

**VOTE FRAUD, INTIMIDATION & SUPPRESSION IN
THE 2004 PRESIDENTIAL ELECTION**



July 21, 2005

“Free and honest elections are the very foundation of our republican form of government. Hence any attempt to defile the sanctity of the ballot cannot be viewed with equanimity.”

United States v. Classic, 313 U.S. 299 at 329 (1941).



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Legislative Fund

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Dear Fellow Americans:

The American Center for Voting Rights Legislative Fund (“ACVR Legislative Fund”) is proud to present the following report as the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election. Using court records, police reports and news articles, ACVR Legislative Fund presents this “after action report” which documents hundreds of incidents and allegations from around the country, notes whether a factual basis for the charge exists and assesses what actions, if any, were taken by the responsible party, law enforcement or the courts. Most importantly, ACVR Legislative Fund makes eight key recommendations that, if implemented, will secure the American election system so that all voters will have the ability to participate free of intimidation and harassment and no legitimate voter will be disenfranchised by an illegal vote. These recommendations also call for accountability for the political parties and activist groups engaged in the political process by holding them responsible for the actions of their operatives seeking to cast illegal votes or to intimidate or harass voters.

ACVR Legislative Fund found that thousands of Americans were disenfranchised by illegal votes cast on Election Day 2004. For every illegal vote cast and counted on Election Day, a legitimate voter is disenfranchised. This report documents a coordinated effort by members of some organizations to rig the election system through voter registration fraud, the first step in any vote fraud scheme that corrupts the election process by burying local officials in fraudulent and suspicious registration forms.

ACVR Legislative Fund further found that, despite their heated rhetoric, paid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts during the 2004 presidential election. Whether it was slashing tires on GOP get-out-the-vote vans in Milwaukee or court orders stopping the DNC from intimidating Republican volunteers in Florida, the evidence presented in this report shows that paid Democrat operatives were responsible for using the same tactics in 2004 that they routinely accuse Republicans of engaging in.

Based on the findings of this report, it is clear that legislative reforms alone will not restore the public’s trust in the American election system. ***Thus ACVR Legislative Fund’s central recommendation is for both national political parties to formally adopt a zero-tolerance fraud and intimidation policy that commits them to repudiate any effort to intimidate voters or volunteers or commit vote fraud and to cooperate in the prosecution of any individual or allied organization that commits vote fraud or that seeks to intimidate any eligible voter from participating in the election.*** By its very nature, vote fraud is not a crime which an individual has an incentive to commit. The only object of vote fraud – or voter

intimidation – is to achieve a political result. As such, legislation reform and enforcement should focus on the political stakeholders who are the beneficiaries of any vote fraud or voter intimidation. ACVR Legislative Fund also makes specific recommendations for legislative reform that will help stop vote fraud before it happens. ACVR Legislative Fund was founded on the belief that it should be easy to vote but tough to cheat. These common-sense recommendations – such as requiring government-issued photo ID at the polls and accurate statewide voter registration databases – will help assure that all legitimate voters are able to cast a ballot and that no American is disenfranchised by illegal votes.

In addition to recommended changes and a zero-tolerance commitment by the political parties, ACVR Legislative Fund has identified five cities as “hot spots” which require additional immediate attention. These cities were identified based on the findings of this report and the cities’ documented history of fraud and intimidation. ACVR Legislative Fund will work with national and state political parties, state legislators and local officials to create a process that supports local election officials in these cities and ensures that any effort to continue the historic pattern of fraud and intimidation in the 2006 election is exposed and stopped.

1. Philadelphia, PA
2. Milwaukee, WI
3. Seattle, WA
4. St. Louis/East St. Louis, MO/IL
5. Cleveland, OH

ACVR Legislative Fund believes that public confidence in our electoral system is the cornerstone of our democracy. Punishing those who engaged in acts of vote fraud and voter intimidation in 2004 and strengthening the legislative safeguards against such activity in future elections makes clear to the American public that such activities are not tolerated at any level by any party and serves as a warning to deter those who may consider illegal activities for future elections. In the coming weeks and months, ACVR Legislative Fund will work with national and local leaders from both political parties as well as election officials and grassroots activists to restore citizens’ faith in the American electoral process.

As General Counsel and Chairman of the Board of the American Center for Voting Rights Legislative Fund, we are pleased to present this report to the public.

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TABLE OF CONTENTS

Executive Summary	7
I. ACVR Legislative Fund’s Recommendations For Future Action	9
II. Voter Intimidation & Suppression Introduction	11
III. Charges Of Voter Intimidation & Suppression Made Against Republican Supporters	12
3.1 Overview	12
3.2 Incidents Of Voter Intimidation & Suppression.....	13
IV. Charges Of Voter Intimidation & Suppression Made Against Democratic Supporters.....	22
4.1 Overview	22
4.2 Incidents Of Voter Intimidation & Suppression.....	22
V. Vote Fraud & Illegal Voting Introduction.....	34
VI. Vote Fraud, Voter Registration Fraud & Election Irregularities Around The Country	36
6.1 Alabama	36
6.2 Colorado.....	37
6.3 Florida	41
6.4 Illinois.....	46
6.5 Kentucky	47
6.6 Michigan	48
6.7 Minnesota.....	48
6.8 Missouri	49
6.9 Nevada.....	51
6.10 New Mexico.....	53

6.11	Ohio	55
6.12	Pennsylvania.....	62
6.13	Virginia	64
6.14	Washington.....	64
6.15	West Virginia.....	66
6.16	Wisconsin	68
	Index Of Exhibits	73

Executive Summary

The 2004 presidential election was unlike any other. A closely divided but highly passionate American electorate achieved the highest percentage of voter turnout since 1968, as 122 million voters went to the polls on Election Day. President George W. Bush was reelected with the most votes for any presidential candidate in history, while his challenger Senator John Kerry received the second most votes ever. However, despite huge voter turnout on November 2, recent studies have shown that public confidence in the American election system is low. As has been pointed out by election law expert Professor Richard L. Hasen, a post-election NBC News/*Wall Street Journal* poll found that more than a quarter of Americans worried that the vote count for president in 2004 was unfair. Moreover, a Rasmussen Reports poll found that 59 percent of Americans believed that there was “a lot” or “some” fraud in American elections.¹

The American Center For Voting Rights Legislative Fund (“ACVR Legislative Fund”) was founded on the belief that public confidence in our electoral system is the cornerstone of our democracy. ACVR Legislative Fund was established primarily to further the common good and general welfare of the citizens of the United States of America by educating the public about vote fraud, intimidation and discrimination which impacts the Constitutional right of all citizens to participate in the electoral process. This important task requires an honest accounting of activity during the 2004 election, so that we may move forward with a common set of facts to address the issues that undermine public confidence in American elections. ACVR Legislative Fund presents the following report as the most comprehensive and authoritative look at the facts surrounding allegations of vote fraud, intimidation and suppression leveled by both parties during the 2004 election. This investigation found the following:

- While Democrats routinely accuse Republicans of voter intimidation and suppression, neither party has a clean record on the issue. Instead, the evidence shows that Democrats waged aggressive intimidation and suppression campaigns against Republican voters and volunteers in 2004. Republicans have not been exempt from similar criticism in this area, as alleged voter intimidation and suppression activity by GOP operatives led the Republican National Committee to sign a consent decree repudiating such tactics in 1982. However, a careful review of the facts shows that in 2004, paid Democrat operatives were far more involved in voter intimidation and suppression efforts than their Republican counterparts. Examples include:
 - Paid Democrat operatives charged with slashing tires of 25 Republican get-out-the-vote vans in Milwaukee on the morning of Election Day.
 - Misleading telephone calls made by Democrat operatives targeting Republican voters in Ohio with the wrong date for the election and faulty polling place information.

¹ Professor Richard L. Hasen, Testimony Before The Commission On Federal Election Reform (Carter-Baker Commission), Washington, DC, April 18, 2005

- Intimidating and deceiving mailings and telephone calls paid for by the DNC threatening Republican volunteers in Florida with legal action.
 - Union-coordinated intimidation and violence campaign targeting Republican campaign offices and volunteers resulting in a broken arm for a GOP volunteer in Florida.
- Vote fraud and voter registration fraud were significant problems in at least a dozen states around the country. Vote fraud is a reality in America that occurred not only in large battleground states like Wisconsin but in places like Alabama and Kentucky. The record indicates that in 2004, voter registration fraud was mainly the work of so-called “nonpartisan” groups such as Association of Community Organizations for Reform Now (ACORN) and NAACP National Voter Fund. Examples include:
- Joint task force in Wisconsin found “clear evidence of fraud in the Nov. 2 election in Milwaukee,” including more than 200 felon voters, more than 100 double voters and thousands more ballots cast than voters recorded as having voted in the city.
 - NAACP National Voter Fund worker in Ohio paid crack cocaine in exchange for a large number of fraudulent voter registration cards in names of Dick Tracy, Mary Poppins and other fictional characters.
 - Former ACORN worker said there was “a lot of fraud committed” by group in Florida, as ACORN workers submitted thousands of fraudulent registrations in a dozen states across the country, resulting in a statewide investigation of the group in Florida and multiple indictments and convictions of ACORN/Project Vote workers for voter registration fraud in several states.

I. ACVR Legislative Fund's Recommendations For Future Action

No amount of legislative reform will effectively deter those who commit vote fraud and intimidation if there is no punishment of those individuals and organizations that commit vote fraud or who intimidate voters. By its very nature, vote fraud is not a crime which an individual has an incentive to commit. The only object of vote fraud – or voter intimidation – is a political result. As such, legislation reform and enforcement should focus on the political stakeholders who are the beneficiaries of any vote fraud or voter intimidation. Past prosecutions of vote fraud tend to limit the prosecution to the individual operatives who are caught and not address the organizations sponsoring the illegal activity. Voters will not have confidence in legislative reforms unless individuals and organizations seeking to illegally influence the outcome of elections are held accountable. Those organizations whose workers commit vote fraud need to be held just as responsible as the individual operatives engaged in the fraud. Organizations often create conditions under which vote fraud is not only possible, but encouraged. Punishing those who engaged in vote fraud and intimidation makes clear to the American public that such activities are not tolerated at any level by any party and serves as a warning to deter those who may consider illegal activities in future elections.

ACVR Legislative Fund's central recommendation is for both political parties to adopt a zero-tolerance fraud and intimidation policy that commits them to reporting and cooperating in the prosecution of any individual and organization involved in fraud and intimidation during the 2004 election. Leaders of both political parties can take immediate steps to boost confidence in the electoral process by calling on law enforcement officials to punish the individuals and organizations that engaged in documented vote fraud and intimidation last year.

This report also makes specific recommendations for legislative reform that will help stop vote fraud before it happens and will assure citizens of the opportunity to participate in elections free of intimidation. ACVR Legislative Fund was founded on the belief that it should be easy to vote but tough to cheat. These recommendations – such as government-issued photo ID at the polls and accurate statewide voter registration databases – will help assure that all legitimate voters are able to cast a ballot and that no American is disenfranchised by illegal votes or being wrongly excluded from the voter roll.

ACVR Legislative Fund is committed to working with national and local leaders from both major political parties as well as election officials and grassroots activists to restore citizens' faith in the American electoral process. ACVR Legislative Fund presents the following recommendations for future action:

1. Both national political parties should formally adopt a zero-tolerance fraud and intimidation policy that commits the party to pursuing and fully prosecuting individuals and allied organizations who commit vote fraud or who seek to deter any eligible voter from participating in the election through fraud or intimidation. No amount of legislative reform can effectively deter those who commit acts of fraud if there is no punishment for the crime and these acts continue to be tolerated.

2. States should adopt legislation requiring government-issued photo ID at the polls and for any voter seeking to vote by mail or by absentee ballot. Government-issued photo identification should be readily available to all citizens without cost and provisions made to assure availability of government-issued identification to disabled and low income citizens.
3. States should adopt legislation requiring that all polling places be fully accessible and accommodating to all voters regardless of race, disability or political persuasion and that polling locations are free of intimidation or harassment.
4. States should create and maintain current and accurate statewide voter registration databases as mandated by the federal Help America Vote Act (“HAVA”) and establish procedures to assure that the statewide voter roll is current and accurate and that the names of eligible voters on the roll are consistent with the voter roll used by local election authorities in conducting the election.
5. States should adopt legislation establishing a 30-day voter registration cutoff to assure that all voter rolls are accurate and that all registrants can cast a regular ballot on Election Day and the election officials have opportunity to establish a current and accurate voter roll without duplicate or fictional names and assure that all eligible voters (including all recently registered voters) are included on the voter roll at their proper precinct..
6. States should adopt legislation requiring voter registration applications to be delivered to the elections office within one week of being completed so that they are processed in a timely manner and to assure the individuals registered by third party organizations are properly included on the voter roll.
7. States should adopt legislation and penalties for groups violating voter registration laws, and provide the list of violations and penalties to all registration solicitors. Legislation should require those organizations obtaining a voter’s registration to deliver that registration to election officials in a timely manner and should impose appropriate penalties upon any individual or organization that obtains an eligible voter’s registration and fails to deliver it to election authorities.
8. States should adopt legislation prohibiting “bounty” payment to voter registration solicitors based on the number of registration cards they collect.

II. Voter Intimidation & Suppression Introduction

Allegations of voter intimidation and suppression have been leveled by both political parties and across the political spectrum. This section of the report details the most serious of the allegations, notes the factual basis for the charges and what actions, if any, were taken by the responsible party, law enforcement or the courts. While some reference to past incidents and allegations are made in order to provide context to the study, this report focuses exclusively on the 2004 presidential election and assesses each allegation equally without regard to the political party against which the charge was made.

Democrats have traditionally alleged that Republicans engage in voter intimidation and voter suppression campaigns targeting minority communities. The 2004 presidential campaign was marked by aggressive, repeated and coordinated charges by Democrats that the GOP was engaged in a massive campaign to intimidate and harass minority voters, effectively keeping them away from the polls. These charges did not end on Election Day. After the election, in April 2005, Senator Kerry charged that “too many people were denied their right to vote, too many who tried to vote were intimidated.”² In June 2005, Democratic National Committee Chairman Howard Dean said “the Republicans are all about suppressing votes.”³

The following section addresses allegations of voter intimidation and suppression leveled by both parties in the 2004 election.

² *Kerry: Trickery Kept Voters From Polls*, Michael Kunzelman, THE ASSOCIATED PRESS, April 10, 2005

³ DNC Chairman Howard Dean, Remarks To The Campaign For America’s Future “Take Back America” Conference, Washington, DC, June 2, 2005

III. Charges Of Voter Intimidation & Suppression Made Against Republican Supporters

3.1 Overview

Democrats have traditionally alleged that Republicans engage in voter intimidation and voter suppression campaigns targeting minority voters. The 2004 presidential campaign was no different.

Charges of voter intimidation and suppression against Republicans typically refer back to allegations of such activity in New Jersey in the 1980s. In 1982, the Republican National Committee and New Jersey Republican Party signed a Consent Decree in federal court pledging that they would not condone any tactics that would intimidate Democrat voters. The Consent Decree was part of a settlement in a civil lawsuit brought by Democrats alleging that a Republican “ballot-security task force” frightened some minority voters from polling places during the 1981 general election in New Jersey. Democrats alleged that the Republican task force hired off-duty police officers to monitor polls and posted signs in minority areas warning against vote fraud. The RNC denied these allegations and agreed to a “Consent Decree.” Under the terms of the Consent Decree the RNC agreed to “refrain from undertaking any ballot security activities in polling places or election districts where the racial composition of such districts is a factor.”⁴

The New Jersey consent decree, and the events leading to the RNC’s agreement to sign it, has provided Democrats with a platform from which to charge Republicans with voter intimidation in elections since 1982. While a review of the consent decree provides historical context to charges of voter intimidation and suppression made against Republicans today, this report evaluates such activity occurring during the 2004 campaign. Of course, allegations mean little if not supported by facts. An internal Kerry-Edwards/DNC manual obtained by the press in October 2004 urged Democrat operatives to launch “pre-emptive strikes” alleging Republican voter intimidation against minority voters, regardless of whether evidence of such intimidation actually existed. The Kerry-Edwards/DNC “Colorado Election Day Manual” stated: “If no signs of intimidation techniques have emerged yet, launch ‘pre-emptive strike.’”⁵ Though titled “Colorado Election Day Manual” this document and its recommendations were reportedly part of the campaign plan used by Democrats in Florida and other battleground states.⁶

Any effort to suppress or intimidate any voter from freely participating in our election process is reprehensible. All credible allegations of such activity should be seriously investigated by the appropriate law enforcement authority and, where found to have occurred, prosecuted. It is, however, equally reprehensible to use false charges of voter suppression or harassment to motivate some segment of the electorate.

