local district

attorneys and police forces that are usually heavily engaged in criminal cases and are not interested in investigating or prosecuting voter fraud cases. Election officials should have the investigative powers necessary to investigate such cases and to impose administrative fines for violations.

6. AUTHORIZE STATE ATTORNEYS GENERAL TO USE STATEWIDE GRAND JURIES TO INVESTIGATE AND PROSECUTE ELECTION FRAUD OCCURRING ANYWHERE IN A STATE. Unfortunately, when local candidates or officials are involved in accusations of election fraud or irregularities, local district attorneys are often reluctant to investigate or to get involved for a variety of political and personal reasons. Giving state attorneys general the power to pursue such local cases helps insure that such cases will be investigated and prosecuted.

7. REQUIRE REGISTRATION AND ELECTION BOARDS COMPOSED OF CITIZEN APPOINTEES IN ALL COUNTIES AND MUNICIPALITIES THAT ARE RESPONSIBLE FOR VOTER REGISTRATION AND ELECTIONS. Conflicts of interest can only be avoided if boards made up of citizens are responsible for overseeing voter registration and elections, not elected officials who have to run for office themselves or who have budgetary and supervisory powers over county personnel who run elections. All such boards should also have equal representation from both major political parties and at least one non-partisan member. Accountability can only be insured with a truly representative system and meaningful checks and balances.

8. REQUIRE ALL COUNTY AND MUNICIPAL ELECTION AUTHORITIES TO HAVE INDEPENDENT AUDITS CONDUCTED OF THEIR VOTE TABULATION SYSTEMS, SOFTWARE, AND SECURITY PROCEDURES ON A REGULAR BASIS. In the business world, companies undergo outside audits by independent organizations to confirm to their stockholders that the companies are truthfully reporting on their financial condition and status. Likewise, election authorities should regularly have outside audits to confirm to their stockholders, the voting public, that their security procedures for conducting elections are sufficient to guarantee free and fair elections.

9. AUTHORIZE STATE ELECTION AUTHORITIES TO ESTABLISH A NATIONAL, CENTRAL DEATH REGISTRY THAT WOULD RECEIVE INFORMATION ON DEATHS FROM ALL STATE VITAL RECORDS AGENCIES AND PROVIDE EACH STATE WITH THE INFORMATION NECESSARY TO PURGE REGISTERED

VOTERS WHO MAY HAVE DIED IN OTHER STATES.

Even states that have good administrative systems in place to promptly purge deceased voters do not receive information on registered voters who died outside of the state. This problem could be addressed if states set up a central death registry. If such a registry was also sent voter registration information from all fifty states and the states adopted central computerized voter registration systems with the same formats, election authorities could check multiple registrations and prevent individuals from registering and voting in more than one state. Such a system, if properly instituted, could allow an individual to register once and then have his voter registration information follow him wherever he moved.

10. AUTHORIZE INDEPENDENT, NON-PARTISAN GROUPS, AS WELL AS CANDIDATES AND POLITICAL PARTIES, TO APPOINT POLL WATCHERS TO OBSERVE THE ELECTION AND VOTE TABULATION PROCESS. Having an open election process is the key to secure and fair elections and poll watchers are essential for running elections that are free from fraud and manipulation. In addition to having poll watchers in specific precincts, political parties, candidates, and independent, non-partisan groups should be able to designate statewide poll watchers with authority to be observers in any precinct or vote tabulation center.

11. REQUIRE ALL VENDORS WHO PROVIDE VOTING MACHINES, VOTING DEVICES, COMPUTER SOFTWARE PROGRAMS AND OTHER ELECTION EQUIPMENT FOR PUBLIC ELECTIONS TO UNDERGO INVESTIGATION BY STATE ELECTION AUTHORITIES OF THE FINANCIAL RESPONSIBILITY, SECURITY, AND INTEGRITY OF THE VENDOR. Most states have no such requirement for election vendors whose equipment and software is essential for choosing elected officials. Only by investigating the financial responsibility, security and integrity of such vendors can election officials help insure that no vendor will take advantage of their integral involvement in elections to manipulate voting results. This is the same type of investigation that lottery vendors must undergo in most states.

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