Election Day Registration:

A Study of Voter Fraud Allegations and Findings on Voter Roll Security

A PRELIMINARY REPORT

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The specter of fraud in American elections has pervaded our political and media landscape for a long time. In recent years it has been raised again as a key lever in arguments for or against certain state or federal election reforms—in legislative and judicial bodies, and in the media. Allegations of voter fraud in elections have been widely publicized, but the question of whether voter fraud threatens the integrity of elections in the United States has long been neglected by serious researchers. This report draws on my research into the scale and scope of the problem of voter fraud and the politics of election reform. Here I look at the question of voter fraud in states with Election Day Registration (EDR), a vital reform which, like other procedures that lower barriers to the vote, has been resisted based on unfounded allegations of fraud.

I. DEFINING AND MEASURING VOTER FRAUD

The federal government defines election fraud as an election crime involving conduct that corrupts the process of "obtaining and marking of ballots, the counting and certification of election results, or the registration of voters."[1] Voter fraud is a subsidiary form of election fraud defined as *the intentional corruption of the electoral process by voters.* Measuring the actual incidence of voter fraud is difficult. There are no reliable, officially compiled, national or even statewide statistics on the incidence of voter fraud crimes upon which we can draw. Though many criminal acts associated with "voter fraud" are classified as felonies, voter fraud crimes fail to appear in the F.B.I.'s uniform crime reports. There are no publicly available criminal justice databases that include voter fraud as a category of crime, and no states collect and publish statistics on voter fraud.[2]

II. EDR DOES NOT INCREASE OPPORTUNITIES TO COMMIT VOTER FRAUD

The focus of this study is the recent record of voter fraud in Idaho, Maine, New Hampshire, Minnesota, Wisconsin and Wyoming, the six states where Election Day Registration has been law for the last several decades.[3]

To compile the record, I carefully examined a number of different sources of information since no one source measuring the incidence of voter fraud is available. I studied news reports, federal government prosecution records, and conducted a survey of county prosecutors. A summary of the findings follows:

News reports

I reviewed nearly 4,000 news reports for the six EDR states over three federal election cycles (1999-2005) and found only 10 discrete incidents of voter fraud or alleged voter fraud that appeared to have some merit.[4] Of these, there was only one case of voter impersonation at the polls—ironically one of the most frequently claimed abuses when fraud enters the public debate. A 17-year-old New Hampshire high school student, who shares his father's name, cast his father's ballot in the 2004 Republican presidential primary, knowing that his father was out of town. The polling place was in the student's school. The fraud was uncovered after a teacher overheard the student tell others that he had "subbed" for his father and voted for George W. Bush. This young man lied about his identity to the poll worker. The fraud was unrelated to Election Day Registration rules because the student's father was already registered and enrolled in the poll book. See Table 1 for a summary of these incidents and the Appendix for additional details.

Federal prosecutions

Under a new initiative of the U.S. Department of Justice (DOJ), the federal government has been concentrating more effort and resources on investigating and prosecuting voter fraud in recent years. "Under the ongoing initiative," reports DOJ's Election Offenses manual, "election crimes are a high law enforcement priority of the Department."[5]

Despite the high priority, the federal government prosecuted only 40 voters nationwide for election crimes related to illegal voting between 2002 and 2005.[6] Among EDR states, Wisconsin was the only one where a federal investigation led to any voter fraud prosecutions. Four Milwaukee voters were

charged with double voting and 10 were charged for casting votes while disfranchised because of a felony conviction. The charges, however, were dismissed or the defendants exonerated in all of the alleged double voting cases and all but five of the felon voting cases.[7] This record of convictions compares poorly with an average 90 percent conviction rate obtained by the federal government in nearly all felony crime cases.[8]

Survey of local county prosecutors

Election administration and the enforcement of state election laws rests in most states on the shoulders of local officials. I therefore designed and implemented a survey of county prosecutors, requesting statistics on fraud complaints investigated, cases prosecuted, type of defendant, and disposition of such cases across three broad categories of voter fraud for 2004 and 2005. These categories are: voter registration fraud, illegal voting, and absentee ballot fraud. This survey is still in the field, but partial results are available for 36 of 252 prosecutorial jurisdictions (mostly counties) in the six EDR states.