⁴ *GOP Agrees Not To “Intimidate” Democratic Voters*, THE ASSOCIATED PRESS, November 4, 1982; *GOP Agrees to Settle “Ballot Security” Suit*, Bill Peterson, THE WASHINGTON POST, July 24, 1987

⁵ Kerry-Edwards/DNC “Colorado Election Day Manual: A Detailed Guide To Voting In Colorado,” November 2004 (Exhibit A)

⁶ *Manual Reveals Voting Tactics*, Lucy Morgan, ST. PETERSBURG TIMES, October 15, 2004

The following section seeks to analyze the relative merits of the Democrats' allegations.

3.2 Incidents Of Voter Intimidation & Suppression

(a) Charges Of Long Lines Orchestrated By Republicans To Suppress The Minority Vote

On June 2, 2005, Democratic National Committee Chairman Howard Dean charged that Republicans caused long lines at polling places on Election Day to suppress the minority vote. Dean stated:

“The Republicans are all about suppressing votes: two voting machines if you live in a black district, 10 voting machines if you live in a white district. ... You know, the idea that you have to wait on line for eight hours to cast your ballot in Florida there's something the matter with that. ... Well, Republicans, I guess, can do that because a lot of them never made an honest living in their lives.”⁷

Dean was just the latest Democrat leader to make this charge. In January 2005, the Rev. Jesse Jackson charged that “blatant discrimination in the distribution of voting machines ensured long lines in inner-city and working-class precincts that favored John Kerry, while the exurban districts that favored President Bush had no similar problems.”⁸ The Democrat staff of the House Judiciary Committee, led by Ranking Member Rep. John Conyers (D-MI), alleged in a January 2005 report that “the misallocation of voting machines [in Ohio] led to unprecedented lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters.” The Conyers report specifically cited Franklin County, Ohio, as an area in which Republicans intentionally misallocated voting machines in order to cause long lines and disenfranchise minority voters.⁹

However, Democrat election officials in Franklin County and the U.S. Department of Justice have refuted this allegation. During the recent U.S. House Administration Committee hearing held in Columbus, William Anthony, Chairman of the Franklin County Democratic Party and County Board of Elections, flatly rejected the allegation that long lines were part of some effort to disenfranchise minorities and/or Democrat voters. Anthony further testified that long lines were not limited to minority and Democrat communities. Anthony stated under oath:

“Some have alleged that precincts in predominantly African American or Democratic precincts were deliberately targeted for a reduction in voting machines, thus creating the only lines in the county. I can assure you Mr. Chairman and members of the committee, both as a leader in the black community and Chairman of the local Democratic Party and

⁷ DNC Chairman Howard Dean, Remarks To The Campaign For America's Future “Take Back America” Conference, Washington, DC, June 2, 2005

⁸ *Senators Should Object To Ohio Vote*, Rev. Jesse Jackson, Op-Ed, CHICAGO SUN-TIMES, January 4, 2005

⁹ *Preserving Democracy: What Went Wrong In Ohio*, Report Of The House Judiciary Committee Democratic Staff, January 5, 2005

a labor leader and Chairman of the Board of Elections, that these accusations are simply not true.”¹⁰

Anthony stated that “on Election Day I spent several hours driving around the county in the rain and observed long lines in every part of our county, in urban and suburban neighborhoods, black and white communities, Democrat and Republican precincts.” He referred to those who made claims about long lines and disenfranchisement as “conspiracy theorists” and “Internet bloggers.”¹¹

Anthony noted that the entire process for allocating voting machines in the county was controlled by a Democratic supervisor.¹² He cited three reasons for the long lines in Franklin County on Election Day 2004: increased voter turnout, static resources and an exceptionally long ballot.¹³ Finally, Anthony was “personally offended” by these allegations. As he told *The Columbus Dispatch*, “I am a black man. Why would I sit there and disenfranchise voters in my own community? ... I feel like they’re accusing me of suppressing the black vote. I’ve fought my whole life for people’s right to vote.”¹⁴

In July 2005, the U.S. Department of Justice reported that its investigation of Franklin County found that the county “assigned voting machines in a non-discriminatory manner.” As to charges of racial disparities in voting machine allocation, the Justice Department found that “the allocation of voting machines actually favored black voters because more white voters were voting on each voting machine than black voters.” The Department reported that white precincts averaged 172 voters per machine, while black precincts averaged 159 voters per machine. Noting that elections in Franklin County – and everywhere in Ohio – are run by a six-member Board of Elections equally divided between Republicans and Democrats, the Department concluded that “long lines were attributable not to the allocation of machines, but to the lack of sufficient machines to serve a dramatically enlarged electorate under any allocation.”¹⁵

(b) State Rep. John Pappageorge’s Statement That Republicans Needed To “Suppress” The Detroit Vote

In the 2004 campaign, Democrats repeatedly cited a quote by 73-year-old Michigan state Rep. John Pappageorge as evidence of Republican plans to suppress the minority vote. In July 2004, Pappageorge was quoted by the *Detroit Free Press* as saying, “If we do not suppress the

¹⁰ Testimony Of William Anthony At U.S. House Committee On House Administration Hearing, Columbus, OH, March 21, 2005

¹¹ *Id.*

¹² *Jackson Will Join Call For Vote Probe*, Jon Craig and Robert Vitale, THE COLUMBUS DISPATCH, November 27, 2004

¹³ Testimony Of William Anthony At U.S. House Committee On House Administration Hearing, Columbus, OH, March 21, 2005

¹⁴ *Jackson Will Join Call For Vote Probe*, Jon Craig and Robert Vitale, THE COLUMBUS DISPATCH, November 27, 2004

¹⁵ Letter From John Tanner, Chief Of Voting Section Of U.S. Department Of Justice’s Civil Rights Division, To Franklin County Assistant Prosecuting Attorney Nick A. Soulas, Jr., June 29, 2005 (Exhibit B)

Detroit vote, we're going to have a tough time in this election." Detroit is 83 percent African American.¹⁶

When questioned about his statement, Pappageorge said the quote was misunderstood and then apologized to every Detroit legislator in the state House of Representatives. Pappageorge stated, "In the context that we were talking about, I said we've got to get the vote up in Oakland (County) and the vote down in Detroit. You get it down with a good message."¹⁷ Pappageorge immediately resigned from his position as a chairman of Michigan Veterans for Bush-Cheney.¹⁸

We have found no evidence of any plan by Pappageorge or others to suppress the minority vote in Detroit. In fact, minority voter participation in the presidential election in Michigan was up in 2004.¹⁹ Voter turnout in Detroit increased in 2004 from 2000, and African American voters reportedly voted 95 percent for John Kerry.²⁰ Statements such as those by Pappageorge are highly inflammatory, even in the absence of any corresponding effort to suppress voter turnout. No political party, candidate or campaign should premise its success on a strategy of suppressing the participation of any class or group of voters, whatever that group of voters' racial or demographic characteristics. Rather, the political process works best when the parties, candidates and their campaigns focus on delivering a message that encourages their support and seeks to persuade voters to support their position.

(c) Charges That Republicans Spread Misinformation On Date of Election And Polling Places

In the weeks leading up to Election Day 2004, there were scattered reports of misinformation being spread about where and when the vote would take place. In Ohio, there were reports of fliers being distributed that said Republicans were to vote on Tuesday (November 2) and Democrats on Wednesday (November 3). Callers to nursing homes reportedly told senior citizens that the elderly were not allowed to vote and other callers directed people to the wrong polling places in African American neighborhoods or said voters who owed back child support or had unpaid parking tickets would be arrested if they came to the polls.²¹

No paid Republican operative has been linked to these misinformation efforts. A review of such incidents linked to paid Democrat operatives appears in the next section of this report. While we found no evidence that GOP operatives were responsible for these heinous acts, both the Republican and Democrat parties and law enforcement should be fully committed to investigating and prosecuting all reported efforts to misinform voters, or any effort to

¹⁶ *Democrats Blast GOP Lawmaker's 'Suppress The Detroit Vote' Remark*, THE ASSOCIATED PRESS, July 21, 2004

¹⁷ *Id.*

¹⁸ *Remark Sets Off Election Fervor*, Kathleen Gray, DETROIT FREE PRESS, October 13, 2004

¹⁹ *Blacks, Hispanics Vote For Kerry But Energize Both Campaigns*, Gromer Jeffers Jr., THE DALLAS MORNING NEWS, November 3, 2004

²⁰ *Voters Brave Rains, Long Lines In Michigan To Cast Votes On Election Day*, THE ASSOCIATED PRESS, November 3, 2004; *Kerry Holds Narrow Lead In Divided Michigan*, Charlie Cain and Mark Hornbeck, THE DETROIT NEWS, November 3, 2004

²¹ *Analysis: Ohio Voters Wait And Vote*, Al Swanson, UNITED PRESS INTERNATIONAL, November 2, 2004

intentionally misdirect a voter so the voter will be denied the opportunity to participate in the election. What follows is a review of incidents in which it was charged that Republicans misinformed Democrat voters in 2004.

News reports indicate that in Franklin County, Ohio, a bogus flier was distributed telling Democrats to vote on Wednesday, November 3, the day after Election Day. The flier falsely claimed to be from the Franklin County Board of Elections. Republican operatives were never linked its distribution, and the Chairman of the Franklin County Democratic Party “didn’t think it was a ploy by his Republican counterparts.” Election officials took action to counteract this false information.²² Franklin County Elections Director Matthew Damschroder, a Republican, held a press conference to warn voters about the fraudulent flier and reemphasize that the election was indeed on November 2. The county Elections Board also mailed a post card to each of the more than 800,000 registered voters in the county informing them of their correct precinct and voting location at a cost of over \$250,000 to the county.²³ These efforts by election officials to respond quickly to reports of voter misinformation are commendable and illustrate responsible action in response to this issue.

In Lake County, Ohio, some voters reportedly received letters on fake election board letterhead telling them that if they were registered by certain Democrat groups they would be unable to vote on Election Day.²⁴ The letter, headlined “Urgent Advisory,” said that no one registered by NAACP, America Coming Together (ACT), or the John Kerry and Capri Cafaro campaigns would be able to vote because the groups had registered voters illegally.²⁵ ACT spokesman Jess Goode charged that the letter was “proof positive that the Republicans are trying to steal the election in Ohio. They know they can’t win if all legitimate Ohio voters cast their ballots, so they’re kicking up a storm of voter intimidation and suppression.”²⁶ The Cleveland *Plain Dealer* reported that Lake County Sheriff Dan Dunlap was investigating the matter. We could find no evidence that any paid Republican operative was linked to these letters in Lake County.

In Milwaukee, a flier from the fictional group “Milwaukee Black Voters League” was reportedly distributed in African American neighborhoods inaccurately telling voters they were ineligible if they voted previously in the year or if they had been convicted of any offense, no matter how minor.²⁷ The flier also warned, “If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.”²⁸ A spokesman for the Wisconsin Republican Party denounced the flier as “appalling,” and a Bush-Cheney ‘04

²² *As Election Draws Near, Beware Of Dirty Tricks*, Suzanne Hoholik, THE COLUMBUS DISPATCH, November 2, 2004

²³ Testimony Of William Anthony At U.S. House Committee On House Administration Hearing, Columbus, OH, March 21, 2005; *As Election Draws Near, Beware Of Dirty Tricks*, Suzanne Hoholik, THE COLUMBUS DISPATCH, November 2, 2004

²⁴ *Charges Of Dirty Tricks, Fraud And Voter Suppression Already Flying In Several States*, Kate Zernike and William Yardley, THE NEW YORK TIMES, November 1, 2004

²⁵ *Voters Told To Ignore Hoax*, Grant Segall, [Cleveland] PLAIN DEALER, October 29, 2004; *Court Actions Piling Up On Ohio Voter Eligibility*, John Nolan, THE ASSOCIATED PRESS, October 28, 2004

²⁶ *Voters Told To Ignore Hoax*, Grant Segall, [Cleveland] PLAIN DEALER, October 29, 2004

²⁷ *Campaigns Condemn Political Flier*, Steve Schultze, Milwaukee Journal Sentinel, October 30, 2004

²⁸ *Now They’re Registered, Now They’re Not*, Jo Becker and David Finkel, THE WASHINGTON POST, October 31, 2004

spokesman said the campaign would “not tolerate any effort to suppress or intimidate voters.”²⁹ We were unable to find any reports of Republican operatives linked to the Milwaukee fliers.

At least some of the misleading information on voting locations came from the Kerry campaign itself. On Election Day, *The Columbus Dispatch* reported that hundreds of Columbus voters received directions to the wrong polling places after Kerry campaign canvassers “mixed up the precincts in several Columbus neighborhoods.” While the *Dispatch* reported that the affected neighborhoods were “predominantly pro-Kerry,” some residents were extremely unhappy after receiving directions to the wrong polling place. Dawn M. McCombs, 37, “who complained to the Ohio Democratic Party about the error,” said “This just really makes me mad ... It’s just stupid.” Columbus resident Yolanda Tolliver, who received one of the Kerry campaign fliers, was concerned about how the mistake might affect the area’s elderly and poor residents. “We have people who have to work, and people who don’t work at all. They’re used to being discouraged. What happens is when they get frustrated, they won’t vote at all,” Tolliver said. Franklin County Board of Elections Director Matthew Damschroder said that while he didn’t think the distribution of the incorrect poll information was “malicious,” it “could disenfranchise a voter.”³⁰

(d) McAuliffe Letter Alleging RNC-Funded Disenfranchisement

On October 13, DNC Chairman Terry McAuliffe sent a letter to RNC Chairman Ed Gillespie accusing Republicans of “systematic efforts to disenfranchise voters – to impose unlawful ID requirements in New Mexico, to throw eligible voters off the rolls in Clark County Nevada and to deprive voters of their rights to vote a provisional ballot in Ohio, among other examples.” The letter argued that while Republicans claimed to combat vote fraud, “it is actually the Republicans who are engaging in vote fraud in Nevada, Oregon and potentially other states.” McAuliffe cited the example of a voter registration organization paid by the RNC that was accused of “ripping up Democratic voter registration forms” in Nevada.³¹

McAuliffe’s reference to “ripping up Democrat voter registration forms” was a reference to the charges leveled by a former employee of the voter registration firm Sproul & Associates. These charges were, however, later found to be without merit. In October 2004, former Sproul & Associates employee Eric Russell claimed to have witnessed his supervisors tearing up Democrat registration forms. Russell, who admitted to being a disgruntled employee upset about not being paid for work he claimed to have done, said he witnessed his supervisor shred eight to ten Democratic registration forms from prospective voters.³²

On the basis of these allegations, the Nevada Democratic Party sued the state of Nevada to reopen voter registration only in Clark County. A state court judge rejected the suit, saying

²⁹ *Campaigns Condemn Political Flier*, Steve Schultze, Milwaukee Journal Sentinel, October 30, 2004

³⁰ *Kerry Crew Gives Some Voters Wrong Poll Site*, Matthew Marx and Dean Narciso, THE COLUMBUS DISPATCH, November 2, 2004

³¹ Democratic National Committee, *McAuliffe Letter Demands Answers From Gillespie On RNC Funded Vote Fraud*, Press Release, October 13, 2005

³² *Executive Denies Voter Registration Forms Destroyed In Nevada*, Adam Goldman, THE ASSOCIATED PRESS, October 13, 2004

that Democrats' thin evidence of registration forms actually being destroyed did not justify reopening the registration process.³³

In late October, Nevada Secretary of State Dean Heller announced that a state investigation of Eric Russell's claims against Sproul found "no evidence of an organized or concerted effort which would influence or impact the result of the elections in Clark County based on these allegations."³⁴

Allegations were also made that Sproul & Associates was registering Republicans exclusively and tearing up registration cards in Minnesota, Oregon, Pennsylvania and West Virginia.³⁵ While the Secretary of State and Attorney General launched investigations of Sproul's activities in Oregon, there are no reports indicating any indictments or other legal actions taken against Sproul or its workers in these states.³⁶ The mere fact of these allegations and the other documented abuses of the voter registration process and incidents of voter registration fraud detailed in this report support reforming the process by which third-party groups participate in voter registration efforts and call for more accountability and oversight of third party voter registration efforts by election officials.

