

**Written Testimony
Of
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**Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties
And
House Administration Subcommittee on Elections**

**Joint Hearing on
“Federal, State and Local efforts to Prepare for the General 2008 Election”**

**Wednesday, September 24, 2008
10:00 am
2141 Rayburn House Office Building**

Ensuring the Integrity of the U.S. Electoral System
By
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Thank you, Chairman Conyers, Chairwoman Lofgren, Ranking Member Franks and Ranking Member McCarthy.

My name is James Terry and I am the chief public advocate at the Consumers Rights League, a non-profit education and advocacy organization dedicated to preserving consumer choice in a broad array of issue areas.

I appreciate the opportunity to lend some perspective to a problem that gets far too little attention, but one that poses a great risk to the integrity of our electoral system.

The Consumers Rights League provides an alternative voice from those organizations that argue for reduced consumer choice or increased government intervention as a policy of first choice. CRL supports all aggressive efforts to educate, motivate, register, and assist all citizens in voting so long as those efforts are legal. Unfortunately, there are some groups that do not seem to share this concern.

As part of CRL's mandate, we monitor policy debates, news trends and the activities of organizations that style themselves as consumer advocates. Unfortunately, due to their long track record of questionable or corrupt

practices with respect to housing and electoral activities, we are constantly forced to act as a watchdog for abuses by the Association of Community Organizations for Reform Now, or ACORN.

To be sure, there are some well-meaning individuals who are a part of ACORN. Unfortunately, they do not appear to be the ones in control. Firsthand accounts from current and former ACORN employees, major news stories, and court cases across the country, expose corruption at every level of ACORN including embezzlement, cover-ups, misuse of taxpayer funds and voter fraud.

While all of the reported allegations noted in my statement are found in the public domain, such reports often go unnoticed by the national media. I therefore thank the Committee up front for focusing on these important issues confronting our country.

Understanding ACORN's Structure

To properly understand the potential impact that ACORN's activities may have on the upcoming and future elections, it is important to understand their structure. In all, ACORN's massive enterprise includes as many as 150 subsidiary organizations, according to a recent legal filing by members of its board of directors.¹ This list includes two affiliated labor union locals, TV and radio broadcast operations, immense housing counseling operations, and

¹ See suit referenced in: Strom, Stephanie. "Lawsuit adds to turmoil for community group." New York Times. September 10, 2008.

a number of lobbying and political entities. In all, ACORN's total operation this year has an estimated budget of \$110 million.² That is big business.

Thanks to what appears to be a carefully executed plan, the disparate parts of ACORN are often not recognized as being part of one large enterprise. However there is evidence that these organizations are operated as a single enterprise, which is controlled from the top down.

Their practice of juggling funds and blame between entities has often created good deal of confusion as to which crimes are allegedly committed by ACORN and which activities are those of subsidiaries such as the "non-partisan" 501(c)(3) Project Vote. But, it should be noted at the outset of this discussion that evidence indicates that the non-profit organization known as Project Vote and the political operative organization known as Citizens Services Inc. are wholly owned subsidiaries of the ACORN web of organizations.³ There should be no distinction between crimes or alleged crimes perpetrated by personnel from Project Vote and those from ACORN.

Comments the Consumers Rights League has received from current and past ACORN employees demonstrates that command and control of ACORN's political operations is based in its national headquarters. While many view voter registration problems in different states as a series of random events, it is important that observers not lose sight of the fact that ACORN is a giant

² Projection by ACORN founder Wade Rathke in June 2008.

³ Tax returns for "Voting for America/Project Vote" are filed from ACORN headquarters and the groups share leadership. Citizens Services Inc. corporate filings show it is housed in ACORN's head office in Louisiana. See also: Brown, David M. "Obama to amend report on \$800,000 in spending." Pittsburgh Tribune-Review. August 22, 2008.

corporation potentially responsible for massive fraud across the United States.