Among those sampled, only two county prosecutors—both in Minnesota—report that they investigated complaints of voter fraud in 2004 or 2005. These resulted in the investigation of 11 people, seven in County A and four people in County B.[9] The cases in County B were dismissed, and the seven people accused of illegal voting in County A were not prosecuted (they were sent warning letters). There were 1,238,021 ballots counted in the 2004 election in the sample counties, yielding a voter-fraud rate of zero when considering convictions, and a 0.0000088 percent rate if counting investigations.

The near absence of voter fraud is echoed by election officials in EDR states. In the course of litigation challenging Connecticut's voter registration

TABLE 1

VOTER FRAUD ALLEGATIONS REPORTED IN SELECTED STATE AND LOCAL NEWSPAPERS BY NUMBER OF INDIVIDUALS ALLEGEDLY INVOLVED, AND NUMBER OF INCIDENTS[10]

IN EDR STATES: IDAHO, MAINE, MINNESOTA, NEW HAMPSHIRE, WISCONSIN, WYOMING

January 1999 – February 2005

	Types of Claims	Individuals				Cases
		Reports of convictions, guilty pleas, admissions of guilt in committing voter fraud	Reports of official charges or official reports of voter fraud (final disposition unknown)	Reports of violations of voting laws (no charges filed, charges dropped, or disposition unknown)	Total number of people involved	**Total number of incidents**
1	**Registration fraud**	95			95	**2**
2	**Voter impersonation at the polls**	1			1	**1**
3	**Multiple voting**	1		1	2	**2**
4	**Absentee ballot fraud (forgery or use of an illegal address)**	9	2		11	**3**
5	**Illegal voting by disfranchised felons**		7	361	368	**2**
	TOTAL	**106**	**9**	**362**	**477**	**10**

Source: See endnote 4, and note: the Wisconsin search covered only 8/21/03-2/12/05. For a description of the cases, see the appendix.

TABLE 2

ELECTION DAY REGISTRATION STATES—2004 PRESIDENTIAL ELECTION ELECTION ADMINISTRATION AND VOTING STATISTICS

	Idaho	Maine	Minnesota	New Hampshire	Wisconsin	Wyoming
Estimated citizen-eligible population	986,664	1,022,248	3,736,578	975,065	4,091,525	380,564
Registered voters	798,015	1,023,956	2,977,496	855,861	2,439,282	232,396
EDR applications	117,622	N/A	590,242	94,431	443,772	41,554
% EDR applications	12.8	N/A	19.8	9.9	15.3	15.2
Total ballots counted	612,786	754,777	2,842,912	686,390	3,009,491	245,789
Absentee ballots counted	34,609	162,663	231,711	62,059	264,898	47,008
Provisional ballots cast	0	483	N/A	N/A	374	95
Federal voter fraud convictions [14]	0	0	0	0	5	0

Sources: U.S. Election Assistance Commission, *Final Report of the 2004 Election Day Survey,* September 27, 2005; http://www.eac.gov/election_survey_2004/pdf/EDS-Full_Report_wTables.pdf; Maine Secretary of State author's analysis of federal prosecution records.

deadline, Wyoming's former Republican Attorney General and Secretary of State Joseph B. Meyer said that, "there have been very few cases, if any...of voter fraud," and that in his 35 years of governmental experience, "there has not been much evidence of it" in his state.[11] Secretaries of State Ben Ysursa of Idaho (a Republican) and Matthew Dunlap of Maine (a Democrat) wrote, in a May 11, 2007, op-ed appearing in *The New York Times*, that the crime of voter fraud was,

> "exceedingly rare or nonexistent in states that offer Election Day registration. Citizens of Maine, for instance, have benefited from same-day registration since the early 1970s and no case of voter fraud has ever been attributed to the policy."[12]

New Hampshire officials "made a major effort" to enforce the election laws during the 2004 election. According to a report by the Attorney General's Office, "attorneys and investigators from the...[o]ffice and specially trained Deputy Sheriffs were either positioned at polling places or were traveling around the State checking polling places and responding when complaints were received."[13] Staff also set up and monitored a toll-free number to receive complaints and after the election, met with concerned citizens who suspected fraud may have occurred on Election Day. The state legislature held a hearing at which several people testified about suspected fraud in the November election. Overall, the main concerns were about EDR leading to multiple voting and voting by people who were not legally domiciled in New Hampshire.