(e) Charges That Republicans Targeted Minority Precincts For Polling Place Challengers In Jefferson County, Kentucky

Prior to and since the 2003 elections, Democrats and their allies alleged that the Jefferson County, Kentucky, Republican Party's placement of challengers in Democrat precincts was an attempt to suppress the African American vote by illegally targeting precincts in the county based on race.³⁷ Days before the 2003 gubernatorial election, the American Civil Liberties Union filed a lawsuit accusing the county Republican Party of singling out minority Democrat precincts for intimidation through vote challengers.³⁸

On November 4, Jefferson County Circuit Judge Thomas Wine denied the ACLU's effort to ban GOP challengers from the polls and determined that their allegations of racial targeting were not supported by the evidence. Judge Wine found that Republicans placed challengers in county precincts without regard to any racial criteria. The judge ruled that the county Republican Party used a "racially neutral" method of placing challengers, choosing those precincts "with the highest percentage of registered Democratic voters vis-à-vis Republican." Judge Wine noted that "speculation alone" by the ACLU and Democrats about the challengers' placement was "not sufficient" to merit a restraining order. According to Judge Wine's order,

³³ *Nevada Judge Declines To Reopen Voter Registration In Vegas Area*, Ken Ritter, THE ASSOCIATED PRESS, October 15, 2004

³⁴ Nevada Secretary Of State, *Alleged Vote Fraud Investigations Ongoing*, Press Release, October 28, 2004

³⁵ *Voter Registration Drive Funded By GOP Accused Of Deception, Destroying Registration Cards*, Deborah Hastings, THE ASSOCIATED PRESS, October 22, 2004; *3 Former Workers: Firm Paid Pro-Bush Bonuses*, Mark Brunswick and Pat Doyle, STAR TRIBUNE, October 27, 2004

³⁶ *Vote Fraud Report Draws State Inquiry*, Jeff Mapes, THE OREGONIAN, October 14, 2004

³⁷ *The Long Shadow Of Jim Crow: Voter Intimidation And Suppression In America Today*, People For The American Way/NAACP Special Report, www.pfaw.org, Accessed April 12, 2005

³⁸ *GOP Vote Challengers Intended To Discourage Kentucky Democrats, Lawsuit Claims*, Mike Torralba, THE ASSOCIATED PRESS, November 1, 2003

state law entitled Republicans to have challengers at the polls on Election Day and barred such challengers from disrupting the election process by “intimidating or harassing verbally” any voter, under penalty of being removed from the polling place.³⁹

Despite the charge that Republicans were seeking to suppress the African American vote through their poll watcher program, the results of elections in 2003 and 2004 showed the opposite effect. In 2003, African American turnout actually increased in key county precincts targeted by Republicans for monitoring, and elections officials reported “no problems” with the Republican poll watchers.⁴⁰ President Bush actually lost Jefferson County by a larger margin in 2004 than he did in 2000. John Kerry won the county by 5,592 votes in 2004, while Al Gore won it in 2000 by 4,849 votes.⁴¹

(f) Ohio Challenger Allegations

In the weeks leading up to the 2004 election, the issue of partisan challengers at polling places in Ohio became a lightning rod for charges voter intimidation and suppression. Ohio law allows observers who have been properly registered and credentialed by boards of election to be present at polling locations to observe the conduct of election. The observers are supervised by election officials and have a narrowly defined role. Ohio law allows each party, as well as candidates and issue campaigns, to appoint these observers, denominated as “challengers” in the statutes. Both Republicans and Democrats applied to have thousands of challengers monitor the vote across Ohio on November 2.⁴²

Republicans said they wanted challengers in polling places because of concerns about fraudulently registered voters in Ohio.⁴³ Democrats said they registered challengers only to watch the GOP observers, who they accused of trying to intimidate minority voters. The Rev. Jesse Jackson called the Republican challenger effort “Old South politics, a type of intimidation.”⁴⁴

Democrats “filed lawsuits accusing the GOP of trying to suppress turnout and intimidate black voters” through their challenger program. One lawsuit, filed by civil rights activists Marian and Don Spencer, asked U.S. District Judge Susan J. Dlott of Cincinnati “for an emergency restraining order barring partisan challengers from polling stations” in Ohio on the grounds that such challengers would “intimidate black voters.”⁴⁵ Another lawsuit brought by Summit County Democrats asked U.S. District Judge John Adams of Akron to “to declare unconstitutional a decades-old Ohio law that allows challengers to sit in polling places and

³⁹ See *Curington v. Richardson*, Jefferson Circuit Court, Case No. 03CI9552 (November 4, 2003 Order). (Exhibit C)

⁴⁰ *Jefferson Turnout*, Joseph Gerth, THE COURIER-JOURNAL, November 6, 2003; *Precincts See No Trouble With Monitors*, THE COURIER-JOURNAL, November 5, 2003

⁴¹ CNN Website, www.cnn.com, Accessed May 4, 2005; CBS News Website, www.cbsnews.com, Accessed May 4, 2005

⁴² *Challenges At The Polls Tuesday Are Limited*, Mark Niquette, THE COLUMBUS DISPATCH, October 31, 2004

⁴³ *Two Big Legal Wins For Ohio GOP*, CBS NEWS, November 2, 2004

⁴⁴ *Jackson: Republican Voter Challenges Reminiscent Of Old South*, THE ASSOCIATED PRESS, November 1, 2004

⁴⁵ *Judge To Decide If GOP Can Challenge Voters*, Bill Sloat and Jesse Tinsley, [Cleveland] PLAIN DEALER, November 1, 2004

challenge voters.”⁴⁶ Both Judge Dlott and Judge Adams held that the Ohio statute providing for challengers was unconstitutional and barred challengers from the polls on Election Day.⁴⁷ Neither Dlott or Adams ruled that the Republican challengers were intended to suppress minority voter participation. During the hearing before Judge Dlott Republicans were questioned extensively about the Republican challengers and the evidence established that the determination of which polling places Republican challengers observed was made without regard to any racial characteristic of the precincts in which challengers participated.

However, early on the morning of Election Day, a three-judge panel from the 6th U.S. Circuit Court of Appeals in Cincinnati overturned the lower courts’ rulings to allow challengers in Ohio polling places. The court ruled that the presence of Election Day challengers was allowed under state law, and that while registered voters should be able to cast ballots freely, there is also a “strong public interest in permitting legitimate statutory processes to operate to preclude voting by those who are not entitled to vote.”⁴⁸ The Plaintiffs appealed the 6th Circuit’s ruling to the U.S. Supreme Court, but Associate Justice John Paul Stevens declined to hear the case, and thus refused to block the election challengers. Justice Stevens wrote that while the accusations leveled by the Plaintiffs were “undoubtedly serious” time was too short for the court to render a proper decision. Stevens also expressed faith in local election officials in declining to hear the case by writing, “I have faith that the elected officials and numerous election volunteers on the ground will carry out their responsibilities in a way that will enable qualified voters to cast their ballots.”⁴⁹

Allegations that Republican challengers in the polls would “intimidate and suppress the black vote” in Ohio in 2004, were spectacularly unfounded. African American turnout was up in predominantly black precincts in Ohio. In Cleveland, “turnout was up nearly 22 percent [from 2000] and it went higher in some black wards.” In 2004, President Bush doubled his support from Ohio’s black voters from 2000. According to the Cleveland *Plain Dealer*, “Black voters may have given President Bush the edge in Ohio.”⁵⁰ The paper also reported that the “most feared delays of the election – from Republican challengers questioning the validity of voters at the polls – never materialized.”⁵¹ According to the *New York Times*, “there were no reports that large numbers of voters were being challenged or denied a ballot [in Ohio].”⁵²

On April 28, 2005, U.S. District Judge Susan J. Dlott issued an order denying a second motion for preliminary injunction against Republicans, holding that no voter’s due process rights

⁴⁶ *Poll Rulings Monday*, Stephen Dyer, AKRON BEACON JOURNAL, October 30, 2004

⁴⁷ *G.O.P. In Ohio Can Challenge Voters At Polls*, James Dao and Adam Liptak, THE NEW YORK TIMES, November 2, 2004

⁴⁸ *G.O.P. In Ohio Can Challenge Voters At Polls*, James Dao and Adam Liptak, THE NEW YORK TIMES, November 2, 2004; *Federal Court Clears The Way For GOP Representatives To Challenge Voters’ Eligibility In Ohio*, Lisa Cornwell, THE ASSOCIATED PRESS, November 2, 2004

⁴⁹ *Justice Lets Ohio Ruling On Monitors At Polls Stand*, Adam Liptak, THE NEW YORK TIMES, November 3, 2004

⁵⁰ *Both Parties Take Heart From Black Voters’ Turnout*, Olivera Perkins and Margaret Bernstein, [Cleveland] PLAIN DEALER, November 7, 2004

⁵¹ *Long Waits Biggest Problem At Most Polling Places*, Scott Hiaasen et al., [Cleveland] PLAIN DEALER, November 3, 2004

⁵² *Voters Find Long Lines And Short Tempers, But Little Chaos At Polls*, Robert D. McFadden, THE NEW YORK TIMES, November 3, 2004

are violated by Ohio's polling place challenger rules. Judge Dlott ruled that there was no evidence to support giving the plaintiffs any relief on any of their claims.⁵³

The plaintiffs in the case had claimed that the procedures established by the Republican Secretary of State would deprive properly registered voters of the opportunity to vote. They asserted that a voter whose qualifications to vote were challenged would be denied rights because they might fail to fully answer questions put to them by the precinct judges. According to Judge Dlott, the plaintiffs "failed to establish a likelihood of success on the merits of claims and have not shown that any irreparable injury has resulted or will result from the [challenge] procedures." Judge Dlott held that the plaintiffs "produced no evidence at the hearing that any eligible voter was wrongfully denied a ballot under [the Ohio challenger rules] in the November 2004 election or that such a voter would be denied a ballot in any future election." Judge Dlott reasoned that "while the magnitude of the burden of having one's properly registered right to vote revoked is great, there is no evidence that it has happened or will happen in May's primary."⁵⁴

It has been noted that it is not difficult to convince the winner of an election that the result was proper and the election was fair and honest. The difficulty is to assure the losing candidate and party that the election was legitimate. Providing openness and transparency in the conduct of elections is an important means to assure that voters and the participants in the election (the candidates and political parties) – especially those who sought a different outcome - have confidence that the election has been conducted in a fair and honest manner and that the result is a legitimate expression of the will of the voters. The presence of observers in polling places deters attempts at vote fraud and also provides assurance that there was no misconduct by election officials. All political parties and candidates should have appropriate means to have observers in polling places. State law should allow a role for observers and should provide them a meaningful opportunity to monitor the conduct of the election without interfering with the lawful conduct of the election. As the Ohio and Kentucky litigation illustrate, the mere presence of observers in polling places also invites legal challenge that such a presence is in some manner discriminatory. The outcome of the Ohio and Kentucky litigation and the actual participation in the respective elections by minority voters suggests that claims of observers lawfully monitoring the conduct of the election does not deter participation by minority or other voters.

⁵³ See *Spencer v. Blackwell, et al.*, United States District Court for the Southern District of Ohio, Case No. C-1-04-738 (April 28, 2005 Order). (Exhibit D)

⁵⁴ *Id.*

IV. Charges Of Voter Intimidation & Suppression Made Against Democratic Supporters

4.1 Overview

In June 2004, as each campaign traded charges of intimidation, suppression and fraud, RNC Chairman Ed Gillespie sent a letter to DNC Chairman Terry McAuliffe proposing that the two parties work together to place election lawyers and embedded reporters at key polling places to monitor the vote on Election Day. McAuliffe did not respond to this suggestion but sent a letter to Gillespie in October charging the GOP with “systematic efforts to disenfranchise voters.”⁵⁵

Into late October, this charge of voter suppression became a common talking point for Democrat politicians and their supporters. The Rev. Jesse Jackson said on CNN, “The big issue in Florida is not whether we vote, the big issue is vote suppressing.”⁵⁶ Greg Moore, Executive Director of the NAACP National Voter Fund, said, “There are forces across [Ohio], very powerful people, trying to suppress and intimidate the minority community from voting.”⁵⁷ Sen. Hillary Clinton (D-NY) warned Democrats to watch out for GOP-orchestrated “shenanigans” on Election Day, saying, “For an administration and a president who likes [sic] to go around talking about exporting democracy, it ought to start here at home, and they ought to protect the right to vote in America.”⁵⁸ Vice Presidential candidate Sen. John Edwards (D-NC) stated that Republicans were “up to their old tricks ... trying to keep people from voting.”⁵⁹

The following is a summary of all documented cases of voter suppression, harassment and intimidation during the 2004 general election. The following incidents are derived from court pleadings and press coverage concerning the activity of both parties.

4.2 Incidents Of Voter Intimidation & Suppression

(a) Five Democrat Operatives In Milwaukee Charged With Slashing Tires Of Republican Vans On Morning Of Election Day⁶⁰

On Monday, January 24, 2005, five Democrat operatives were charged with felony counts of “criminal damage to property” for slashing the tires of 25 get-out-the-vote vans rented by Republicans early on the morning of Election Day. The vans had been rented by Republicans to help transport observers and voters to the polls on Election Day. The five individuals charged in the case were all paid Democrat operatives. Two defendants in the case are the sons of

⁵⁵ Democratic National Committee, *McAuliffe Letter Demands Answers From Gillespie On RNC Funded Vote Fraud*, Press Release, October 13, 2005

⁵⁶ CNN’s “Late Edition,” October 24, 2003

⁵⁷ NAACP National Voter Fund, *NAACP Chairman Julian Bond Headlines Get-Out-The-Vote Rally/Town Hall Meeting*, Press Release, October 29, 2004

⁵⁸ *Sen. Clinton In S.F.*, Mary Anne Ostrom, SAN JOSE MERCURY NEWS, October 16, 2004

⁵⁹ *Edwards: Republicans Will Be ‘Up To Their Old Tricks,’* Liz Sidoti, THE ASSOCIATED PRESS, October 16, 2004

⁶⁰ Milwaukee Criminal Complaint attached as Exhibit E

prominent Milwaukee Democrats: U.S. Rep. Gwen Moore and former Acting Mayor Marvin Pratt, Chairman of the Kerry-Edwards campaign in Milwaukee.⁶¹ The following is a list of the individuals charged with slashing tires on the morning of November 2, 2004, and their connections to the Democrat campaign in 2004:

- **Michael J. Pratt**
 - ✓ Paid \$7,965.53 by the Democratic Party of Wisconsin in 2004
 - ✓ Pratt's father is former Acting Mayor Marvin Pratt, who chaired the Kerry-Edwards campaign in Milwaukee
- **Sowande Ajumoke Omodunde (a.k.a "Supreme Solar Allah")**
 - ✓ Paid \$6,059.83 by Gwen Moore for Congress and the Democratic Party of Wisconsin in 2004
 - ✓ Son of U.S. Rep. Gwen Moore (D-WI)
- **Lewis Gibson Caldwell, III**
 - ✓ Paid \$4,639.09 by Gwen Moore for Congress and the Democratic Party of Wisconsin in 2004
- **Lavelle Mohammad**
 - ✓ Paid \$8,858.50 by the Democratic Party of Wisconsin and America Coming Together (\$966 for canvassing work in June and July) in 2004
- **Justin J. Howell**
 - ✓ Paid \$2,550.29 in 2004 by the Democratic Party of Wisconsin⁶²

According to the criminal complaint filed in the case, on the day before the election, DNC consultant Opel Simmons witnessed individuals at the Democratic headquarters in Milwaukee discussing a plan to go to the Republican campaign office and cover it with yard signs, placards and bumper stickers. They referred to their plan as "Operation Elephant Takeover." However, upon learning that there were security guards at the Republican headquarters, they called off the operation.⁶³

According to the complaint, at about 3 a.m. on Election Day, several people at the Democratic headquarters were gearing up for another project. Some of them dressed in what was described as "Mission Impossible" type gear – black outfits and knit caps. Simmons asked them what they were up to and warned them about the security guard. One of them told Simmons, "Oh, man, you don't want to know, you don't want to know." They were laughing and joking and continued to tell Simmons that he did not want to know what they were going to do.⁶⁴

⁶¹ *5 Charged In GOP Tire Slashings*, Derrick Nunnally, MILWAUKEE JOURNAL SENTINEL, January 25, 2005

⁶² Federal Election Commission Website, www.fec.gov, Accessed April 6, 2005

⁶³ Milwaukee Criminal Complaint

⁶⁴ *Id.*

About 20 minutes later, the group returned to Democrat headquarters very excited, saying things like:

- “They won’t go anywhere now, man, we got ‘em, we got ‘em”
- “Man, I walked right past the security guard. He didn’t even know anything was going on.”
- “That’s ‘cause, you know, I was acting all crazy, you know, I was acting crazy. I even let him watch me piss.”⁶⁵

The group went on talking about the affair and described the sound of the air escaping the tires. There was apparently much bragging as they described their various roles in the escapade. Mohammad was the “deception guy” who walked around acting drunk. According to the criminal complaint, when Simmons asked them what was going on, defendant Michael Pratt told him, “We got ‘em. We hit the tires.” Simmons told investigators that at some point on Election Day a staffer at Democrat headquarters pulled an article on the tire-slashing incident from the *Milwaukee Journal Sentinel*’s website. Simmons said that upon seeing the article, defendant Lavelle Mohammad said he wanted to frame it and put it on his wall. Simmons said he did not talk to any of the other defendants about the tire slashing incident over the course of Election Day.⁶⁶

While the Kerry-Edwards campaign and state Democrats denied knowledge of the plan to vandalize the Republican get-out-the-vote vehicles, the vehicle used by the defendants was rented by Simmons, a political consultant from Virginia working for the DNC in Wisconsin. According to the criminal complaint filed in the case, Simmons told police that he had rented the vehicle “to be used by his workers for their campaign activities.” When questioned by police on the night of November 2, Simmons said he knew that five of his workers were involved in slashing tires at Republican headquarters early that morning, and identified all five defendants to police.⁶⁷

In all, forty tires on 25 separate vehicles were slashed in the incident causing \$4,192.35 of damage to the tires, plus \$1,125 in towing charges. Since the damage exceeded the \$2,500 threshold for a felony, the five were charged with felony “criminal damage to property,” which carries a maximum punishment of 3 1/2 years in prison and a \$10,000 fine. The five defendants pleaded not guilty at their March 4 arraignments.⁶⁸ A trial was originally scheduled for mid-July, but has since been postponed until January 2006.⁶⁹

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Trial Set In Tire Slashings*, Derrick Nunnally, MILWAUKEE JOURNAL SENTINEL, March 5, 2005

⁶⁹ *5 To Be Tried Early Next Year In Election Day Tire-Slashing*, MILWAUKEE JOURNAL SENTINEL, July 18, 2005

(b) Court Issues Injunction Against Democrat Operatives Targeting Ohio Voters With Phone Calls Providing Deceptive Information to Voters

During the U.S. House Administration Committee hearings in March 2005, a common point of inquiry was the issue of phone calls made in an apparent effort to misdirect voters. The committee's Ranking Member, Rep. Juanita Millender-McDonald (D-CA), stated that Ohio voters were "disenfranchised" when "voters were told ... that the presidential election would be on Wednesday the 3rd of November as opposed to November 2nd."⁷⁰

Ohio voters who had identified themselves as Republicans received telephone calls telling them that the election was to be held a day later than Election Day, that their polling locations had been changed and that they could only vote if they brought four separate pieces of identification to the poll. This information was intentionally deceptive and intended to direct voters to a polling place where they would not be able to cast a ballot.