A careful observer will note a ten-year record of voter registration fraud that spans the contiguous United States. Ten years and five election cycles is not a series of mistakes; it is a pattern.

A Troubling and Long Pattern of Voter Registration Fraud

While any number of small organizations -- on both the right and the left -- run afoul of elections law each year, there is little reason to believe most engaged citizens mean any harm. However, only ACORN stands out for its pattern of voter registration fraud stretching back a decade. Rather than showing any signs of improvement, all signs point to increased lawbreaking.

Ten years ago, an Arkansas contractor hired by ACORN's non-profit affiliate Project Vote was arrested for falsifying hundreds of voter registration cards. In the last few election cycles the problem has spiked dramatically.⁴

- In 2003, ACORN employees in Missouri turned in more than a thousand suspicious voter registration cards, with one woman saying a card was turned in under the name of her infant.⁵

⁴ For reference, see: <http://www.rottenacorn.com/activityMap.html>

⁵ "Voter registration fraud dogs St. Louis." Association Press. September 19, 2003.

- Following Colorado's 2004 election, two ex-ACORN employees were convicted of perjury for submitting false voter registration forms⁶; one ex-ACORN employee admitted to registering her friends 40 times.⁷
- In 2004, police arrested a former ACORN employee who had more than 300 completed voter registration cards in the trunk of his car, many of which had not been turned in within the legal time limit.⁸
- In 2005, Virginia authorities found that of a sample of Project Vote-gathered registrations, 83% were rejected for using false or questionable information.⁹
- In 2007, King County, Washington officials announced the indictment of seven workers ACORN had hired to register voters, calling the episode the "worst case of voter registration fraud in the history of the state."¹⁰ At least three of those individuals have pleaded guilty and ACORN was forced to pay a \$25,000 settlement.¹¹
- In April 2008, federal prosecutors announced guilty pleas for federal election fraud by eight former ACORN employees in Missouri, based on their activities in the 2006 election. They submitted false addresses and names, as well as forged signatures. At least one former ACORN employee was sentenced to 15 months in prison.¹²

⁶ "Briefing." Rocky Mountain News. January 4, 2005.

⁷ "Investigation reveals potentially fraudulent voter forms." Associated Press. October 12, 2004.

⁸ Sweeney, Patrick. "Voter registration cards bring felony charge." Saint Paul Pioneer Press. October 16, 2004.

⁹ Jones, Matthew. "State: Voter registrar did no wrong." The Virginian-Pilot." October 22, 2005.

¹⁰ Ervin, Keith. "Felony charges filed against 7 in state's biggest case of voter-registration fraud." Seattle Times. July 26, 2007.

¹¹ "Ervin, Keith. "Three plead guilty in fake voter scheme." Seattle Times. October 30, 2007.

¹² Associated Press. "Guilty pleas in election fraud." April 3, 2008.

Each time ACORN is accused of faulty registrations, the organization blames a handful of its supposedly “rogue” low-paid, low-skilled workers. It promises to clean up its act and impose tighter restrictions. Yet, after ten years, they have not been able to do so, as this year’s cavalcade of corruption proves.

2008 Has Been A Banner Year For Bogus Registrations

In 2008 alone, ACORN’s activities have prompted calls for investigations in nearly a dozen states: Louisiana, Pennsylvania, Connecticut, New Mexico, Texas, Nevada, Ohio, Wisconsin, Michigan and North Carolina, with new investigations developing regularly.

In June, the New York Times reported that **Louisiana** “Election officials have expressed concern that large numbers of people who believe they are registered will show up at the polls in November, only to find that they cannot vote because their application had been improperly submitted.” An ACORN spokesman said that it’s typical for 30 percent of their cards to be duplicates or incomplete.¹³ That is a troublingly high rate of error.