Each specific complaint or allegation was investigated, which involved an initial database analysis of thousands of voting and registration records and follow-up investigations of about 240 people, most of whom had registered to vote on Election Day. In the end, all but six people who provided false information when they either registered or voted were shown to be legal voters in New Hampshire. Four who registered to vote on Election Day provided recent but no longer accurate addresses on their registration forms. Three of these four still lived in New Hampshire and were prosecuted for providing a false address; by the time of the investigation, the fourth had moved to another state and a warrant was issued for his arrest. The other two people used or forged false names—one was the 17-year-old who "subbed" for his father, and the other was a man who signed a nominating petition twice, once using his name and a second time with the name of a relative. Both of these individuals were prosecuted. The attorney general found no evidence that anyone voted more than once.

III. EDR DOES NOT COMPROMISE VOTER ROLL SECURITY

There are several possible reasons why Election Day Registration does not facilitate voter fraud and, in fact, may help deter it. First, EDR brings the registration process into the polling place where it is conducted under the eyes and authority of election officials on one day, Election Day. One would expect to see more polling place fraud in the EDR states if it actually threatened ballot security.

Critics of EDR argue that reopening voter registration at the polls on Election Day could facilitate voter impersonation and polling place fraud because election officials have no opportunity to verify information provided in a voter registration application before the applicant casts a ballot. But across the nation, the most egregious (though rare) types of election fraud involving voters are vote-buying and absentee ballot fraud—forms of electoral corruption that occur 1) before Election Day and 2) away from the polling place. They are not affected by EDR procedures.

The second reason why EDR procedures do not compromise voter roll secrutiy is that states offering Election Day Registration require registrants to substantiate their residency and identity at the polls. They do this by allowing voters to present a wide variety of acceptable forms of documentation.[15] The Help America Vote Act of 2002 added new safeguards by requiring states to collect information from registrants that could be used to cross-check their identity and residency with other state or government databases, principally through the collection of driver's license or partial social security numbers on all voter registration forms.

Third, some of the EDR states adopted procedures for list maintenance and post-election audits of Election Day Registration applications that add an extra identity-verification level for newly registered voters who may have registered at the polls. New Hampshire recently adopted a new law requiring the secretary of state to send a non-forwardable letter to all first-time EDR voters who did not provide photo ID when they registered at the polls. If the letters are returned, the secretary of state's office conducts an investigation and refers any possible criminal matters to the attorney general. Minnesota requires post-election audits of a sample of EDR voters and compels district attorneys by law to investigate any irregularities.

IV. CONCLUSION

The data on voter fraud in the states with the most convenient registration rules suggest that liberalized registration procedures on their own do not cause voter fraud, nor do they compromise voter roll security. If they did, one would expect more press reports on fraud and more prosecutions and enforcement actions by the federal government and county prosecutors. Instead, the collective evidence suggests there has been very little voter fraud in EDR states over the past several election cycles. The problems leading to the federal investigation in Wisconsin, for example, were directly attributable to clerical errors, poll worker shortages and incompetence, not any organized scheme or intent on the part of voters to scam the system.[16] State and local election officials are addressing these problems with the implementation of a computerized statewide voter registration system, an overhaul of the administrative rules and procedures for registration, and enhanced poll worker training.

Administered effectively, Election Day Registration may actually provide more security for the ballot, not less. As the secretary of state of Minnesota recently put it, "EDR is much more secure because you have the person right in front of you—not a postcard in the mail. That is a no-brainer. We have 33 years of experience with this."[17]

Endnotes:

1. Craig C. Donsanto and Nancy L. Simmons, *Federal Prosecution of Election Offenses*, 7th Ed. (U.S. Department of Justice, May 2007), pg. 2.

2. The California Secretary of State's office has compiled information on electoral fraud cases referred to it from 1994 to 2006, but that data is not publicly available.

3. Maine, Minnesota, and Wisconsin all adopted Election Day Registration in the 1970s; Idaho, New Hampshire, and Wyoming followed in the mid-1990s. Montana, Iowa and North Carolina recently adopted forms of Same Day Registration, but are excluded from the analysis because their experience with EDR is too recent. North Dakota is excluded because it does not require voters to register.