The Marion County Common Pleas Court issued a temporary restraining order against the Marion and Greene County Democratic Parties, the Ohio Democratic Party and America Coming Together (ACT) enjoining them from making inaccurate and deceptive phone calls to targeted voters.⁷¹ The judge originally assigned to the case recused himself because he had "personally received a phone call" like the one described by the plaintiff in which incorrect information about date of the election and polling place was given, a point he noted in the Judgment Entry he signed effectuating his recusal. The Ohio Supreme Court appointed a visiting judge to hear the case who then issued a temporary restraining order against the county and state Democrat parties and against ACT.⁷²

Judge David C. Faulkner ordered state and local Democrats and ACT to stop their calls "misstating the date of the November 2, 2004 election" and "directing [voters] to the wrong location to which they should report to vote."⁷³ Faulkner's restraining order specifically stopped the Democrats from the following activities:

"Any acts of interfering in any way with the rights of Ohio registered voters to vote in the November 2, 2004 election, including, but not limited to, telephoning or contacting in any way any such registered voters and misstating the date of the November 2, 2004 election, directing them to the wrong location to which they should report to vote, telling such voters that they must bring certain documentation to the polls in order to vote and suggesting to, telling or implying to said voters that there are procedural and/or documentary hurdles they must overcome in order to vote in the November 2, 2004 election."⁷⁴

⁷⁰ Rep. Juanita Millender-McDonald (D-CA), U.S. House Committee On House Administration Hearing, Columbus, OH, March 21, 2005

⁷¹ See *Ohio Republican Party v. Marion County Democratic Party et al.*, Marion County Court of Common Pleas, Case No. 04 CV 0791. (Exhibit F)

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

The Marion County Democratic Party provided an affidavit in the case that explained its role in the matter. The affidavit, as completed by Cathy Chaffin, Chair of the Marion County Democratic Party, explained that Kerry-Edwards campaign staffers made the misleading phone calls blocked by Judge Faulker's order. Chaffin stated in the affidavit that once she became aware that Kerry-Edwards staffers were using her office space to make calls giving "the wrong polling location" to voters, she tried multiple times to get them to stop the calls, to the point of threatening to kick them out of the office if the calls did not stop. Below are the key points from Chaffin's affidavit.⁷⁵

- The Marion County Democratic Party provided space to the Kerry-Edwards campaign for use as its campaign headquarters.
- Ms. Chaffin became aware that Kerry-Edwards staffers were placing telephone calls to voters and giving out voting locations and "that the wrong polling location was being given."
- Ms. Chaffin called Kerry-Edwards campaign staffer Jim Secreto and told him the activity must stop. She was assured that it would stop.
- A few days later, Ms. Chaffin learned that the phone calls were continuing. She again told Mr. Secreto to stop and again was told that the activity would cease.
- Finally, on Election Day, Ms. Chaffin learned that the telephone calls were still being made. At that time, she told Mr. Secreto that if the calls did not stop, he would have to leave Marion County Democratic Headquarters.⁷⁶

The case is still pending before the Marion County Court of Common Pleas.

(c) **Court Issues Injunction Against Democratic National Committee Ordering It To Stop Distributing Intimidating Materials To Republican Volunteers In Florida**

On Election Day 2004, a Seminole County, Florida, court stopped the DNC and state Democratic Party from "further intimidation" and dissemination of materials that were "designed or intended to intimidate or unduly threaten the activities of poll watchers" organized by the Florida Republican Party.⁷⁷

Florida law allows all candidates and political parties to have observers in polling places to monitor the conduct of the election. Both the Florida Republican Party and the state

⁷⁵ *Id.*

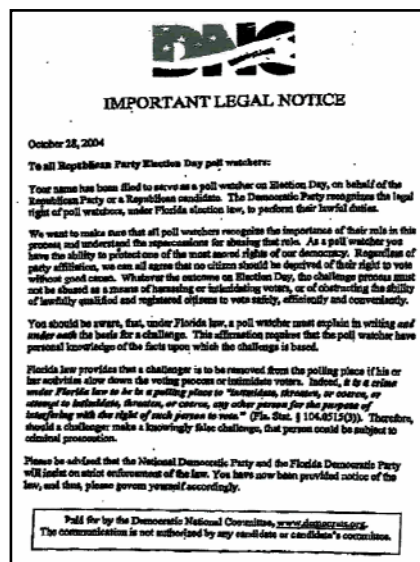
⁷⁶ *Id.*

⁷⁷ See November 2, 2004, Order on Motion for Temporary Injunction, *J. Thomas Monk, and All Those Persons Similarly Situated Throughout the State of Florida v. Democratic National Committee, Democratic Executive Committee of Seminole County, and the Florida Democratic Party*, 04-CA-2312-16-L. (Exhibit G)

Democratic Party organized thousands of volunteers to participate in the election observers in polling locations across Florida.⁷⁸

Under Florida law, the names and addresses of volunteer poll observers are filed with election officials in advance of the election. The DNC and Florida Democrat Party obtained these records on the identity of Republican poll observers and sought to prevent them from volunteering by sending them a letter threatening legal action against them personally. The letter, entitled “IMPORTANT LEGAL NOTICE,” stated that each poll watcher receiving the document had “now been provided notice of the law.”⁷⁹

Individual volunteers who received the letter threatening legal action by the DNC went to court in Seminole County and obtained an injunction against the DNC and the Florida Democratic Party.⁸⁰ Seminole Circuit Judge Nancy Alley ordered the DNC, Florida Democratic Party and Democratic Executive Committee of Seminole County to stop “further intimidation, further dissemination of these materials ... designed or intended to intimidate or unduly threaten the activities of poll watchers who are duly carrying out their responsibilities” granted under Florida law. The court ruled that the flyer constituted a “misrepresentation of [poll observers’] legal rights and obligations.”⁸¹ The DNC sought an emergency appeal of the trial court’s order to the Florida Appeals Court but was rebuffed.⁸²



(d) Intimidating And Misleading Phone Calls To GOP Volunteers Made By President Bill Clinton And DNC General Counsel Joe Sandler In Florida

In addition to the intimidating letters sent by the DNC to Republican volunteers, the DNC paid for recorded phone calls to Republican poll observers’ homes in Florida featuring the same message that the court in Seminole County found to be intimidating and misleading.

These phone calls were recorded by former President Bill Clinton and DNC General Counsel Joe Sandler. The call from Sandler said, “Please be advised that any challenge to a voter must be stated in writing, under oath, and that you must have direct and first-hand knowledge of the voter’s ineligibility. Interfering with a citizen’s right to vote is a serious offense and swearing out a false statement is a felony. Violations will be referred to federal and

⁷⁸ *Poll Watchers Will Keep Their Eyes On Florida*, Jeff Kunerth, ORLANDO SENTINEL, October 30, 2004

⁷⁹ DNC’s “IMPORTANT LEGAL NOTICE” Distributed To Republican Poll Observers In Florida (Exhibit H)

⁸⁰ See November 2, 2004, Order on Motion for Temporary Injunction, *J. Thomas Monk, and All Those Persons Similarly Situated Throughout the State of Florida v. Democratic National Committee, Democratic Executive Committee of Seminole County, and the Florida Democratic Party*, 04-CA-2312-16-L.

⁸¹ *Id.*

⁸² See *Democratic National Committee, et al. v. J. Thomas Monk*, District Court of Appeal of the State of Florida Fifth District, Case No. 5D04-3642. (Exhibit I)

state prosecutors.” The recording finished by noting, “This call is paid for by the Democratic National Committee, www.democrats.org, not authorized by any candidate.”⁸³

(e) **Court Orders MoveOn.org To Cease Voter Intimidation And Harassment In Ohio**

On Election Day, individuals in Franklin County, Ohio, were threatened and harassed at their polling places by agents of MoveOn.org after being asked about their voting preference and revealing their intention to vote Republican. Similar situations are alleged to have occurred elsewhere around the state and prompted a lawsuit filed in the Franklin County Common Pleas Court. Voters were intimidated by MoveOn.org in an attempt to dissuade them from voting for George W. Bush or in an attempt to harass them after they voted.⁸⁴

Examples of such intimidation include one plaintiff who arrived at his polling place and was called over to a table operated by MoveOn.org that promised “Free Coffee.” The plaintiff asked for a cup of coffee, was asked if he would vote for Kerry, and responded that he would not. The person at the table refused him a cup of coffee. The plaintiff then noticed that particular individual and others standing near the plaintiff’s car. When he exited the polling place, the MoveOn.org table was placed in front of his car, blocking his exit. When he asked them to move, the individuals harassed him, took his picture and recorded his license plate.⁸⁵

Another voter noticed a loud and boisterous gentleman at her polling place wearing a “Voting Rights Staff” badge and standing well within 100 feet of the polling place. In fact, he stood right outside one plaintiff’s voting booth and told her that she only had a few seconds left and needed to make her final vote. These plaintiffs sought, and received, a temporary restraining order against MoveOn.org. The complaint has subsequently been amended to include allegations of similar acts by agents of MoveOn.org that occurred elsewhere in the state.⁸⁶

(f) **Ohio Court Ordered Democrat Polling Place Challengers To Remove Deceptive Arm Bands and Badges**

On Election Day, several Lucas County voters brought suit against the Lucas County Board of Elections and Democratic challengers in the polling place who were wearing armbands and/or badges identifying them as “Voter Protection Staff,” “Voting Rights Staff,” and other similar terms. The Lucas County Court of Common Pleas granted the temporary restraining order prohibiting the use of such intimidating insignia.⁸⁷

⁸³ Full transcript of Sandler call attached as Exhibit J

⁸⁴ See *Timms et al. v. MoveOn.org*, Franklin County Court of Common Pleas, Case No. 04 CVH11 011533. (Exhibit K)

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ See *Metzger v. Doe*, Lucas County Common Pleas Court, Case No. 04-1540. (Exhibit L)

(g) Violence Against Republican Volunteers In Philadelphia On Election Day

Philadelphia has a long history of vote fraud and intimidation.⁸⁸ According to press and police reports filed on November 2, this past election was no different. Reports indicate that Republican volunteers in Philadelphia were violently intimidated by Democrat activists on Election Day 2004.

One Republican activist, working as a Bush campaign legal volunteer to monitor the vote in Philadelphia, was “cornered in a parking lot by roughly 10 large men, whom the police later identified as ‘union goons.’” The men tried to tip over the minivan the Republican attorneys were sharing, “punching it relentlessly, breaking parts off and failing to drag us out, they chased us in and out of the dense urban traffic.” It took “a frantic 911 call and a police roadblock” to stop the assault, and the GOP volunteers “had to be secreted out of town to safety by a police escort.”⁸⁹

According to police reports filed after the incident, the union members’ SUV was a rental vehicle.⁹⁰ On Election Day, rental vehicles were used all over the city “primarily by the parties ... for transporting voters and election monitors.”⁹¹

(h) Union-Coordinated Violence And Intimidation Against Republican Campaign Offices And Volunteers

On October 5, a Bush-Cheney campaign volunteer in Orlando had his arm broken when trying to stop union activists from storming the campaign office. This incident was part of a series of simultaneous demonstrations coordinated by the AFL-CIO against Bush-Cheney campaign offices in 20 cities, intimidating campaign volunteers with violence and vandalism. In Orlando, AFL-CIO members stormed and ransacked the Bush-Cheney field office as part of what one local newscaster called a “coordinated attack against the Bush-Cheney campaign.” Protesters also defaced posters of President Bush and dumped piles of letters on to the floor of the office. Several protesters in Orlando faced possible assault charges as a result of the incident.⁹²

As part of the 20-city anti-Bush protest, more than 100 AFL-CIO members “stormed” the Bush-Cheney campaign’s Miami office and “pushed volunteers” inside. Three dozen union members rushed a campaign office in Tampa, shaking up elderly volunteers.⁹³ Union members staged an “invasion” of the Republican campaign office in West Allis, Wisconsin, where police

⁸⁸ *Dead Men Can Vote*, Scott Farmelant, PHILADELPHIA CITY PAPER, October 12-15, 1995

⁸⁹ *The Reality Of Intimidation*, Eric Wang, Op-Ed, THE [UVA] CAVALIER DAILY, <http://www.cavalierdaily.com/CVarticle.asp?ID=21349&pid=1216>, November 10, 2004 (Exhibit M)

⁹⁰ Police Reports, Philadelphia Police Department, November 2, 2004 (Exhibit N)

⁹¹ *The Reality Of Intimidation*, Eric Wang, Op-Ed, THE [UVA] CAVALIER DAILY, <http://www.cavalierdaily.com/CVarticle.asp?ID=21349&pid=1216>, November 10, 2004

⁹² *Protestors Storm, Ransack Bush-Cheney Headquarters In Orlando*, LOCAL 6 NEWS, www.local6.com, October 5, 2004; *Second Break-In Hits A Bush Office In State*, David Postman, THE SEATTLE TIMES, October 12, 2004

⁹³ *Florida GOP Workers Claim Intimidation By Labor Protesters*, Mike Schneider, THE ASSOCIATED PRESS, October 5, 2004

were called after 50 activists “marched right in” and “took over the place for about 30 minutes” with bullhorns and chanting.⁹⁴

(i) Violence And Other Incidents of Intimidation

In 2004, Republicans were subject to an aggressive and sometimes violent campaign of harassment and intimidation orchestrated by Kerry supporters. At least three Bush-Cheney offices were shot at during the election season. A swastika was burned into the front yard of a Bush-Cheney supporter in Madison, Wisconsin. Other incidents included offices burglarized, windows smashed, tires slashed and other property damage. The following is a timeline of documented election-related violence and intimidation against the Bush-Cheney ‘04 campaign and Republicans in 2004.

