

Preventing Voter Fraud, Preserving Our Liberties

by attorney Richard C. Baker

With the 2014 midterm elections just a few weeks away and with the Senate along with many state and local elections up for grabs, the debate as to whether voting fraud is a serious issue in U.S. elections is back on center stage. Amidst a hotly contested governor's race with Bruce Rauner challenging the unpopular Governor Quinn, Illinois has entered the fray by easing voter restrictions.

In July, Governor Quinn, signed a law easing voter restrictions by granting Illinois residents the temporary right for this election only to register to vote and cast a ballot on the same day at specific locations. The temporary law also increases the number of days and hours for early voting, removes the provision requiring early voters to show a photo ID, and allows students attending Illinois public universities to shift their residences from their hometowns to their school-based living quarters and provides them on-campus polls. The Governor heralded the relaxed voter registration rules for this election as making it easier for more people to be able to exercise a basic democratic right. Conservatives cried foul noting not only the increased likelihood of fraud with the relaxed rules and the special grant to public university students, but also the temporary nature of the bill which applies only to his re-election bid in 2014.

So what is at the heart of the debate? Everyone acknowledges fair elections are essential to American democracy and that the right to vote—to freely choose our political leaders—is a fundamental political right necessary to preserve all our other rights. So important is the right to vote that the Civil Rights movement in the 60's made the overturn of laws, such as literacy tests, poll taxes, and the use of intimidation and violence, a top priority. This culminated in the 1965 Voting Rights Act designed to insure that every eligible citizen's voice would be heard at the ballot booth.

Unfortunately, the 1965 Voting Rights Act did not end

the debate. So, what are "fair" elections? At the center the controversy today is whether widespread voter fraud continues to plague our voting process. The answer to this question will determine whether one argues to tighten up voter regulations or relax them.

On the one hand, the Obama and the Quinn Administrations, in line with liberal groups such as the Brennan Center, Project Vote, and Media Matters for America argue for increased and not decreased access to voting through relaxed regulations. Denying that there is significant voter fraud, liberals point out incidents of voting fraud prosecutions are limited and assert that the studies show that voting rolls throughout America are essentially accurate. Accordingly, measures designed to clean up the rolls by removing ineligible or inactive voters, more restrictive voter ID requirements, and other restrictions to prevent voter fraud are unnecessary. Rather, they assert, the claim of widespread fraud is a ruse to keep minorities, the elderly and the poor away from the polls. They characterize efforts to remove thousands of ineligible names from the rolls, in places like Florida, Indiana and Kansas as reinstating Jim Crow laws and have challenged them in courts in Pennsylvania, Wisconsin, Florida, North Carolina and elsewhere as measures to suppress voting.

On the other hand, conservative groups maintain that fraud is widespread and while access to voting should be available for all eligible voters, the importance of the right to vote and common sense require that reasonable restrictions be in place to protect such a fundamental right. Conservative groups like Judicial Watch maintain that many voter registration lists have been poorly maintained at both state and local levels with names of 'state-hoppers' and the deceased cluttering their voting lists. In support, they cite studies like that of the Pew Research Center which estimates that about 24 million voter registrations in America are invalid or significantly inaccurate, with more than 1.8 million

dead people on the lists and about 2.75 million people registered to vote in more than one state. Ironically, the insistence by liberals that cleaning the rolls favors Republicans is an implied admission that there are real problems with the rolls and that Democrats are attempting to play them down because it helps their candidates. Recalling the Bush election which was decided by approximately 500 votes in Florida, conservatives argue every vote counts.

Another issue related to election fraud is the controversy surrounding the requirement to show a photo ID at the polls. As of 2014, 34 states have laws requiring voters to show some form of identification at the polls, with several pending, according to the National Conference of State Legislatures' website. As mentioned, in Illinois, a government-issued photo ID is required to vote early, except in this election. However, on Election Day one can show up at the poll, provide a signature that remotely resembles the one in the registration book and vote.

Here the debate centers on the difficulty to obtain a photo ID. According to a Pew Research Center poll completed before the 2012 election, 77 % of voters favored laws requiring voters to show a photo ID as a common sense restriction. In a September 2013 Bipartisan Policy Center/USA Today poll, 72% of African-American voters, 83% of Hispanic voters, and 72% of Democrats all supported voter ID. Despite this, liberal groups argue that there is little evidence of voter fraud of this nature at the polls and that their constituents (minorities, seniors, and college students) are more likely to be burdened by these requirements. In response, conservatives claim this to be inaccurate noting the Census Bureau's report in 2013 that the African-American voting rate in 2012 (66.2%) surpassed the Caucasian voting rate (64.1 percent), even in states with the toughest photo-ID requirements.

As for evidence of widespread abuse, conservatives need not harken back to the days when Daley was accused of stealing the election for John F. Kennedy in Chicago. In a recent investigation by New York City's Department of Investigations, undercover agents showed up at 63 polling places during a recent election using the names of persons who were imprisoned, dead or who had moved. They were allowed to vote 97% of the time. After publishing a report highlighting the Board of Elections' lax procedures and outdated records, the Board responded, not by reforming the system, but by suing the impersonators. Judicial Watch further cites its own study in which it is reviewing the voter rolls of all states covered by the National Voter Registration

Act. Although not complete, so far, it has uncovered 226 U.S. Counties that have more registered voters than voting-age populations.

There is, however, one point where many liberals concede that voter fraud does occur-excessive use of absentee ballots which they say favors Republicans. The problems with absentee voters was also named by the bipartisan Commission on Federal Election Reform after the 2000 presidential election in Florida. Though liberals and conservatives dispute which areas of voting need reform, both end up finding ongoing problems.

Surely, the debate will continue so, what can you do before and after the election to support an honest system of counting votes?

Support fair voter-ID laws.

Chicago is known for the saying "vote early, vote often." Proper verification is common sense. Voter fraud doesn't need to be established to pass a voter-ID law because of the risk that election fraud could weaken American's trust in the election system.

Stay up-to-date with your own voter registration information.

Renewing your voter registration information is the last thing on your mind during a move, but it is necessary to update your new address to correct your data in the complicated voting system. Failure to do so could cause you to be registered twice, and can remove the appearance of double voting or having your vote disqualified.

Work at the polls to keep the system legal.

"We've forgotten our civil duty in this particular area [election integrity]," said Catherine Engelbrecht, Founder of True the Vote, on a recent panel for the Heritage Foundation on Election Integrity. "We should all be out there helping to facilitate, to observe. This is a non-partisan effort. Election integrity should unite us not divide us."

Engelbrecht's quote is telling in the use of the word "non-partisan". So many efforts in the name of politics are polarized by party affiliation, but fair elections are something all Americans can and should support. Contact your local city officials to find out which voting polls need volunteers on Election Day. ■