4. To be precise, I reviewed 3,890 news stories mentioning voter or election fraud retrieved from Lexis-Nexis databases for the period 1999-2005. The Wisconsin search was for the period August 21, 2003 to February 12, 2005. The newspapers searched include *AP* state and local wire services in all six states; and, in Idaho: *The Idaho Business Review*, *Idaho Falls Post Register*, *Lewiston Morning Tribune*; Maine: *Bangor Daily News*, *Portland Press Herald*; Minnesota: *The Legal Ledger*, *The Minnesota Lawyer*, *The Star Tribune*; New Hampshire: *The Manchester Union Leader*; Wisconsin: *The Capital Times*, *The Daily Reporter*, *The Milwaukee Journal Sentinel*, *Wisconsin Law Journal*, *Wisconsin State Journal*; Wyoming: *Wyoming Tribune-Eagle*.

5. Donsanto and Simmons, pg. 10.

6. Only 26 voters were convicted, for an average of 8-9 people a year.

7. All five people convicted had felony convictions and had not yet had their voting rights restored. They used their real names and addresses, and there is reason to believe none of them understood the law, despite the prosecutor's ability to convince a jury to the contrary in the cases that went to trial. Poll workers contributed to the problem and at the time, Wisconsin's voter registration card did not clearly inform applicants that they were not eligible to vote if they were serving out a sentence on probation or parole.

8. In the period, October 1, 2003 through September 30, 2004, the Justice Department prosecuted 425 defendants for felony tax law violations, including tax fraud, and won a conviction rate of 95.3 percent. The conviction rates for all other cases of felony fraud (9,261 defendants) were 90.3 percent. The conviction rate for all offenses charged, including misdemeanors (83,391 defendants) was 89.7 percent. *See* Bureau of Justice Statistics, *Compendium of Federal Justice Statistics, 2004* (U.S. Department of Justice: December 2006), pg. 62.

9. Until the survey is completed, the names of the jurisdictions must be concealed to protect grants of confidentiality to survey respondents.

10. These are reports of voter fraud in which there is some mention of the involvement of elections or law enforcement officials in the reporting, investigation, or criminal prosecution of the fraud. They do not include unsubstantiated allegations of fraud by party officials, candidates, campaign workers, or voters. "Voter fraud" refers to corruption of the voting process; specifically, violations of federal or state election laws or procedures regulating the voting process, and committed by voters or by others encouraging the commission of fraud by voters.

11. Deposition of Joseph B. Meyer, *ACORN, et al. v. Bysiewicz*, Civil Action No. 3:04-cv-1624, U.S. District Court for the District of Connecticut (2005).

12. Ben Ysursa and Matthew Dunlap, "Never Too Late to Vote," *The New York Times*, May 11, 2007.

13. Memorandum from Bud Fitch, Deputy Attorney General to Chairman Robert Boyce, and Members Senate Internal Affairs Committee Chairperson, Chairman Michael D. Whalley, and House Election Law Committee Chairperson, dated April 6, 2006.

14. These are convictions and guilty pleas stemming from federal indictments brought between 2002 and 2005. They do not include convictions and guilty pleas in state court.

15. Only one state, Idaho, requires a photo ID to register on Election Day.

16. Steve Schultze, "No Vote Fraud Plot Found; Inquiry Leads to Isolated Cases, Biskupic," *Milwaukee Journal-Sentinel*, December 6, 2005.

17. Email communication with author, May 10, 2007.

APPENDIX

1. Registration fraud: Reports of convictions, guilty pleas, admissions of guilt in committing voter fraud

Two incidents, one in Minnesota and one in Wisconsin.

The Minnesota case involved an on-going dispute between Richard J. Jacobson (of Prescott, Wisconsin), the owner of Jake's Gentleman Club in Coates, Dakota County (pop. 163), about 13 miles south of St. Paul, and the local five-member city council that kept changing city ordinances, as Jacobson evaded them, to shut down his club. The mayor and two city council members were facing contested elections at the time. Jacobson, who planned to run for mayor of Coates, was charged with felony conspiracy to commit forgery, and felony conspiracy to commit forgery for promoting a vote fraud scheme in which 93 other people fraudulently registered to vote using Jake's Gentleman Club as their legal address. The other 93 people were all charged with felony forgery and felony conspiracy to commit forgery. None actually voted and were offered a deal to pay a $240 fine and plead guilty to a misdemeanor. The scheme was uncovered when the county treasurer-auditor rejected a batch of suspicious voter registration cards. Eighty-nine these cards, bearing the address of Jake's as the applicants' addresses, were postmarked and mailed on October 5, the day after U.S. District Judge Donovan Frank ruled in a 10-year dispute between Jacobson and the town by upholding the city ordinances regulating sexually-explicit businesses, and ordering Jake's closed for violating the ordinances. The court found Jacobson in contempt for violating previous court orders, fined him $68,000 and ordered him to pay legal and other fees. In February 2004, the Eighth Circuit Court of Appeals overturned the ban on clothed lap dancing and the fine, but left the ban on nude dancing in place.