September 2, 2004: Gun Shot Fired Into Huntington, WV, Republican Headquarters.⁹⁵

September 3, 2004: Windows Broken, Anti-Bush Messages Scrawled At Gallatin County, MT, Republican Headquarters.⁹⁶

September 6, 2004: Huntington, WV, Republican Headquarters Egged.⁹⁷

September 13, 2004: Swastika Drawn On Duluth, MN, Resident’s Lawn, Signs Also Defaced With Words “Nazi” And “Liar.”⁹⁸

September 16, 2004: Community College Professor In Florida Punched Republican County Chairman In Face.⁹⁹

September 22, 2004: West Elmira, NY, Resident Found Swastika Drawn On Bush Campaign Sign In His Yard.¹⁰⁰

September 23, 2004: Office Ransacked During Break-In At Vilas County, WI, Republican Headquarters, Obscene Words And Graphic Pictures Sprayed On Campaign Signs.¹⁰¹

September 26, 2004: Windows Smashed And Signs Stolen At Oxford, MS, Bush-Cheney ‘04 Headquarters.¹⁰²

⁹⁴ *Anti-Bush Crowd Needs To Calm Down*, Patrick McIlheran, MILWAUKEE JOURNAL SENTINEL, October 9, 2004

⁹⁵ *Few Leads In Shooting At GOP HQ*, www.wowktv.com, September 2, 2004

⁹⁶ *GOP Headquarters Vandalized In Political Protest*, Walt Williams, BOZEMAN DAILY CHRONICLE, September 4, 2004

⁹⁷ *Bush Rally Planned For Arena*, Bob Withers and Bryan Chambers, THE [Huntington, WV] HERALD-DISPATCH, September 8, 2004

⁹⁸ *Campaign Vandalism Increases*, Mark Stodghill, DULUTH NEWS-TRIBUNE, September 14, 2004

⁹⁹ *Fight Breaks Out At Republican Headquarters*, WCJB NEWS, www.wcjb.com, September 20, 2004

¹⁰⁰ *Swastika On Bush Sign Troubles Resident*, John P. Cleary, [Elmira, NY] STAR-GAZETTE, September 23, 2004

¹⁰¹ *Vilas County Republican Headquarters Vandalized*, WAOW NEWSLINE 9, September 23, 2004

¹⁰² *Vandals Hit Local Bush Campaign Office*, Martin Bartlett, THE DAILY MISSISSIPPIAN, September 28, 2004

October 1, 2004: Laptops Of Executive And Field Director Stolen From Bush-Cheney '04 Headquarters In Seattle, WA.¹⁰³

October 1, 2004: Swastika Burned Into Front Yard Of Bush-Cheney '04 Supporter In Madison, WI.¹⁰⁴

October 2, 2004: Collinsville, OH, Resident Chains Down Bush-Cheney '04 Signs After Several Signs Stolen And One Was Replaced With Kerry Sign.¹⁰⁵

October 3, 2004: Burglary At Thousand Oaks, CA, Victory 2004 Headquarters Where Bush-Cheney '04 Banner Was Stolen From Outside Premises.¹⁰⁶

October 5, 2004: Gun Shots Fired Into Knoxville, TN, Bush-Cheney '04 Office, Shattering Office's Glass Front Doors.¹⁰⁷

October 8, 2004: Two Men Were Caught On A Hidden Camera Tearing Down And Urinating On Bush-Cheney '04 Sign In Akron, OH.¹⁰⁸

October 9, 2004: Oxnard, CA, Supporter Placing Bush-Cheney '04 In Yards Verbally Abused, Knocked Down And Had Signs Stolen.¹⁰⁹

October 9, 2004: Bush-Cheney Signs Near Vail, CO, Cut In Half And Burned In "Ransacking."¹¹⁰

October 10, 2004: Office Windows Broken And Field Director's Laptop Bag and Purse Stolen In Burglary At Canton, OH, Victory Office.¹¹¹

October 11, 2004: Windows Broken, Petty Cash Stolen And Computers Tampered With In Burglary At Spokane, WA, Victory 2004 Headquarters.¹¹²

October 13, 2004: Walls And Windows Of York, PA, Victory 2004 Headquarters Vandalized With Pro-Kerry Spray-Paint And Signs Outside Destroyed.¹¹³

¹⁰³ *3 Computers Are Stolen From Bush Campaign Office*, David Postman and Ashley Bach, THE SEATTLE TIMES, October 7, 2004

¹⁰⁴ *Swastika Burned Into Grass On Bush-Cheney Supporter's Lawn*, WISC-TV Website, www.channel3000.com, Accessed October 12, 2004

¹⁰⁵ *Bush-Cheney Signs Going Missing In Collinsville*, THE ASSOCIATED PRESS, October 2, 2004

¹⁰⁶ *Republicans Claim Democrats Are Behind Office Attacks*, David D. Kirkpatrick, THE NEW YORK TIMES, October 26, 2004

¹⁰⁷ *Shots Fired At Knoxville Bush-Cheney Office*, Duncan Mansfield, THE ASSOCIATED PRESS, October 5, 2004

¹⁰⁸ *Men Videotaped Vandalizing Sign*, Marilyn Miller and Andale Gross, AKRON BEACON JOURNAL, October 8, 2004

¹⁰⁹ *Letter To The Editor*, VENTURA COUNTY STAR, October 13, 2004

¹¹⁰ *Welcome To The Tea Party*, Matt Zalaznick, Op-Ed, VAIL DAILY, October 9, 2004

¹¹¹ *Campaign Office Burgled Sunday*, Edd Pritchard, CANTON REPOSITORY, October 12, 2004

¹¹² *President Bush's Campaign Office In Spokane Burglarized, Vandalized*, David Postman, THE SEATTLE TIMES, October 11, 2004

¹¹³ *News In Brief From Central Pennsylvania*, THE ASSOCIATED PRESS, October 15, 2005

October 13, 2004: Window Smashed At Laconia, NH, Victory 2004 Headquarters.¹¹⁴

October 13, 2004: Kerry Supporter Caught Stealing Bush Sign In Cape Girardeau, MO, Pulled Knife On Sign's Owner And Was Arrested.¹¹⁵

October 15, 2004: Someone Destroyed Large Plywood Bush-Cheney '04 Sign, Then Tried To Smash Debris Though Glass Door Of Santa Fe, NM, Republican Party Headquarters.¹¹⁶

October 15, 2004: Someone Lined Window Sill With Bullet Casings At Littleton, NH, Republican Headquarters.¹¹⁷

October 16, 2004: Unknown Suspects Vandalized Large Bush-Cheney Campaign Sign In Hollister, CA, With Obscenities.¹¹⁸

October 17, 2004: Stickers Placed Over Windows Of Gettysburg, PA, Victory 2004 Headquarters.¹¹⁹

October 18, 2004: Eggs Thrown At Keene, NH, Victory 2004 Headquarters.¹²⁰

October 18, 2004: 21 Protesters Arrested At Bush-Cheney '04 Campaign Headquarters In Arlington, VA.¹²¹

October 20, 2004: Rocks Thrown Through Windows At Multnomah County, OR, Republican Party Headquarters.¹²²

October 21, 2004: Bomb Threat Made Against Lake Havasu, AZ, Republican Party Headquarters.¹²³

October 21, 2004: Windows Smashed At Multnomah County Republican Party Headquarters In Portland, OR.¹²⁴

¹¹⁴ *Missing Campaign Signs Signal Statewide Trend*, Kathleen D. Bailey, EXETER NEWS-LETTER, October 19, 2004

¹¹⁵ *Cape Man Claims He Was Threatened At Political Rally*, Linda Redeffer, SOUTHEAST MISSOURIAN, October 16, 2004

¹¹⁶ *Political Differences Causing Vandalism In City Different*, Steve Terrell, THE SANTA FE NEW MEXICAN, October 19, 2004

¹¹⁷ *Democrats Push Students Online To Register To Vote*, John DiStaso, THE UNION LEADER, October 21, 2004

¹¹⁸ *Partisan Tension In SBC*, Erin Musgrave, HOLLISTER [CA] FREE LANCE, October 24, 2004

¹¹⁹ *Suspect In Gettysburg Vandalism To Enter Plea In District Court*, 1320 WGET Website, www.wget.com, Accessed October 20, 2004

¹²⁰ *Democrats Push Students Online To Register To Vote*, John DiStaso, THE UNION LEADER, October 21, 2004

¹²¹ *21 Arrested In Arlington Protest Of Bush Administration AIDS Policy*, Elaine Rivera, THE WASHINGTON POST, October 19, 2004

¹²² *Someone Hurlled Rocks*, THE OREGONIAN, October 22, 2004

¹²³ *Bomb Threat Made Against Lake Havasu Republican HQ*, TRI-STATE NEWS NETWORK, October 22, 2004

¹²⁴ *Oregon Political Fight Getting Rough*, Janie Har, THE OREGONIAN, October 22, 2004

October 22, 2004: Break-In Discovered At Cincinnati, OH, Victory 2004 Headquarters.¹²⁵

October 22, 2004: Break-In Discovered At Flagstaff, AZ, Victory 2004 Headquarters.
Perpetrators gained entry by throwing a cinder block through a plate glass window.¹²⁶

October 22, 2004: Chunk Of Concrete Tossed Through Glass Door Of Republican Headquarters In Santa Cruz, CA.¹²⁷

October 23, 2004: Two Kerry Supporters Arrested After Stealing Pro-Bush Signs From Activist And Pushing Police Officer At Edwards Rally In St. Petersburg, FL.¹²⁸

¹²⁵ *Local Bush/Cheney Headquarters Robbed*, THE CINCINNATI ENQUIRER, October 23, 2004

¹²⁶ *Flag GOP Office Vandalized*, Seth Muller, ARIZONA DAILY SUN, October 23, 2004

¹²⁷ *Vandals Strike At GOP Office, Yes On J Business*, Jondi Gumz and Cathy Redfern, SANTA CRUZ SENTINEL, October 26, 2004

¹²⁸ *Florida In Candidates' Crossfire*, Jamie Thompson, ST. PETERSBURG TIMES, October 24, 2004

V. Vote Fraud & Illegal Voting Introduction

Vote fraud and illegal voting occurred in multiple states around the country on Election Day 2004. This section of the report catalogs the many and varied instances of vote fraud, votes illegally cast and voter registration fraud committed in the 2004 election cycle. Legislative reforms have been proposed to address the past history of vote fraud. See, Texas Review of Law and Politics, *Securing the Integrity of American Elections: The Need for Change*, Publius, Fall 2005, discussing specific proposed legislative reforms.

While this section points out where fraud occurred last year, it is also important to dispel one of the more pervasive urban legends stemming from 2004 vote: that the election in Ohio was “stolen.” A bipartisan consensus has now emerged confirming that the 2004 election in Ohio was fairly decided. In the weeks and months immediately following the November 2 vote, some alleged that the election was stolen. In January 2005, the Democrat staff of the House Judiciary Committee, led by Ranking Member Rep. John Conyers (D-MI), alleged in a report that “exit polls bolster claims of irregularities and fraud” and that “hundreds of thousands” of Democrat voters in Ohio may have been disenfranchised.¹²⁹ A lawsuit drafted by a lawyer associated with Conyers alleged that Republicans changed the election results in Ohio by “inserting unauthorized and so far undetected operating instructions into the [voting machine] software.” The suit stated that “the confederate of defendants-contestees Bush, Cheney, and Rove who was actually changing the vote totals did not need physical access to the computer,” and that a “further part of the plan to steal the election” was for White House Chief of Staff Andrew Card “to make a very nervous and shaky claim to victory in Ohio” on the morning of November 3.¹³⁰ In March 2005, Teresa Heinz Kerry echoed this charge, saying “two brothers own 80 percent of the [voting] machines used in the United States ... [it is] very easy to hack into the mother machines.”¹³¹

The DNC Voting Rights Institute’s report on the election in Ohio, released on June 22, 2005, rejected these claims that the election was stolen. According to the report, the DNC’s own “statistical study of precinct-level data does not suggest the occurrence of widespread fraud that systematically misallocated votes from Kerry to Bush.” The DNC’s experts found that the similarity between the vote patterns for Kerry in 2004 and the Democrat gubernatorial candidate in 2002 was “strong evidence against the claim that widespread fraud systematically misallocated votes from Kerry to Bush.” The DNC report further stated that long lines at the polls on Election Day did not affect the election’s final result: “[T]he difficulties experienced by African American and other voters at the polls did not, in and of themselves, cost John Kerry the election in Ohio.”¹³²

Just as it is clear that the outcome of the election in Ohio was decided fairly, it is also clear that thousands of Americans were disenfranchised by illegal votes cast on November 2.

¹²⁹ *Preserving Democracy: What Went Wrong In Ohio*, Report Of The House Judiciary Committee Democratic Staff, January 5, 2005

¹³⁰ See *Moss v. Bush*, Ohio Supreme Court, Case No. 04-2088. (Exhibit O)

¹³¹ *Teresa Heinz Kerry Hasn’t Lost Her Outspoken Way*, Joel Connelly, THE SEATTLE POST-INTELLIGENCER, March 7, 2005

¹³² *Democracy At Risk: The 2004 Election In Ohio*, Report Of The Democratic National Committee’s Voting Rights Institute, June 22, 2005

For every illegal vote cast and counted on Election Day, a ballot cast by a legitimate voter is cancelled out, effectively disenfranchising the properly registered voter. In Wisconsin, a joint federal-local law enforcement task force found “clear evidence of fraud in the Nov. 2 election in Milwaukee,” including hundreds of illegal votes by double voters and felons.¹³³ In Washington, a state judge found that more than 1,600 illegal and fraudulent votes were cast in an election decided by a mere 133 votes.¹³⁴ In both Wisconsin and Washington, illegal votes may have decided statewide elections in 2004.

In addition to actual illegal votes, there appears to have been a coordinated effort by members of some organizations to rig the election system through voter registration fraud. Criminal investigations and news reports suggest that thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins were registered to vote. This widespread voter registration fraud was accompanied by an apparently coordinated national litigation strategy to manipulate election laws in battleground states and, specifically, to eliminate the provisions of election law that would prevent vote fraud. If successful, this litigation may have allowed Dick Tracy to vote not once, but twice.

¹³³ *Inquiry Finds Evidence Of Fraud In Election*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, May 11, 2005; *Preliminary Findings Of Joint Task Force Investigating Possible Election Fraud*, May 10, 2005

¹³⁴ Transcript Of The Decision By Chelan County Superior Court Judge John Bridges, June 6, 2005

VI. Vote Fraud, Voter Registration Fraud & Election Irregularities Around The Country

6.1 Alabama

(a) Vote Fraud Under Investigation In Alabama

According to the *Montgomery Advertiser*, “vote fraud has been a fact-of-life in Alabama elections for many years.”¹³⁵ The 2004 election cycle appears to have been no exception, as the state Attorney General’s office is reportedly investigating vote fraud allegations in West Alabama.¹³⁶

The Tuscaloosa News reported finding “blatant” vote fraud in a closely contested mayoral runoff in Greensboro.¹³⁷ Candidate Johnnie Washington won that election by 90 votes, but included in the tally were 251 absentee votes for Washington, compared to only 51 for his opponent, Vanessa Hill. Hill is contesting the election’s results “on the basis of a number of suspicious absentee ballots cast in the days leading up to the election.”¹³⁸

After the initial August election, the *News* reported finding multiple absentee ballots cast from addresses of vacant houses and people submitting ballots from addresses that were not their homes. Five people claimed the apparently vacant mobile home pictured at right as their residence in casting absentee ballots in the August election. The *News* further reported that a man at the center of the absentee ballot controversy spent two years in prison after being convicted of 15 counts of vote fraud in 1998.¹³⁹



The *News* reported finding voting irregularities in Marion similar to those discovered in Greensboro. The paper’s findings in Marion included absentee ballots cast from empty homes, a “mysterious influx of voters, described as suspicious by one official” and allegations of “intimidation and bribery to secure votes and voters who may be long dead.” The vacant house pictured at left was listed as the residence of five absentee voters, though according to a neighbor, “nobody has lived there in years.”¹⁴⁰

¹³⁵ *Group Aims To End Vote Fraud In Region*, Al Benn, Op-Ed, THE MONTGOMERY ADVERTISER, April 8, 2005

¹³⁶ *AG’s Office Investigates Black Belt Ballot Issue*, Johnny Kampis, TUSCALOOSA NEWS, January 29, 2005

¹³⁷ *Absentee Ballots Raise Questions In Greensboro*, Johnny Kampis, TUSCALOOSA NEWS, September 5, 2004

¹³⁸ *Judge Won’t Rule Yet In Greensboro Mayor Case*, Johnny Kampis, TUSCALOOSA NEWS, March 9, 2005

¹³⁹ *Absentee Ballots Raise Questions In Greensboro*, Johnny Kampis, TUSCALOOSA NEWS, September 5, 2004

¹⁴⁰ *Fraud Grips Black Belt*, Johnny Kampis, TUSCALOOSA NEWS, September 12, 2004

According to the *News*, the irregularities in Greensboro and Marion “appear to be part of a trend that may have twisted Election Day results throughout Alabama’s Black Belt, one of the poorest regions in the United States, and one with a long history of vote fraud.”¹⁴¹ However, this most recent string of vote fraud allegations moved some community activists to speak out on the issue. In early 2005, a new citizen advocacy group called Democracy Defense League (DDL) was formed in the state to “focus attention on fraudulent voter activities and to push legislators to pass more stringent laws to stop them.”¹⁴² As DDL’s chairman, former Alabama Bureau of Investigation agent Perry Beasley, recently said, “Vote fraud is a crime against democracy ... Every time it’s committed, someone is disenfranchised. It encourages apathy. It makes a mockery of the democratic process. It puts corrupt people in the place of public trust.”¹⁴³

6.2 Colorado

(a) Vote Fraud & Irregularities In Colorado

According to *The Denver Post*, prosecutors in at least 47 Colorado counties investigated cases “involving accusations of forged signatures, felons voting or people who attempted to vote twice.”¹⁴⁴ The paper reported the following numbers on vote fraud and irregularities during the November 2004 election:

- ✓ 122 people voted twice statewide, casting absentee ballots through the mail, then showing up in person to vote on Election Day;
- ✓ 120 felons cast illegal ballots statewide;
- ✓ In Denver, 81 residents voted twice and 52 felons cast ballots;
- ✓ In Jefferson County, elections officials requested that prosecutors investigate 30 cases of people attempting to vote twice and 256 cases of suspicious signatures on absentee ballots;
- ✓ In El Paso County, officials reported 23 cases of prisoners or parolees who voted.¹⁴⁵

Less than one month before Election Day, *The Denver Post* reported that Colorado’s voter rolls contained as many as 6,000 felons ineligible to vote, enough to “tip the outcome of the election” or “force the outcome of any close race into the courts.” The *Post* reported that felons had illegally voted as recently as the August 2004 primary, and that many of the 536 felons who registered to vote in 2004 did so through voter registration drives run by third-party groups. Workers in those groups reportedly “eager to sign up new voters assured them they

¹⁴¹ *Id.*

¹⁴² *Group Aims To End Vote Fraud In Region*, Al Benn, Op-Ed, THE MONTGOMERY ADVERTISER, April 8, 2005

¹⁴³ *AG’s Office Investigates Black Belt Ballot Issue*, Johnny Kampis, TUSCALOOSA NEWS, January 29, 2005

¹⁴⁴ *Vote Fraud Probed In State*, Susan Greene and Karen E. Crummy, THE DENVER POST, March 24, 2005

¹⁴⁵ *Id.*

could lawfully register and vote.” One group, the Colorado Voting Project, reportedly signed up 77 voters on a single day in the Denver County Jail.¹⁴⁶

(b) Voter Registration Fraud Indictments In Colorado

At least 7 Colorado residents working for voter registration drives have been indicted and/or pleaded guilty to vote fraud charges stemming from the 2004 election.