In July, **Pennsylvania** officials charged a former ACORN employee with 19 counts of perjury, making false statements, forgery and identity theft in

¹³ Dewan, Shaila. “A Vote Drive By Democrats In Louisiana Stirs Concern.” New York Times. June 15, 2008.

connection with the voter registration forms in connection with more than 100 suspect cards.¹⁴

In August, the **Connecticut** Post reported that state officials began asking for an investigation into ACORN's registration activities, in which there were errors in 20 percent of the thousands of registration forms the group turned in. Noting the hefty amount of incomplete, incorrect, or improperly filed forms, one registrar said, "Some of my staff has been here for 15 years and when they see ACORN come in, they start crying."¹⁵

In August, ACORN was forced to announce that it would begin running background checks on its signature gatherers in **New Mexico** after it was learned that nine employees had felony criminal records¹⁶ ranging from forgery to identity theft to child rape.¹⁷ It is unclear how many of the thousands of voter registration cards containing personal information were handled by the nine felons. Bernalillo County officials are investigating 1,100 possibly fraudulent cards. In one case, a series of nine cards appear to have been filled out using the phone book.¹⁸

ACORN's voter registration fraud in New Mexico has been a recurring theme since 2003, including its 2004 attempt to register a 13-year-old boy.

¹⁴ Sheffield, Reggie. "Former temp worker accused of bogus voter registrations." The Patriot-News. July 24, 2008.

¹⁵ Dixon, Ken. "ACORN voter signups questioned." Connecticut Post. August 16, 2008.

¹⁶ Associated Press. "ACORN starts background checks for NM registrars." August 9, 2008.

¹⁷ See report from KRQE: <http://www.youtube.com/watch?v=EvJE3SMHRTs>

¹⁸ Associated Press. "NM's county has suspect voter registration cards." September 17, 2008.

In 2005 the organizations employees were accused of filing as many as 3,000 false signatures on a ballot initiative.¹⁹

In **Texas**, where ACORN's affiliate, Citizens Services Inc., has provided contract work on behalf of Senator Obama's campaign, its record of voter registration has been lacking hope. The *Houston Chronicle* reported on August 17 that "About 40 percent of the 27,000 registration cards gathered by ACORN from January through July have been rejected or placed in limbo pending the gathering of more information, according to the county" while "about 6,600 were filled out by people already registered, and many others contained insufficient information."²⁰

Nevada and federal officials announced in August that they would form a task force to aggressively pursue allegations of election fraud, with the Las Vegas Review-Journal specifically noting "Clark County officials have said they suspect fraud is occurring in the thousands of voter registrations being submitted by" ACORN.²¹

In **Ohio**, ACORN's continuing pattern of voter registration fraud apparently includes the 73 registration cards turned in this year for just one individual. WKYC has reported: "ACORN has already submitted more than 75,000

¹⁹ For reference, see: <http://www.rottenacorn.com/activityMap.html>

²⁰ Bernstein, Alan. "ACORN planting voter registrars in certain areas." *Houston Chronicle*. August 17, 2008.

²¹ Ball, Molly. "Election fraud task force formed; Investigators already looking into voter registration issues." *Las Vegas Review-Journal*. August 1, 2008.

voter registration cards this year in Cuyahoga County. And now employees at the Board of Elections are triple checking every one."²²

A *Cleveland Plain Dealer* reporter noted at the end of August:

"Board employees are unsure how many of the cards are fraudulent. But the voter registration department received so many suspicious cards that it began compiling a binder with evidence. The binder grew to be an inch-thick."²³

The same reporter noted why ACORN is allowed to get away with such activity election after election:

"In August 2006, elections boards in Franklin and Summit counties investigated potentially bogus registration cards submitted by ACORN. The Franklin board turned over 500 cards to its county prosecutor, but the board's Deputy Director Matthew Damschroder said the prosecutor could not file charges because it was impossible to nail down who filled out the fake cards."²⁴

The citizens of **Wisconsin** are among the greatest victims of ACORN's fraud in 2008. There ACORN allegedly offered to bribe citizens with pre-paid gasoline cards or restaurant gift cards to induce them to register. Further voter registration problems include apparently falsified drivers license

²² O'Mara, Michael. "Voter registration problems investigated in Cleveland." WKYC. August 28, 2008.