Update: A March 14, 2007, press release from the Dakota County Attorney announced: "Dakota County Attorney James C. Backstrom announced today that a Dakota County jury has found Richard Jacobson, age 36, formerly of Prescott, Wisconsin, not guilty of Conspiracy to Procure Unlawful Voting and Conspiracy to Commit Forgery, both felonies, in connection with a scheme to have 93 patrons, employees and other persons solicited elsewhere register to vote falsely in a 2002 election in the city of Coates, listing the strip club as their residence."

Source: Steve Karnowski, "Dakota County Charges 95 People in Alleged Voter Fraud Scheme," *The Associated Press State & Local Wire,* October 16, 2002; Jim Adams, "The Charges Laid Bare: Trying to Rig Election; 94 Accused of Helping Coates Strip Club Owner," *Star Tribune,* October 17, 2002; "Nearly All of Coates Votes to Send Message to Strip Club Owner," *The Associated Press State & Local Wire,* November 11, 2002; Amy Becker, "Strip Club Owner Jacobson Is Dancing Around the Law," *St. Paul Pioneer Press,* January 26, 2003; Jim Adams, "Array of Stories Emerging in Voter Fraud Case; Defendants Testify in a Case Connected to the Former Jake's Gentlemen's Club in Coates," *Star Tribune,* February 13, 2003; Ben Steverman, "Court Overturns Fine on Coates Strip Club; Jake's Has Fought Court Battles Over Zoning Ordinances and Other Issues for 10 Years," *Star Tribune,* February 11, 2004.

For the Wisconsin case, see #3 below: Even though the case involves only one person, it is counted twice—once as registration fraud, and once as multiple voting involving absentee ballots—because the defendant was charged with felony voting for voting more than once (using an absentee ballot in one town and voting in person in another), but pled down to a misdemeanor charge of providing false information on a registration form.

2. **Voter impersonation at the polls: Reports of convictions, guilty pleas, admissions of guilt in committing voter fraud**

One incident in New Hampshire.

The case involved an underage voter, Mark Lacasse, a 17-year old honors student at Londonderry High School, who lied to elections officials giving them his father's name so that he could vote in the January 2004 Republican presidential primary. A teacher overheard Lacasse say he voted, telling others he had "subbed" for his father and voted in his father's name because he had known that his father, who was out of town, wanted to vote for George W. Bush. The polling site was located in his school and his teacher or class had visited the site to observe the voting process. The students were encouraged to vote if they were 18 years old. The teacher turned in the student to an elections moderator and his illegal voting was discovered. Lacasse eventually pled guilty to a misdemeanor and was sentenced to eight hours of community service and required to deliver a speech on voting to his high school class.

Source: David Lazar, "Trial Set in Illegal Voting Case," *The Union Leader,* April 21, 2004; David Lazar, "Underage Voter Gets Civics Lesson," *The Union Leader,* June 29, 2004.

3. **Multiple voting: Reports of convictions, guilty pleas, admissions of guilt in committing voter fraud**

One incident in Wisconsin.

Michael R. Howard, 20, of Appleton, Wisconsin, was charged with felony voting for requesting and voting an absentee ballot from the Appleton city clerk in an April 6, 2004, nonpartisan state primary election. He then registered and voted in the same election in Eau Claire where he was a student at the University of Wisconsin. Howard claimed he did not know he couldn't vote twice in the same election, nor had he ever been informed in any of his civics classes at college that he couldn't vote twice. The Outagamie County assistant district attorney, John Daniels, said it was a rare case: "The clerks caught this one somehow. This is pretty uncommon. I have been doing this for 14 years and this is the first case of voter fraud I have seen." Daniels continued: "He did not vote twice for the same individuals. Therefore, the state does not believe at his young age he should be labeled a felon for the rest of his life." When asked by the judge why he thought he could vote twice, Howard replied, "I became aware of the city council elections and not thinking, I did it." He pled down to a misdemeanor, one year probation and 150 hours of community service, the conviction for making a false statement on a voter registration form to be expunged at the completion of probation.