- ✓ ACORN worker’s girlfriend who admitted to signing up three friends to vote 40 times and registering herself 25 times was charged with 15 counts of felony forgery;¹⁴⁷
- ✓ ACORN worker plead guilty to filling out false voter registration forms for the November election, sentenced to a year probation and 150 hours of community service;¹⁴⁸
- ✓ ACORN worker charged in October with falsely filling out multiple voter forms;¹⁴⁹
- ✓ Man charged with five counts of perjury for filling out several phony registration forms for ACORN workers;¹⁵⁰
- ✓ Two men indicted on 19 and 29 counts of forgery, respectively, related to voter-registration drives;¹⁵¹
- ✓ Man charged with forging 48 voter-registration applications.¹⁵²

(c) ACORN And Other Third-Party Groups Linked To Hundreds Of Fraudulent Voter Registrations In Colorado

In the months leading up to Election Day 2004, ACORN and other third-party voter registration groups were linked to hundreds of fraudulent registration submitted to elections officials across the state. In October, Denver’s 9 News reported “widespread voter registration fraud” committed by groups such as ACORN that “could affect thousands of Colorado votes and cause chaos at the polls on November 2nd.”¹⁵³

“A review of voter registration forms in five counties has revealed hundreds of potentially fraudulent forms. KUSA-TV reported Monday that it found 719 forms in

¹⁴⁶ *6,000 Felons On Voter Lists*, Susan Greene and Jeffrey A. Roberts, THE DENVER POST, October 10, 2004

¹⁴⁷ *Briefing*, ROCKY MOUNTAIN NEWS, November 10, 2004; *Investigation Reveals Potentially Fraudulent Voter Forms*, THE ASSOCIATED PRESS, October 12, 2004

¹⁴⁸ *Briefing*, ROCKY MOUNTAIN NEWS, January 4, 2005

¹⁴⁹ *2 Charged In Vote Fraud*, Gary Gerhardt, ROCKY MOUNTAIN NEWS, October 28, 2004

¹⁵⁰ *Prosecutors Charge Another Man In Registration Fraud*, Sue Lindsay, ROCKY MOUNTAIN NEWS, November 2, 2004

¹⁵¹ *Vote Fraud Probed In State*, Susan Greene and Karen E. Crummy, THE DENVER POST, March 24, 2005

¹⁵² *Partisan Fingers Point On Voter-Fraud Issue*, Peggy Lowe, ROCKY MOUNTAIN NEWS, October 14, 2004

¹⁵³ *I-Team Investigation Uncovers Voter Registration Fraud*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005

Denver, Douglas, Adams, Boulder and Lake counties that had the wrong names, social security numbers and dates of births for voters. Many of the forms were turned in by voter registration drives which pay their workers based on the number of people they sign up.¹⁵⁴

The 9 News report stated that “most of the fraud has come from registration drives,” and identified ACORN, New Voters Project and Colorado Progressive Coalition as among the groups whose employees submitted the bogus forms.¹⁵⁵

The 9 News report indicated that some of the fraudulent forms it discovered were “completely bogus” and filled in with fake “names, addresses, social security numbers or dates of birth.” Other fraudulent forms were submitted in the names of legitimate voters, with “one or two facts changed that could affect their registration when they show up at the polls November 2nd.” For example, Colorado resident Tom Stanislawski had registered six months prior to being fraudulently re-registered and having his party identification changed. “My concern would be I’d walk in November 2nd and be unable to vote,” Stanislawski said.¹⁵⁶

Other examples of voter registration fraud cited by the 9 News report included Kym Cason, who told a reporter that in order to help her boyfriend, who worked for ACORN, she “registered herself 25 times and her friends 40 times.”¹⁵⁷ Cason was charged with 15 counts of felony forgery and five counts of misdemeanor procuring false registrations in November 2004.¹⁵⁸ Gerald Obi told 9 News that voter registration drive workers “pressured him to keep registering to vote,” and he ultimately registered 35 times. The report found that several prisoners, including alleged child molester John Turner, registered from behind bars in Douglas and Adams counties. Meanwhile, in Boulder County, more than 2,000 people have had eight or more changes to their voter registration forms.¹⁵⁹

Denver District Attorney Bill Ritter said that the people admitting to voter registration fraud in 9 News’ report needed to be prosecuted. “People are trying to corrupt the election process. People should be prosecuted,” Ritter said.¹⁶⁰

ACORN and other groups were implicated in fraudulent registration activity around Colorado. In August, after three prosecutors joined a criminal probe by the state Attorney General’s office into potentially fraudulent registrations in three counties, ACORN said that it “might be responsible” for some of the activity.¹⁶¹ In October, ACORN admitted that its

¹⁵⁴ *Investigation Reveals Potentially Fraudulent Voter Forms*, THE ASSOCIATED PRESS, October 12, 2004

¹⁵⁵ *I-Team Investigation Uncovers Voter Registration Fraud*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005; *I-Team: Officials From Across The State Say Registration Workers Who Appeared In 9NEWS Stories Should Go To Jail*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005

¹⁵⁶ *I-Team Investigation Uncovers Voter Registration Fraud*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005

¹⁵⁷ *Id.*

¹⁵⁸ *Briefing*, ROCKY MOUNTAIN NEWS, November 10, 2004

¹⁵⁹ *I-Team Investigation Uncovers Voter Registration Fraud*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005

¹⁶⁰ *I-Team: Officials From Across The State Say Registration Workers Who Appeared In 9NEWS Stories Should Go To Jail*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005

¹⁶¹ *3 Prosecutors Join Vote Fraud Probe*, John Sanko, ROCKY MOUNTAIN NEWS, August 7, 2004

employees had submitted hundreds of fake registration forms in Colorado.¹⁶² However, as ACORN admitted its culpability in the registration fraud the group also lashed out at the press. According to one report, ACORN's Western regional director, Jim Fleischmann, "downplayed the severity of the problem," saying, "Just because you register someone 35 times doesn't mean they get to vote 35 times ... The local press is having a feeding frenzy on this."¹⁶³

9 News reported that there was a "record number of fraudulent registrations across" Colorado in 2004.¹⁶⁴ Election officials agreed that the level of fraudulent voter registration activity was unprecedented in Colorado history. "Everyone here at the commission has never seen anything like this. In the state we've never seen anything like this before," said Denver clerk and recorder Karon Hatchett.¹⁶⁵

Kerry campaign officials in Colorado dismissed concerns about voter registration fraud in the state, calling it a "tired tactic" by the Republicans to suppress votes. After Secretary of State Donetta Davidson warned voter registration drive leaders about fraud, Sue Casey, Colorado state director for the Kerry-Edwards campaign, responded by saying Davidson's comments were aimed at creating "an environment of fear" to discourage voters from showing up on Election Day.

"'This is the classic move by Republican tacticians: create an environment of fear that discourages voters from showing up on Election Day, for this is the only way they know how to win,' said Sue Casey, Kerry-Edwards 2004 Colorado state director. Casey said the tactic had worked for Republicans in Florida in 2000. 'And now that they see Colorado slipping out of their previously firm grasp, they are bringing this tired tactic to the Centennial State.'"¹⁶⁶

(d) Partisan Tactics In Colorado Voter Registration Drives

According to a 9 News report, a voter registration group operating in Colorado under the name "Choose 2 Vote" paid workers \$3 for each Democrat or independent voter they registered and nothing for Republican applications.¹⁶⁷ The group admitted to only being interested in Democrat registrations:

"Company spokesman Derrick Lee admitted to 9NEWS he was only interested in registering Democrats. 'Yeah, what do you want me to say? It's true,' said Lee. 'The Republicans weren't paying money for voter registrations.'"¹⁶⁸

¹⁶² *Faulty Voter Applications Are Blamed On Workers*, Gabrielle Crist, ROCKY MOUNTAIN NEWS, October 15, 2004

¹⁶³ *Colorado To Tackle Voter-Fraud Fears*, Valerie Richardson, THE WASHINGTON TIMES, October 14, 2004

¹⁶⁴ *I-Team Investigation Uncovers Voter Registration Fraud*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005

¹⁶⁵ *Investigation Reveals Potentially Fraudulent Voter Forms*, THE ASSOCIATED PRESS, October 12, 2004

¹⁶⁶ *Partisan Fingers Point On Voter-Fraud Issue*, Peggy Lowe, ROCKY MOUNTAIN NEWS, October 14, 2004

¹⁶⁷ *I-Team Uncovers Partisan Tactics In Colorado Voter Registration Drives*, KUSA-TV 9 News Website, www.9news.com, Accessed May 26, 2005

¹⁶⁸ *Id.*

However, one Colorado county received so many questionable registration forms from “Choose 2 Vote” that it turned them over to the Secretary of State for investigation. And in August, “Choose 2 Vote” worker John McCarthy was charged with forgery and procuring false registrations for nearly 50 voters.¹⁶⁹

Canvassers for Moving America Forward, a voter registration group active in Colorado and other states in 2004, were reportedly instructed to re-register people who indicated that they were supporters of Democrat Senate candidate Ken Salazar and “walk away” from backers of Republican Senate candidate Pete Coors.¹⁷⁰ Moving America Forward is a political committee affiliated with New Mexico Governor Bill Richardson.¹⁷¹

6.3 Florida

(a) ACORN Linked To Voter Registration Fraud In Florida

In October 2004, after a series of high-profile voter registration fraud incidents involving ACORN employees, the Florida Department of Law Enforcement (FDLE) announced that ACORN was the target of a statewide vote fraud investigation. FDLE Spokesman Tom Berlinger confirmed that ACORN was the main target when he told the South Florida *Sun-Sentinel*, “So far the only group we’ve identified with certainty in North and South Florida as having connections to some of the vote fraud issues is ACORN.”¹⁷²

The following is a summation of the top voter registration fraud incidents involving ACORN:

- ✓ **Mac Stuart, Former Miami-Dade Field Director For ACORN, Said There Was “A Lot Of Fraud Committed” And Republican Voter Registrations Were “Routinely Kicked Back.”** Stuart alleged that ACORN violated a slew of election laws, including “illegally copying voter registration applications and selling them to labor union groups, allowing people to sign petitions who were not registered voters and suppressing Republican voter registration applications.” Stuart said it was common for ACORN to hold on to hundreds if not thousands of registration cards for weeks at a time and photocopy them for money.¹⁷³

Only a week before the election – and after the registration deadline – Stuart turned in to election officials a box of nearly 180 ACORN voter registration forms that he said the group had been holding on to. Stuart, who was fired from his position with ACORN in August after being accused of trying to cash a paycheck that wasn’t his, claims he was

¹⁶⁹ *Id.*

¹⁷⁰ *Election Tactics Push Envelope*, Michael Riley, THE DENVER POST, October 24, 2004

¹⁷¹ *Gov. Richardson: Kerry Did What He Could But Bush Ran Strong And Smart*, THE ASSOCIATED PRESS, November 3, 2004

¹⁷² *Voter Registration Drive A Subterfuge, Lawsuit Claims*, Brittany Wallman, [South Florida] SUN-SENTINEL, October 30, 2004

¹⁷³ *Ex-Worker Sues Activist Group*, Jeremy Milarsky, [South Florida] SUN-SENTINEL, October 21, 2004

actually fired just days after voicing his concerns about ACORN's practices at a group meeting in late July.¹⁷⁴

- ✓ **Florida Residents Suing ACORN For Disenfranchising Them By Mishandling Voter Registration Forms.** Eleven South Florida residents who were disenfranchised by ACORN's apparent mishandling of their registration cards sued the group in late October 2005. According to their attorneys, the eleven individuals – one from Broward and ten from Miami-Dade – filled out voter registration forms that were never turned in by ACORN. According to the *Sun-Sentinel*, 19-year-old Miami resident Jude Daniel was among those whose voter registration forms were found after the registration deadline in ACORN's Miami office. Daniel was not on the voter rolls even though he filled out the form in August. "It was important to me ... It would have been my first time," Daniel told the *Sun-Sentinel*.¹⁷⁵
- ✓ **Former St. Petersburg Mayor Charles Schuh, A 68-Year-Old Democrat, Was Fraudulently Registered By ACORN As A 30-Year-Old Female Republican.** Schuh, whose registration information was changed by an ACORN employee, said, "It was a blatant case of vote fraud and forgery, and someone ought to be taken to task for that ... [W]hen things like this happen, it further degrades the people's trust in the election process."¹⁷⁶
- ✓ **ACORN Investigated In St. Petersburg For Changing Party Affiliations On Voter Registration Forms.** The state attorney's office investigated allegations that ACORN fraudulently changed party affiliations on voter-registration forms in St. Petersburg.¹⁷⁷
- ✓ **Thousands Of Pinellas And Hillsborough County Residents Were Unable To Vote In August Primary Because ACORN And Other Groups Failed To Submit Their Voter Registration Applications On Time.** According to the *St. Petersburg Times*, more than 2,500 Pinellas County residents and another 1,500 Hillsborough residents who thought they had registered for the Aug. 31 primary were told they couldn't vote because the groups that helped them register failed to turn in their applications on time. The majority of the late registration forms, including more than 2,100 in Pinellas, reportedly came from ACORN. Hillsborough Supervisor of Elections Buddy Johnson called ACORN's actions in this manner "absolutely unacceptable."¹⁷⁸
- ✓ **ACORN Consultant Hired To Run Florida Minimum Wage Campaign Left Group After "He Grew Increasingly Uncomfortable With ACORN's Methods."** Veteran St. Petersburg political consultant Joe Johnson left ACORN after becoming concerned about

¹⁷⁴ *Filled-In Voter Forms Surface*, Brittany Wallman and Alva James-Johnson, [South Florida] SUN-SENTINEL, October 27, 2004; *Ex-Worker Sues Activist Group*, Jeremy Milarsky, [South Florida] SUN-SENTINEL, October 21, 2004

¹⁷⁵ *Voter Registration Drive A Subterfuge, Lawsuit Claims*, Brittany Wallman, [South Florida] SUN-SENTINEL, October 30, 2004

¹⁷⁶ *Signup Mistakes Blamed On Group*, Tom Zucco, ST. PETERSBURG TIMES, October 4, 2004

¹⁷⁷ *Voter Registration Process Causes Concern*, Dara Kam, THE PALM BEACH POST, October 7, 2004

¹⁷⁸ *Signup Mistakes Blamed On Group*, Tom Zucco, ST. PETERSBURG TIMES, October 4, 2004; *Activist Group Blamed For Voter Roll Goofs*, Tom Zucco, ST. PETERSBURG TIMES, October 4, 2004

some of its practices, including its failure to turn in complete voter registration cards. Johnson told CNN, “I saw some things I was very uncomfortable with.”¹⁷⁹

