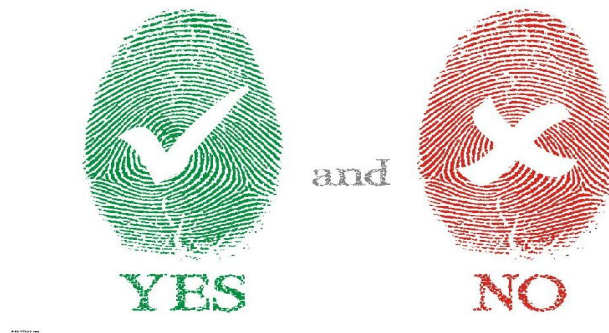


An ePamphlet on Voter Photo ID Laws

How Photo Ids Miss the Mark on Fixing Election Fraud

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Preface

With a major presidential election looming on the horizon in 2012, we felt that it was important to get readers thinking about issues around voter registration early. Raising the issue of voter fraud in the middle of a presidential election does the national political discussion no good. This would be a negative continuation of the partisan rhetoric that reasonable American minds have come to hate. Wild unsubstantiated claims of voter fraud keep us from focusing on pressing issues affecting the majority of Americans today.

Table of Contents

- Introduction: What is Voter Fraud?
- Voter Registration Process – Screening for Foreign-Born Residents and Dead Citizens, Election Day Registration, College Student Residency
- Election Day Registration
- Voter Registration Process: Counting Provisional Ballots
- Voter Registration Process: Screening for Felons
- Absentee Ballots
- Voter Registration Drives
- Other Election Crimes: Deception, Misinformation, Intimidation
- Conclusion – What to Do To Ensure Your Vote Counts
- Appendix
- Bibliography

Introduction: What is Voter Fraud?

There's been a recent rash of state legislatures passing new Voter ID laws. When a voter intentionally impersonates another registered voter and attempts to vote for that person, they are committing "voting fraud." There haven't been too many news stories about individuals engaging in voter fraud. Even if we consider that individual citizens may be impersonating other voters at the polls, how many impersonators would it take to unfairly influence election outcomes? You'd have to have an army of co-conspirators to pull that off. Do Voter ID laws really get at significant election fraud that seriously interferes with free and fair elections or did our state legislators miss the mark?

Part of the frustration lies in the fact that the media alarms us with salacious headlines like "Tens of Thousands May Be Voting Illegally", in light of the minimal threat that voter fraud poses. Justin Levitt of the Brennan Center for Justice, says:

"Voter fraud, in particular, has the feel of a bank heist caper: roundly condemned but technically fascinating, and sufficiently lurid to grab and hold headlines."

One of the points Mr. Levitt makes is that what many board of elections and the media are calling voter fraud end up being typographical errors made by election workers. The concern is that voter fraud, compared to other types of election fraud, has far less serious impact on unfairly influencing elections than voter intimidation which outright discourages people from voting at all. Mr. Levitt and others assert that Photo ID laws only deal with preventing voter impersonation of other voters, "an occurrence more rare than getting struck by lightning". Once again, fuzzy thinking about the real issues has led passage of Voter Photo ID laws that have far more limited application than originally intended.

31 states have passed laws relating to verifying voter identity before they will be permitted to cast a vote. Most of the new legislation requires citizens to present an acceptable photo ID in the form of a driver's license or State photo ID. Voter ID laws can be organized into 3 categories: If you do not have a photo ID, you will be allowed to cast a provisional ballot which will be counted ONLY IF you present an appropriate photo ID within a certain number of days. Failure to do so will cause your provisional ballot to be rejected and not be counted. 2) those that request a photo ID, but will allow you to go ahead and vote provided you can submit another acceptable form of non-photo based identification (i.e. a utility bill or pay stub with your current name and address) and 3) those states that require some identifying information, but do not require a Photo ID. In these states, voters may present a utility bill or bank statement or other non-photo identifying information to verify identity.

The U.S. Election Assistance Commission (EAC) has done studies about election crimes including allegations of Voter Fraud. The "Help America Vote Act" (HAVA), passed by President George Bush in 2002, vests EAC with the responsibility of studying a host of topics, including voter fraud and intimidation. HAVA also requires Secretaries of States to maintain accurate databases of voter information to avoid ineligible voters from casting ballots in state and federal elections. The EAC developed the following definition of election crimes:

"Election crimes" are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act."

EAC surveyed scholars and election observers who agreed that absentee balloting is subject to the greatest number of fraudulent acts, followed by vote buying and voter registration fraud. They also pointed to voter registration drives by non-governmental groups as a source of fraud, particularly when the workers are paid per registration. Many asserted that impersonation of voters is probably the least frequent type of fraud because it is the most easily discovered, there are stiff criminal penalties for this type of fraud, and it is an inefficient method of influencing an election.

EAC consultants reviewed thousands of media reports concerning a wide variety of potential voting fraud or voter intimidation, including:

- absentee ballot fraud,
- voter registration fraud,
- voter intimidation and suppression,
- deceased voters on voter registration list and/or voting,
- multiple voting,
- felons voting,
- non-citizens voting,
- vote buying,
- deceptive practices, and
- fraud by election officials.

This list is a representative example of types of election fraud which have been encountered in the past. The more frequently occurring of these scenarios and the potential threat they pose to our election process are combined and discussed in more detail below.