



## RSC Policy Brief: Voter Fraud in 2011 and 2012

*September 21, 2012*

**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 voter fraud reported in the media. It also highlights congressional legislative proposals introduced to increase the integrity of elections nationwide.

See [here](#) for a similar RSC Policy Brief produced in 2008 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).**

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

*This list will be updated as necessary*

- On Tuesday, September 18, 2012, Michigan Secretary of State Ruth Johnson estimated that up to 4,000 non-citizens are registered to vote in her state. Her announcement came a day after voting rights advocates and labor unions sued in federal court claiming 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 Thursday, September 13, 2012, former New Albany, Indiana mayoral candidate Paul Etheridge was arrested and charged with three felony counts of voter fraud for actions he engaged in for the Democratic Party mayoral primary in 2011.

<http://newsandtribune.com/floydcounty/x72184884/Former-New-Albany-mayoral-candidate-Etheridge-charged-with-voter-fraud>

- On Monday, September 10, 2012, Wendy Rosen quit her Maryland congressional race amid voter fraud allegations. Rosen, 57, a 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, East Arkansas State Rep. Hudson Hallum, 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 Rep. 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 Friday, August 10, 2012, Sergio Robaina, the uncle of former Hialeah, Florida's mayor, Sergio Robaina was arrested as part of a broad voter-fraud investigation, after police acknowledged the suspect filled out two absentee ballots with his own choices, not those of the voters involved, including a woman with dementia. Mr. 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 that prohibits 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 13, 2012, Josef Sever, a Floridian, 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 investigating Mr. Sever earlier this year when state officials forwarded his name as a possible illegal voter, according to court records.  
[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 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 began to surface.  
<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 previously realized. The State Police announced that a total of 194 state-wide cases were not prosecuted by Commonwealth attorneys where authorities determined voter fraud violations likely occurred. State Police spokeswoman Corinne Geller explained, “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.”  
<http://www2.timesdispatch.com/news/2012/apr/22/tdmain01-va-investigates-voter-fraud-ar-1859666/>
  
- On Wednesday, March 7, 2012, Jerry Bowman, the Sheriff of Lincoln County, W.Va., pled guilty in a voter fraud case that cost him his job and could send him to prison. Federal prosecutors say Bowman and former Lincoln County Clerk Donald Whitten were part of a scheme to steal the May 2010 Democratic Primary Election for Lincoln County Circuit Clerk 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 distributing 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>

<b>Legislative Proposals</b>
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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) introduced the [Federal Election Integrity Act](#) (H.R. 6408). The bill 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 approved 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.” *Rep. Walsh introduced H.R. 6408 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 different State than the voter’s principal place of residency to indicate which state is to serve as the individual’s residence for voter registration purposes in Federal elections. *Reps. Rokita and Miller introduced HR 6386 on September 13, 2012.*

## Legal Cases and Analysis

The [Voting Rights Act of 1965](#) (Section 5) requires approval by the Department of Justice (DOJ) of any change to the voting policies or procedures of some state and local governments before they can take effect.

- 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. See illustration below.
- In 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.
  - A State court upheld Pennsylvania's Voter ID law on August 15, 2012. The challengers 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 halting the law from taking effect 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.
- 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 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.ncsl.org/legislatures-elections/elections/voter-id.aspx>.