Source: "College Student Accused of Voting Twice in Primary," *The Associated Press State & Local Wire,* August 11, 2004; "Student Charged with Voter Fraud," *Wisconsin State Journal,* August 13, 2002; "College Student Makes Court Appearance on Voter Fraud Charge," *The Associated Press State & Local Wire,* September 10, 2004; "Plea Deal Ends in Probation for Voting in Appleton, Eau Claire," *The Associated Press State & Local Wire,* January 10, 2005.

Multiple Voting: Reports of violations of voting laws (no charges filed, charges dropped, or disposition unknown)

One incident in New Hampshire.

According to a report in *The Union Leader,* "Last year [in 1999], a Nashua [New Hampshire] man voted in one ward and then traveled to another ward and asked for a ballot using another's name…although he received two ballots, he never voted, so the case wasn't prosecuted…"

Source: Mark Hayward, "Thousands In New Hampshire Register, Vote at Same Time; Inquiry Reveals Some Weak Links in the Six-Year Old System," *The Union Leader* December 13, 2000.

4. **Absentee ballot fraud (forgery or use of an illegal address): Reports of convictions, guilty pleas, admissions of guilt in committing voter fraud**

Three incidents, one in Wisconsin and two in Wyoming.

The Wisconsin case involved a March 2003 special Milwaukee County Board recall election for Board chair, Lee Holloway. Holloway won the election easily, but nine people who sought absentee ballots through a voter group, the African American Coalition for Empowerment, Inc. (ACE), were charged with a variety of election law violations. Vincent Knox, a longtime local voting rights activist, spearheaded a campaign for ACE to increase the inner city vote by canvassing door-to-door to convince more people to apply for absentee ballots. ACE told voters to request that their absentee ballots be sent to ACE's office, and upon delivery, ACE workers would bring the ballots to the voter, witness the voted ballot and then deliver it to city hall. Forgeries (forged signatures, voting on behalf of phony people, and voting from nonexistent addresses in the forged ballots) were suspected in about 40 of 160 ballots returned by ACE and nine people who had signed the ballot envelopes as witnesses were charged with various election law violations. A jury found Knox, as supervisor of the drive, partially responsible for the forgeries—he was convicted of three felonies—felony election fraud, misconduct in office (he was a deputy registrar), and perjury—related to a single forged registration card. The girlfriend of the applicant of the forged card admitted in court that she had signed his name to the card while he slept; Knox's signature as a witness was on the card. Knox was sentenced to six months in the House of Detention with work release, and given three years probation. Circuit Judge David Hansher ruled that evidence at trial left it unclear whether there was a grand scheme to defraud, or merely widespread short-cutting by Knox and ACE canvassers, five of whom pled guilty to misdemeanors (Barbara Burton, Velma Jackson, Darcell Grafton, Charles Burton and Prentiss Grafton). One canvasser, Barbara Triblett, was acquitted. At the time of the news search, two continued to face felony charges (Dennis James and Michael Hanford). Because the disposition of their cases was unknown at the time the news search was conducted, they are recorded in the next column of the table under "Reports of official charges or official reports of voter fraud (disposition unknown)."

Source: *Milwaukee Journal-Sentinel* and *The Associated Press State & Local Wire* (various dates 3/27/03, 7/22/03, 7/24/03, 9/4/03, 12/13/03, 1/13/04, 1/14/04, 1/15/04, 1/17/04, 2/21/04, 1/17/04, 4/15/04).

The first Wyoming case involved state Representative Carolyn Paseneaux (R-Casper), an eight-year incumbent, who was charged with two counts of felony voter fraud—one count of false swearing and one count of false voting. Paseneaux had listed 1989 Glendo as her residence for purposes of obtaining absentee ballots over a 21-month period when she was moving around. Having sold her town house in 1997 for financial reasons, Paseneaux used the false address to vote in the 1998 and 2000 primaries and general elections. She worked out a deal and pled guilty to a misdemeanor, whereupon she was ordered to pay fine of $1,030 and placed on six months unsupervised probation.

