



ELECTION FRAUD AND MISCONDUCT

All Americans are concerned about the veracity of our democratic results. Fraud and misconduct undermine that confidence and must be avoided. To do that, fraud and misconduct in the electoral system must be properly defined and responded to. Unnecessary barriers to the ballot box frustrate our national goal of an open and responsive electoral process. Any administrative procedure that will prevent eligible voters from participating in the political process should be scrutinized closely and permitted only when the proposed measure would solve a demonstrated problem and will not unduly burden the democratic process.

What is election fraud?

- **Fraud takes many forms.** In order to appropriately analyze the causes of and appropriate reactions to fraud, it is helpful to start with a useful definition. Fraud takes many forms. It includes actions of election officials removing eligible voters from the registration rolls and it includes ineligible voters showing up to the polling place. It includes private individuals and organizations providing false information to voters to prevent them from voting and it includes deliberately intimidating and deceiving voters to keep them away from the ballot box. Fraud is perpetrated when voter registration cards are destroyed or tampered. Any definition that is not this broad prevents decision makers from coming up with appropriate solutions.

Does evidence of ineligible voters at the polling place exist?

- **A disenfranchising solution in search of a problem.** Many who are concerned with “fraud” in the electoral process limit the definition to ineligible voters casting ballots. In addition to a lack of evidence of a problem, limiting the definition leads to problematic solutions. Many who are concerned with “fraud” in the electoral process limit the definition to ineligible voters casting ballots. In addition to a lack of evidence of a problem, limiting the definition leads to problematic solutions.
- **Uncorroborated allegations.** The vast majority of allegations claiming that ineligible voters are influencing election outcomes following elections later prove false or unverifiable. Broad claims of increasing rates of ineligible voters casting ballots are only rationalized by anecdotes of isolated activities or no evidence at all.¹

- **The reality of ineligible voters.** There is very little evidence that ineligible voters affect the outcome of elections. For instance, a far-ranging federal probe into allegations of fraud in Wisconsin uncovered no evidence of a conspiracy to influence the 2004 presidential election. U.S. Attorney Steve Biskupic’s investigation resulted in charges against ten formerly incarcerated individuals for voting illegally and against four others for voting twice. Of those four, three cases have been dispensed without conviction; the fourth prosecution is still court pending. By way of comparison, 2,997,007 votes were cast statewide in Wisconsin in 2004.¹ At the same time, widespread administrative errors were much more prevalent in undermining confidence in the electoral outcome.¹

Why are typical responses to election fraud inappropriate?

- **Most legislative responses to the fiction of ineligible voters at the polls will disenfranchise thousands.** Unsubstantiated concerns that ineligible voters are influencing election outcomes are alleged as the justification for more restrictive voting requirements, such as photo ID and proof of citizenship requirements, and opposing important reforms that will make registration and voting more accessible, such as early voting, universal absentee balloting and Election Day Registration. Twenty-five voter ID bills were filed this year. Restrictive voter ID legislation was passed in Georgia, Arizona, and Indiana.¹
- **“Anti-fraud” responses are inappropriate and damaging.** Restrictive election reform bills do not proffer evidence of fraud that they purport to solve; in fact, these bills will lead to massive disenfranchisement of poor, minority and elderly voters and will not even solve the problems they purport to address.
- **Administrative problems remain uncorrected.** These reforms do not address the systemic administrative failures caused by under-trained, under-resourced poll workers and election officials that disenfranchise countless eligible citizens.
- **There are better alternative solutions.** Instead of restrictive reforms, states should build statewide, centralized voter registration databases that are dynamic, effective and interactive, as mandated by Help America Vote Act. This reform alone would address both concerns of access and ineligible voting.

How do restrictive voting requirements disenfranchise eligible voters?

- **Clear evidence exists that restrictive voting requirements impose a severe burden on voters** and are likely to disenfranchise poor, minority, elderly, disabled, and young voters, who are less likely to have photo identification and to move more frequently.
 - Approximately 6 to 10% of the American electorate does not have any form of state identification.¹
 - African Americans are four to five times less likely than whites to have photo identification.¹
 - Young adults (age 20-29) move almost 6 times more frequently than adults over 55, and minorities move 50% more frequently than whites.¹

- In Georgia, it is estimated that nearly 40% of seniors lack photo identification.
- **Restrictive voting measures are enforced in discriminatory ways** against poor, disabled, and minority voters to intimidate, misinform, stigmatize, and ultimately suppress the vote.