(b) ACORN’s Minimum Wage Hike Campaign Aimed To Increase Democrat Turnout

While ACORN’s activities were increasingly reported in the media toward the end of the campaign, its start in Florida during the 2004 cycle has been less well documented. In August 2003, ACORN announced that it would spearhead a campaign to put a ballot initiative before Florida voters to raise the minimum wage in the state to \$6.15 an hour. However, according to the *St. Petersburg Times*, the real goal behind the minimum wage amendment was to defeat President Bush and increase Democrat turnout in the November 2004 election.¹⁸⁰ According to a 2003 internal ACORN plan:

“A Florida constitutional amendment initiative to create a minimum wage of \$6.15 with indexing will help defeat George W. Bush and other Republicans by increasing Democratic turnout in a close election ...”¹⁸¹

The minimum wage amendment was “aimed at influencing the presidential election” right “from the start” and its “top two donors [were] Democratic-base groups: \$225,000 from MoveOn.org and \$499,000 from the National Education Association.”¹⁸²

ACORN and its various subsidiary groups have 501(c) 3 and 501(c) 4 tax designations.¹⁸³ As such under federal tax law, its 501(c) 3 organizations are barred from engaging in partisan political activity. Similarly, the federal Bipartisan Campaign Reform Act (BCRA) is an effort to limit the role of “soft money” in federal political activity with a strict prohibition against coordinated activity between a federal campaign and outside organizations. The purpose of this report is not to address violations of tax law or campaign finance law. However, it is clear from the documents that we have received that ACORN was acting in Florida and a number of other battleground states in a clearly partisan manner in coordination with Democrat organizations and candidates.¹⁸⁴ The effect is to have tax deductible funds which are undisclosed and unlimited being used to influence a federal election in a clearly partisan manner. This may have even involved federal grants, as an ACORN subsidiary nonprofit, ACORN Housing Corporation, reported receiving more than \$1.7 million in government grants in 2002 and 2003.¹⁸⁵

¹⁷⁹ *Group Faces Accusations Of Broken Voting Laws*, Lucy Morgan, ST. PETERSBURG TIMES, October 22, 2004; CNN’s “Newsnight With Aaron Brown,” October 27, 2004

¹⁸⁰ *Group Accused Of Voter Registration Violations*, Lucy Morgan, ST. PETERSBURG TIMES, October 22, 2004

¹⁸¹ Florida ACORN, “Floridians For All: Campaign Plan For A November 2004 Minimum Wage Constitutional Amendment Initiative,” October 1, 2003 (Exhibit P)

¹⁸² *Wage Initiative Tied To Kerry Voters*, Paige St. John, THE [Fort Myers] NEWS-PRESS, October 25, 2004

¹⁸³ *ACORN & The Money Tree*, Meghan Clyne, NATIONAL REVIEW ONLINE, October 31, 2004

¹⁸⁴ Florida ACORN, “Floridians For All: Campaign Plan For A November 2004 Minimum Wage Constitutional Amendment Initiative,” October 1, 2003

¹⁸⁵ *ACORN & The Money Tree*, Meghan Clyne, NATIONAL REVIEW ONLINE, October 31, 2004

(c) ACORN, MoveOn.org And Mac Stuart

ACORN hired Mac Stuart as coordinator for minority voter outreach for its voter registration effort in Miami-Dade County. In this position, Stuart supervised the voter registration forms that were collected, copied and sent to ACORN's voter registration arm Project Vote in New York and also filed with the election officials for registration. Mr. Stuart became increasingly concerned about the operation ACORN conducted, especially after he was told by an election official that it was illegal to copy voter registration forms. He told his supervisor of this concern about illegal activity and was told not to talk about it. Stuart also learned that 1,200 Republican voter registration forms had been segregated from the other voter registrations into a separate box and understood that ACORN was not going to turn them in. He secretly spoke with an official at the Florida Chamber of Commerce, which was opposing ACORN's minimum wage initiative in 2004, and this individual said that he should turn in the 1,200 Republican voter registrations before the deadline. Stuart did turn them in. However, Mr. Stuart found another box of 181 forms that he was told would be destroyed. He took these and reported ACORN's activities to election officials and the press. ACORN then fired Stuart. After being fired, Stuart filed suit against ACORN alleging that he was wrongly terminated because he reported its illegal acts. ACORN has countersued for libel and slander.¹⁸⁶

Various e-mails document that MoveOn.org, Project Vote and American Families United were assisting in the funding of this effort. ACORN would send Project Vote and American Families United (to their Brooklyn NY office) copies of completed voter registration cards. It is illegal under Florida law to copy and sell voter registrations cards. MoveOn.org, Project Vote and American Families would then pay ACORN \$4.00 per registration card (payment for registrations is illegal under Florida law). The payment for the voter registration cards was sent to the ACORN subsidiary Citizens Consulting, Inc, (CCI) a 501(c)(3) Louisiana corporation. There is also evidence of cash transfers of at least \$25,000 by MoveOn.org to Florida ACORN to fund this effort. Under this campaign, which was coordinated with Project Vote/Voting for America, Inc., ACORN was to provide the staffing for the field canvassers involved in the voter registration and get-out-the-vote effort, who would be paid by CCI.¹⁸⁷

(d) Other Voter Registration Fraud Issues In Florida

- ✓ **Duval Voter Registrations Included Addresses Of Parking Lot, Public Park, And Utilities Building.** In early October 2004, Duval County elections officials asked prosecutors to investigate "possible vote fraud involving 25 registration forms with apparently bogus addresses, including some that match a public park, a parking lot and a utilities building." *The Associated Press* checked each address and found only one that matched an occupied house, and found that most of the addresses didn't exist.¹⁸⁸

¹⁸⁶ Depositions of ACORN-Associated Individuals In Mac Stuart Case (Exhibit Q, Q1 and Q2)

¹⁸⁷ Victory 2004 Florida Coordinated Campaign Plan, "Florida Victory 2004," September 3, 2004 (Exhibit R); Depositions of ACORN-Associated Individuals In Mac Stuart Case; Florida ACORN, "Floridians For All: Campaign Plan For A November 2004 Minimum Wage Constitutional Amendment Initiative," October 1, 2003

¹⁸⁸ *Fla. Officials Asked To Probe Vote Fraud*, Brendan Farrington, THE ASSOCIATED PRESS, October 7, 2004

- ✓ **New Jersey Man Whose “Tactics Have Generated Well-Publicized Suspicions And Accusations Of Election Fraud” Canvassed Florida Neighborhoods For Kerry Campaign.** Craig Callaway, a part-time city council president in Atlantic City, worked as a canvasser for Kerry in Pinellas County for a few weeks before being asked to leave the campaign. According to the *St. Petersburg Times*, a judge voided Callaway’s city council election in 2003, concluding that more than 200 votes he received came from forged or fraudulent absentee ballots. The judge reportedly said that Callaway’s election “was so contaminated by fraud and misconduct that the mathematical result must be rendered in doubt.”¹⁸⁹
- ✓ **“Howard The F. Duck” Of Coconut Creek Registered To Vote In Broward County.**¹⁹⁰

(e) **Double-Voting And Inaccurate Voter Rolls In Florida**

Nearly 100 voters in at least five Florida counties voted more than once in the 2004 election. It was reported in January that the FBI and U.S. Attorney’s office were investigating 59 cases of double voting in Duval County. According to the *Florida Times-Union*, at least 41 of these double votes counted while another 18 involving provisional ballots were not part of the final tally.¹⁹¹ Broward County officials referred to the Florida Department of Law Enforcement (FDLE) at least 30 cases of people voting at early-voting locations and also voting at the polls on Election Day.¹⁹² In Palm Beach County, three voters reportedly voted twice by casting absentee ballots and also showing up at the polls.¹⁹³ There were also reports of double voting in Volusia and Sumter counties.¹⁹⁴

Despite election reforms enacted after the 2000 recount, problems with Florida’s voter rolls, and the potential for massive double-voting, persisted in 2004. The *Chicago Tribune* published an analysis in December 2004 finding that Florida had more than 64,000 dead people on its voter rolls, the most of six battleground states analyzed by the paper.¹⁹⁵ The New York *Daily News* reported in August that some 46,000 people were illegally registered to vote in both Florida and New York City. The paper found that between 400 and 1,000 registered voters actually voted twice in at least one election.¹⁹⁶ In September, the Cleveland *Plain Dealer* reported that more than 27,000 people were listed as active voters in Ohio and Florida, and as many as 400 people voted in both states in the same election in the last four years.¹⁹⁷ In October,

¹⁸⁹ *Fraud Issues Haunt Canvasser*, Adam C. Smith, ST. PETERSBURG TIMES, October 26, 2004

¹⁹⁰ *Broward Mailing New Ballots*, Tim Reynolds, THE ASSOCIATED PRESS, October 28, 2004

¹⁹¹ *Double Voting Being Investigated*, David DeCamp, FLORIDA TIMES-UNION, January 25, 2005

¹⁹² *Double-Voters’ Names Going To Prosecutors*, Amy Sherman, THE MIAMI HERALD, November 14, 2004;

Absentee-Ballot Glitches Prompt Request For Inquiry, Erika Bolstad, THE MIAMI HERALD, November 17, 2004

¹⁹³ *Possible Attempts To Double Vote Eyed*, George Bennett, THE PALM BEACH POST, November 5, 2004

¹⁹⁴ *Volusia Canvassers Examine 3 In Vote Fraud*, Ludmilla Lelis and Jeff Libby, ORLANDO SENTINEL, November 4, 2004; *Area Voters Encounter Few Snags*, Lindsay Jones and John Pacenti, THE PALM BEACH POST, November 3, 2004

¹⁹⁵ *Dead Voters On Rolls, Other Glitches Found In 6 Key States*, Geoff Dougherty, CHICAGO TRIBUNE, December 4, 2004

¹⁹⁶ *Exposed: Scandal Of Double Voters*, Russ Buettner, [New York] DAILY NEWS, August 22, 2004

¹⁹⁷ *Voters Double-Dip In Ohio, Fla.*, Scott Hiaasen, Dave Davis and Julie Carr Smyth, [Cleveland] PLAIN DEALER, October 31, 2004

the *Orlando Sentinel* found that over 68,000 people were registered to vote in Florida and either Georgia or North Carolina. The paper also found 1,650 cases in which voters cast ballots in Florida and also in another state in the 2000 and 2002 elections.¹⁹⁸

6.4 Illinois

(a) Nine Democrats Found Guilty Of Vote-Buying In East St. Louis

On June 29, 2005, a federal jury convicted Charles Powell, Chairman of the East St. Louis Democratic Party, and four others of felony conspiracy to commit vote fraud. The jury deliberated for more than five hours before convicting the five “of scheming to buy votes with cash, cigarettes and liquor last November to try to get key Democrats elected.” Prosecutors alleged that money for the vote-buying “flowed from the Belleville-based St. Clair County Democrats to their East St. Louis counterparts in a bid to elect certain Democratic candidates, including Mark Kern as St. Clair County Board chairman.” Each count carries up to five years in prison and \$250,000 in fines.¹⁹⁹

The five convictions on June 29 brought the total number of East St. Louis Democrats found guilty of vote-buying in the last four months to nine. On March 22, 2005, four Democrat activists in East St. Louis pleaded guilty to paying voters \$5 to \$10 to vote for the “Democratic ticket” in the November 2004 election. Those pleading guilty included three precinct committeemen and one precinct worker. According to the *Belleville News-Democrat*, the money used to buy votes came from the St. Clair County Democratic Central Committee, which paid \$73,326 to East St. Louis Democratic precinct committeemen days before the election.²⁰⁰

Powell, then an East St. Louis City Councilman, was indicted in March 2005 along with four others on charges of “paying residents to vote in the Nov. 2 election to try to influence the races for Supreme Court, County Board chairman and president.” Powell and three of the others charged served as Democrat precinct committeemen. At the time, all five pleaded innocent to the charges.²⁰¹ Powell subsequently lost his bid for re-election to the City Council in April 2005.²⁰²

Among those convicted with Powell was Kelvin Ellis, the city’s Director of Regulatory Affairs and a Democratic precinct committeeman.²⁰³ Ellis was already in jail at the time of his indictment charged in January 2005 with plotting the murder of a witness to a federal vote fraud investigation. According to the indictment, Ellis plotted to kill a witness who told the FBI that

¹⁹⁸ *Double Votes Taint Florida, Records Show*, Roger Roy and Beth Kassab, ORLANDO SENTINEL, October 23, 2004

¹⁹⁹ *Federal Jury Convicts Five People In Federal Vote Fraud Trial*, THE ASSOCIATED PRESS, June 29, 2005

²⁰⁰ *Four Plead Guilty To Vote-Buying*, Beth Hundsdorfer, BELLEVILLE NEWS-DEMOCRAT, March 23, 2005

²⁰¹ *ESL Party Chairman Is Indicted*, Mike Fitzgerald and Beth Hundsdorfer, BELLEVILLE NEWS-DEMOCRAT, March 24, 2005; *Five Are Charged With Election Fraud*, Michael Shaw and Doug Moore, ST. LOUIS POST-DISPATCH, March 24, 2005

²⁰² *Powell Loses Race For Council*, Mike Fitzgerald, BELLEVILLE NEWS-DEMOCRAT, April 6, 2005

²⁰³ *Five Are Charged With Election Fraud*, Michael Shaw and Doug Moore, ST. LOUIS POST-DISPATCH, March 24, 2005

he had committed election fraud and other offenses.²⁰⁴ “[W]hen voters are paid for their votes, our democracy is corrupted, and corrupted for all,” said U.S. Attorney Ronald Tenpas after announcing the indictments.²⁰⁵

6.5 Kentucky

(a) Kentucky State Senator Indicted On Vote-Buying Charges

On May 5, 2005, Kentucky state Senator Johnny Ray Turner (D) was indicted on charges of accepting illegal campaign contributions and buying votes in his 2000 primary election campaign. Turner’s campaign treasurer and cousin, Loren Glenn Turner, and businessman Ross Harris were also indicted for their participation in the scheme. According to the Louisville *Courier-Journal*, the indictments were the “latest in a broader federal investigation into allegations of voting fraud in several Eastern Kentucky elections.” Loren Glenn Turner and Ross Harris were convicted of similar charges in a separate case involving a 2002 judicial election in Pike County in September 2004. All three have claimed innocence in this latest case.²⁰⁶

The federal indictment alleged that the defendants conspired to funnel money from Ross Harris to Johnny Ray Turner’s campaign through straw donors. In addition, the three allegedly bought votes by delivering checks with the payee information left blank. While the defendants claimed that the funds were for “vote hauling,” a legal activity in Kentucky, the U.S. Attorney alleges that they never intended it for such lawful purposes.²⁰⁷

U.S. Attorney Gregory Van Tatenhove stated that the point of the indictments was to make sure that “the vast majority of votes that are cast honestly” are “not diluted” by illegal actions.²⁰⁸ Meanwhile, the *Lexington Herald Leader* editorialized against the practice of paid vote hauling. Noting that Turner paid “more than 650 people a total of about \$34,000 to haul votes” during his 2000 campaign, the *Herald Leader* stated that while campaigns helping citizens get to the polls is good, “paid vote hauling all too often is no more than thinly disguised vote buying.”²⁰⁹ A trial is slated to begin on July 25 for Johnny Ray Turner and Loren Glenn Turner, while Ross Harris’ trial has been separated from the others due to his poor health.²¹⁰

²⁰⁴ *Murder Plot Charge Stems From Voting Probe*, Michael Shaw and Douglas Moore, ST. LOUIS POST-DISPATCH, January 22, 2005

²⁰⁵ *ESL Party Chairman Is Indicted*, Mike Fitzgerald and Beth Hundsdorfer, BELLEVILLE NEWS-DEMOCRAT, March 24, 2005.