²³ Guillen, Joe. "Cuyahoga board probes voter registration drive." August 27, 2008.

²⁴ *Ibid.*

numbers, Social Security numbers, and similar personal information. By the end of August, Milwaukee's Election Commission Executive Director had referred over 49 individuals to prosecutors for suspected voter registration fraud — of them, 37 were ACORN employees.²⁵

An August 20 report from the *Milwaukee Journal-Sentinel* noted that of the 35 ACORN employees referred for investigation at the time:

- Seventeen apparently filled out voter applications and then signed the cards themselves. That involved two to four cards in each case.
- Twelve submitted cards for individuals who later told ACORN they never filled out an application. That involved one card in each case.
- One submitted a card for a dead voter. That was the second such case; a Voters Project worker previously submitted a card for a deceased voter.
- One was apparently making up driver's license numbers for an unknown number of voters.
- One submitted about a half-dozen applications for already-registered voters.

One woman reportedly complained that a voter registration card was submitted for her husband, who had been dead for 10 years.²⁶

²⁵ Sandler, Larry. "10 more voter registration workers face investigation." *Milwaukee Journal-Sentinel*. August 29, 2008.

²⁶ Sandler, Larry. "More voter registration workers under scrutiny." *Milwaukee Journal-Sentinel*. August 20, 2008.

In **Michigan**, elections officials across the state have been noticing a high volume of problems associated with ACORN's work. A Secretary of State spokesperson recently said "There appears to be a sizeable number of duplicate and fraudulent applications ... And it appears to be widespread." In Pontiac, the clerk's office has found numerous applications filed for a given name. In Oak Park, the clerk has been seeing "lots of duplication" from ACORN in recent months.²⁷

Even in the course of preparing this testimony, officials in yet another state announced an investigation into potentially fraudulent activity. Durham County, **North Carolina**'s elections officials have asked for an investigation of dozens of cards submitted by ACORN. One was for a fourteen-year-old boy.²⁸

Conclusion: Local, State, and Federal Investigations Needed To Watch ACORN's Pattern of Fraud

ACORN routinely says it will clean up its act.²⁹ Yet, given its decade-long history of voter fraud, embezzlement, and misuses of taxpayer funds, ACORN's pattern of fraud can no longer be dismissed as a series of "unfortunate events."

²⁷ Brasier, L.L. "Bad voter applications found." Detroit Free Press. September 14, 2008.

²⁸ Milliken, Mathew. "Elections chief asks for voter fraud probe." Durham Herald-Sun. September 19, 2008.

²⁹ See for example: Mannies, Jo. "ACORN launches new voter-registration drives, with tighter controls." March 20, 2008.

The problem of voter registration fraud raises serious questions for this committee, and the Consumers Rights League appreciates that the right questions are being asked.

Here are the most important questions right now: We know about the thousands of potentially fraudulent voter registration cards turned in by ACORN and caught by officials. But given the size of ACORN's efforts and the fact that the abuses appear to be systemic, we believe it is fair to question how many more fraudulent registrations have not been discovered, Furthermore, as this mega organization with a decades long history of violating the law is turned to get out the vote efforts, we believe it is fair to question how many fraudulent registrations may lead to fraudulent votes or what other activities they are willing to undertake to influence the election.

These are serious questions, especially in light of recent election results which show that a just few votes can change the outcome of an election, the course of our country and the course of history.

While we do not presume to tell this committee how to address this problem, we respectfully submit that our nation's election system is facing a concerted campaign that raises serious issues that merit the committee's oversight and attention.

Thank you for the opportunity to speak today, and I would be happy to answer any questions that you may have.