Source: "Write-in Candidate Enters Tumultuous State House Race in Casper," *The Associated Press State & Local Wire,* November 4, 2000; "Paseneaux Pleads Guilty of Misdemeanor; Felony Charges Dropped," *The Associated Press State & Local Wire,* November 23, 2000.

In the second Wyoming case, Gary and Leila Blake pleaded no contest to misdemeanor voter fraud when it was discovered that they used absentee ballots to vote from an old address. They lived at 372 Curtis Street in Evansville before moving to 1372 Curtis Street in Casper, about five miles away. In 2000, they requested absentee ballots so they would miss none of the hunting season. The ballots were sent to the couple's post office box. According to an AP report:

> "Natrona County Clerk May Ann Collins said the ballots should not have been sent to the post office box. She also said the wrong address might have been mistakenly listed. But she believes the couple bear some responsibility. 'They received a ballot that had Evansville Town Council and mayor on it, from their old address, so they should have said, 'Wait a minute, we don't vote in Evansville anymore,' she said.' The Blakes claim they were unaware of any problem about the ballots until their arrest Dec. 11. The couple was fined $350 each and put on unsupervised six-month probation."

Source: "Couple Fined, Gets Probation for Miscast Votes," *The Associated Press State & Local Wire,* April 26, 2001.

5. **Illegal voting by disfranchised felons: Reports of official charges of official reports of voter fraud (final disposition unknown)**

One incident in Wyoming.

In his 2000 bid for re-election in the town of Hanna, Carbon County, Wyoming, longtime mayor I.W. "Bill" Coffman lost by 11 votes to challenger Ken Worman (the vote was 234-223). Supporters told Coffman that people who did not live in the town and felons had illegally voted in the election. Coffman filed a complaint and the Hanna police department launched an investigation. The Carbon County D.A. asked the state Division of Criminal Investigation for assistance. Seven people were eventually charged, some with felony false swearing and others with felony false voting. The seven had signed certifications that they were not convicted felons or that their voting rights had been restored, but the investigation by the state investigator, Mike Cole, who checked records back to 1963, showed this to be false. Carbon County D.A. Ed Risha commended Cole for spending hundreds of hours obtaining court records from all over the nation and determining whether the suspects had ever been pardoned, saying that Cole "did one of the most thorough, incredible investigations" he had ever seen.

Source: "Hanna Holds Recount After Allegations of Voter Fraud," *The Associated Press State & Local Wire,* November 14, 2000; "DCI to Probe Claims of Hanna Vote Fraud," *The Associated Press State & Local Wire,* November 25, 2000; "Seven Charged in Hanna After Probe into 2000 Election," *The Associated Press State & Local Wire,* August 7, 2002.

Reports of violations of voting laws (no charges filed, charges dropped, or disposition unknown)

One incident in Wisconsin.

Investigative reporting by the *Milwaukee Journal-Sentinel* determined some 361 felons had illegally voted in Milwaukee, Wisconsin, in the 2000 election (see report for more discussion and sources for this case). Three men were initially charged but charges were dropped when prosecutors determined that the men did not intentionally violate the law.

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The Democracy Program works to strengthen democracy in the United States by reducing barriers to voter participation and encouraging civic engagement. Dēmos supports state and national reform efforts by conducting research on current and long-range issues; advancing a broad agenda for election reform; providing advocates and policymakers with technical support; and strengthening reform networks. Through our recent alliance with the National Voting Rights Institute, we are now able to utilize complementary channels of policy, advocacy and litigation to achieve our goals.

Dēmos

A NETWORK FOR IDEAS & ACTION

Dēmos: A Network for Ideas & Action is a non-partisan public policy research and advocacy organization committed to building an America that achieves its highest democratic ideals. We believe this requires a democracy that is robust and inclusive, with high levels of electoral participation and civic engagement; an economy where prosperity and opportunity are broadly shared and disparity is reduced; and a strong and effective public sector with the capacity to plan for the future and provide for the common good. Founded in 2000, Dēmos' work combines research with advocacy—melding the commitment to ideas of a think tank with the organizing strategies of an advocacy group.

As with all Dēmos publications, the views expressed in this briefing paper do not necessarily reflect the views of the Dēmos Board of Trustees.

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