²⁰⁶ *Senator, 2 Other Men Are Indicted*, Elisabeth J. Beardsley, THE [Louisville] COURIER-JOURNAL, May 6, 2005

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *End Vote Hauling*, Editorial, LEXINGTON HERALD LEADER, May 5, 2005

²¹⁰ *Federal Vote-Fraud Trials To Be Separate*, Lee Mueller, LEXINGTON HERALD LEADER, May 18, 2005

6.6 Michigan

(a) ACORN Linked To Voter Registration Fraud In Michigan

In late September 2004, the *Detroit Free Press* reported that campaign workers in several Michigan counties were under investigation for submitting thousands of fraudulent voter registrations to elections officials in the state. The fraud appeared to be an outgrowth of “unprecedented” voter registration campaigns conducted in Michigan by third-party groups aiming to influence the November election. The *Free Press* named two such groups as having “submitted apparently-fraudulent applications,” Public Interest Research Group in Michigan (PIRGIM) and ACORN/Project Vote.²¹¹

The voter registration fraud in Michigan included efforts to “register nonexistent people or forging applications for already-registered voters” in Wayne, Oakland, Ingham and Eaton counties, according to the report. Ingham County Clerk Mike Bryanton said some of the fraud included “names taken out of the phone book and as many as eight people registered from a single apartment address.” The voter registration drives “produced thousands of registration applications from voters already on the rolls” in Detroit. State Elections Director Christopher Thomas said the “irregularities were like nothing he had seen before.” Thomas said that voter registration fraud “undermines confidence in the system and burdens local elected officials.” Officials from PIRGIM and ACORN/Project Vote “downplayed the issue” of voter registration fraud in the state, saying that there were a limited number of fraudulent registrations that were generally the work of inexperienced workers.²¹²

A *Free Press* editorial took on PIRGIM and ACORN/Project Vote, calling fraudulent voter registrations “yet another blow” to the election system. The paper wrote that voter registration fraud puts the integrity of the entire system “at stake.” The *Free Press* further noted that the “last thing” election workers needed was “a flood of new voter applications of dubious origin,” as they were already under pressure to get things exactly right after the Florida recount debacle.²¹³

6.7 Minnesota

(a) ACORN Worker Caught With Hundreds Of Voter Registration Forms In Trunk Of His Car

When police pulled a man over for running a stop sign at Minneapolis-St. Paul International Airport in late September 2004, they made a startling discovery in his trunk: more than 300 voter registration forms that had been filled out but never delivered to the Secretary of State’s Office. The car’s driver, Joshua Reed of St. Louis Park, identified himself as a former employee of ACORN’s voter registration drive in the Twin Cities.²¹⁴

²¹¹ *Campaign Workers Suspected Of Fraud*, Dawson Bell, DETROIT FREE PRESS, September 23, 2004

²¹² *Id.*

²¹³ *Vote Fraud: Phony Registrations Are Yet Another Blow To System*, Editorial, DETROIT FREE PRESS, September 27, 2004

²¹⁴ *Stash Of Voter Cards Probed*, Patrick Sweeney, [St. Paul] PIONEER PRESS, October 8, 2004

Minnesota law requires registration forms to be turned in within ten days of being filled out and signed, but the forms found in Reed's car were weeks or months old. Police took the forms to the Secretary of State's office where workers photocopied them. Secretary of State Mary Kiffmeyer asked metro-area county election officials to accept the photocopies as valid registrations, which they did. However, a handful of voters were unable to have their registrations processed as water damage caused some of the forms to be illegible. Since the forms contained sensitive personal data, like signatures, driver's license numbers and full dates of birth, there was significant potential for identity theft. Reed reportedly told authorities he had been fired from ACORN for making copies of the forms, though ACORN denied that assertion.²¹⁵

Reed, who faced an unrelated felony drug case when he was pulled over in September, pleaded guilty on December 4 to two felony counts and admitted to failing to promptly turn over the voter registration forms and forging signatures on 18 other voter registration forms. Hennepin County Attorney Amy Klobuchar said of the case, "It was very important for the public integrity of our electoral system that somebody, if they do something like this, gets charged, gets convicted and gets consequences."²¹⁶

6.8 Missouri

(a) ACORN Linked To Voter Registration Fraud In Missouri

In September 2003, St. Louis Election Board workers discovered more than 1,000 suspicious new voter registration forms among a batch of 5,000 submitted by ACORN. Keena Carter, the election board's deputy Democratic director, first became suspicious after discovering a blatantly fraudulent form attempting to re-register her brother, Alderman Greg Carter (D-27th Ward), under the name "Alderman Gregory" and listing his office address as his home. Election Board workers called one of the names listed on the suspicious forms only to find that the name listed on the form was that of a baby. Many of the bogus forms listed addresses in Illinois and elsewhere in Missouri outside of St. Louis. ACORN blamed most of the group's fraudulent registrations on four temporary workers that ACORN said it fired after the workers admitted filling out forms with fake names, addresses and Social Security numbers.²¹⁷

ACORN employees submitted fraudulent voter registration forms in Kansas City as well, according to news reports. Andrew Ginsberg, ACORN's head organizer in Kansas City, admitted to firing "five or six employees" for submitting fraudulent registrations to election officials, and turned their names over to police. These cases reportedly included ACORN workers making up names as well as submitting duplicate registrations.²¹⁸

²¹⁵ *Stash Of Voter Cards Probed*, Patrick Sweeney, [St. Paul] PIONEER PRESS, October 8, 2004

²¹⁶ *Man Pleads Guilty In Voter Registration Scam*, THE ASSOCIATED PRESS, December 7, 2004

²¹⁷ *Voter Registration Fraud Dogs City*, Jo Mannies, ST. LOUIS POST-DISPATCH, September 19, 2003

²¹⁸ *Political Groups Using Incentives To Encourage Voter Registration*, David A. Lieb, THE ASSOCIATED PRESS, June 27, 2004

Less than a month before the November election, workers at the St. Louis County Board of Election were still finding fraudulent registrations. KMOV News 4 reported in early October that election officials were “trashing hundreds of faulty voter registrations, most of them collected by voter drive groups like Pro-Vote and America Coming Together.” KMOV’s report indicated that 10,000 new voter registration forms were submitted to the county elections office in the days before the registration deadline and asked, “[C]an all of them be checked before November 2?”²¹⁹

(b) Operation Big Vote And Voter Registration Fraud In St. Louis

In February 2005, a St. Louis jury convicted Nonaresa Montgomery, the head of Operation Big Vote, of lying to a grand jury investigating thousands of fraudulent voter registration forms turned in to the city elections board before the 2001 mayoral primary. Montgomery’s perjury stemmed from her statement that she could not track the cards that she turned into the board when in fact she could.²²⁰ Testimony in the case indicated that destroying copies of the fraudulent forms was discussed at a meeting attended by Montgomery, St. Louis Comptroller Darlene Green, assistant Democratic election board director Keena Carter and longtime political activist Pearlie Evans.²²¹

Six Operation Big Vote volunteers pled guilty in December 2004 to dozens of election law violations for filling out the fraudulent forms.²²² Prosecutors had alleged that Operation Big Vote used names of dead people (including that of longtime Alderman Albert “Red” Villa, who died in 1990), prepared multiple registration forms for the same person, filled out forms on behalf of others with or without their permission and simply made up people to register.²²³

(c) Fraudulent Voter Registration Activity In Missouri By America Coming Together (ACT) And Missouri Pro-Vote

In June 2004, the St. Louis-based nonpartisan nonprofit Center for Ethics and the Free Market reported that thousands of duplicative and fraudulent voter registration forms were filed in the county by America Coming Together (ACT) and Missouri Pro-Vote. The Center found that more than a quarter of the voter registration applications turned in to St. Louis officials by these two groups were “deemed duplicative,” and hundreds were rejected by election officials as they came from ineligible voters.²²⁴

²¹⁹ *Investigation Reveals Phony Registration Cards*, Jamie Allman, KMOV Website, www.kmov.com, October 7, 2004

²²⁰ *Jury Finds Montgomery Guilty In Vote Fraud Case*, Robert Patrick, ST. LOUIS POST-DISPATCH, February 11, 2005

²²¹ *Darlene Green Testifies In City Vote Fraud Trial*, Robert Patrick, ST. LOUIS POST-DISPATCH, February 10, 2005

²²² *Jury Finds Montgomery Guilty In Vote Fraud Case*, Robert Patrick, ST. LOUIS POST-DISPATCH, February 11, 2005

²²³ *Head Of 2001 Voter-Registration Drive Convicted Of Perjury*, THE ASSOCIATED PRESS, February 10, 2005

²²⁴ The Center For Ethics And The Free Market, *Laying The Groundwork: A Study Of Voter Registration In Missouri*, www.centerforethics.org, June 2004 (Exhibit S)

(d) Corrupted Voter Rolls And Double-Voting In Missouri

In May 2004, Democrat State Auditor Claire McCaskill released an audit finding that the St. Louis Election Board's voter files included dead people, felons and Illinois residents. McCaskill's audit found that "nearly 10 percent, or 24,000, of the city's registered voters are either dead, been convicted of a felony, registered in another jurisdiction or otherwise questionable."²²⁵

In September 2004, the *Kansas City Star* reported that more than 300 people may have voted twice in the same election in Missouri in 2000 and 2002, though the number "could be even higher." The *Star* found about 150 potential double-voters in St. Louis or St. Louis County, 60 in the Kansas City area and the rest spread around the state.²²⁶

6.9 Nevada

(a) Voter Registration Fraud In Nevada

Voter registration fraud "plagued Clark County" in 2004. After the fictional horror movie character Freddy Krueger registered to vote in Clark County, top elections official Larry Lomax began to sound the alarm bell about voter registration fraud in the Las Vegas area. "We've never seen anything close to this," Lomax told the *Las Vegas Review-Journal*. His office flagged several hundred suspicious voter registration forms and Lomax said he had a stack of "obviously fraudulent" forms. Some of the fraudulent forms included the names of clearly fictitious people, while others had names of illegal immigrants or names of registered voters with party affiliations suspiciously switched.²²⁷

Lomax believed that it was money, and not necessarily partisan interest, that fueled much of the voter registration fraud in the Las Vegas area. One voter registration worker reportedly left his pay stub in a stack of forms, which showed him being paid by the form, not the hour, a violation of state law. Another worker flatly told Lomax that he was being paid by the form. More than 100 nonprofit groups requested voter registration forms from Lomax's office, and though he declined to say which ones submitted the fraudulent registrations, he did indicate they were smaller, less well-known groups.²²⁸

(b) Charges Of Partisan Voter Registration Fraud In Nevada

In October 2004, Sproul & Associates, a Republican National Committee vendor paid to do voter registration work, came under intense scrutiny for its activity in Nevada. Eric Russell, a former employee of the Sproul & Associates' voter registration effort Voters Outreach of

²²⁵ *Audit Critical Of City Election Board*, THE ASSOCIATED PRESS, May 26, 2004

²²⁶ *One Person, One Vote? Not Always*, Greg Reeves, THE KANSAS CITY STAR, September 5, 2004

²²⁷ *Vote Fraud Allegations: Judge Denies Request*, Adrienne Packer and J.M. Kalil, LAS VEGAS REVIEW-JOURNAL, October 16, 2004; *Fake Voter Sign-Ups Increasing*, Erin Neff and Brian Haynes, LAS VEGAS REVIEW-JOURNAL, July 9, 2004; *County Battling Vote Fraud*, Adrienne Packer, LAS VEGAS REVIEW-JOURNAL, July 17, 2004

²²⁸ *County Battling Vote Fraud*, Adrienne Packer, LAS VEGAS REVIEW-JOURNAL, July 17, 2004

America, claimed to have witnessed his supervisors tearing up Democrat registration forms. Russell, who admitted to being a disgruntled employee upset about not being paid for work he claimed to have done, said he witnessed his supervisor shred eight to 10 Democratic registration forms from prospective voters.²²⁹

Sproul & Associates denied Russell's allegations. DNC Chairman Terry McAuliffe cited the Nevada allegations as evidence of the GOP's "systematic efforts to disenfranchise voters all over the country." Republicans said Democrats were using "selective outrage" in seizing on the Russell allegations and pointed to similar charges against Democrat-aligned voter registration groups in Nevada. Republicans presented to the press three registration forms submitted by Moving America Forward, a group linked to Democrat Gov. Bill Richardson of New Mexico that listed addresses that do not exist or are empty lots. The NAACP was also contacted by Clark County elections officials in regard to "problems with voter registration cards."²³⁰

On the basis of Russell's allegations, the Nevada Democratic Party sued the state of Nevada to reopen voter registration only in Clark County. A state court judge rejected the suit, saying that Democrats' thin evidence of registration forms actually being destroyed did not justify reopening the registration process.²³¹

In late October, Nevada Secretary of State Dean Heller announced that a state investigation of Eric Russell's allegations against Sproul & Associates found "no evidence of an organized or concerted effort which would influence or impact the result of the elections in Clark County based on these allegations."²³²

(c) Felons Registered To Vote In Nevada

In October 2004, the *Chicago Tribune* reported finding more than 700 felons illegally registered to vote in Clark County. The *Tribune's* list included people "serving time in prison, those on parole, and those who have committed violent crimes and sex offenses," all of whom were banned from voting, according to state law. According to the local Board of Elections, the county did not "have the staff" to check the felon registrant names.²³³

²²⁹ *Executive Denies Voter Registration Forms Destroyed In Nevada*, Adam Goldman, THE ASSOCIATED PRESS, October 13, 2004

²³⁰ *Registering Voters: Add One, Take Away Two*, Jo Becker and Thomas B. Edsall, THE WASHINGTON POST, October 14, 2004; *Vote Fraud Allegations: Judge Denies Request*, Adrienne Packer and J.M. Kalil, LAS VEGAS REVIEW-JOURNAL, October 16, 2004; *Extent Of Vote Fraud In County Unknown*, Kirsten Searer, LAS VEGAS SUN, July 21, 2004

²³¹ *Nevada Judge Declines To Reopen Voter Registration In Vegas Area*, Ken Ritter, THE ASSOCIATED PRESS, October 15, 2004

²³² Nevada Secretary Of State, "Alleged Vote Fraud Investigations Ongoing," Press Release, October 28, 2004

²³³ *Felons Slip Through The Net Of Voter Registration Rules*, Michael Martinez and Geoff Dougherty, CHICAGO TRIBUNE, October 31, 2004

6.10 New Mexico

(a) Voter Registration Fraud In New Mexico

It was clear in August 2004 that New Mexico would have a significant problem with voter registration fraud. That month, Bernalillo County Clerk Mary Herrera estimated that she had some 3,000 registration forms with one problem or another making them invalid. “We have a mess here. ... I’d rather say it now, so we have time to straighten it out,” Herrera said. The problems included forms with faulty addresses, signatures and Social Security numbers.²³⁴

Many incidents of voter registration fraud were reported throughout the Summer and Fall of 2004. The general surge in fraud complaints led local U.S. Attorney David Iglesias to form a special task force on vote fraud in September 2004.²³⁵

- ✓ **Two Albuquerque Teenagers – Aged 13 And 15 – Were Registered To Vote.** In August 2004, Albuquerque resident Glen Stout received voter registration cards in the mail for his 13-year-old son and their 15-year-old neighbor across the street. Stout told the *Albuquerque Journal* that the registration card listed a Social Security number that didn’t match his son’s, and the date of birth made him appear old enough to vote.²³⁶
- ✓ **Dead Man Registered To Vote In Albuquerque Area.** Bernalillo County resident Patricia Laven reportedly received a voter registration card for her father, who had passed away two and a half years earlier.²³⁷
- ✓ **Voter Registration Cards Listed False Addresses, Including Empty Lot, Shopping Center And Parking Lot.**²³⁸
- ✓ **Just Before The Election, Bernalillo County Clerk Asked Prosecutors To Review Two Dozen Suspicious Voter Registration Cards.** As Election Day approached, complaints of fraudulent registrations “rolled in,” with “people claiming that they’re getting cards they didn’t request with incorrect names, Social Security numbers and birthdates.”²³⁹
- ✓ **One Voter “Registered – And Reregistered – Four Times In A 60-Day Period, Although None Of His Key Information Had Changed.”**²⁴⁰
- ✓ **“In One Instance, A Woman Registered In March With A Last Name Of Maestas-Perea. In May, She Put Down Perea-Maestas.”**²⁴¹

²³⁴ Clerk: Voter Forms ‘A Mess,’ Shea Andersen, ALBUQUERQUE TRIBUNE, August 17, 2004

²³⁵ Election ‘Mischief’ Under Scrutiny, Dan McKay, ALBUQUERQUE JOURNAL, September 10, 2004

²³⁶ Too Young To Vote, Dan McKay, ALBUQUERQUE JOURNAL, August 20, 2004

²³⁷ Dead Man Registered To Vote Again, KRQE Website, www.krqe.com

²³⁸ KRQE News 13 Report, August 16, 2004

²³⁹ Clerk Seeks Vote-Fraud Review, Dan McKay, ALBUQUERQUE JOURNAL, October 29, 2004

²⁴⁰ Probe Irregularities In Voter Registration, Editorial, ALBUQUERQUE JOURNAL, August 9, 2004

²⁴¹ *Id.*

(b) **ACORN Linked To Voter Registration Fraud In New Mexico**

According to Bernalillo County Clerk Mary Herrera and Sheriff Darren White, the numerous voter registration groups active in New Mexico “could be to blame” for the wave of fraudulent registrations.²⁴² ACORN was linked by press reports to much of the voter registration fraud that occurred in New Mexico in the weeks and months leading up to the November election.

- ✓ **ACORN Worker Registered 13-Year-Old To Vote, Father Joined Lawsuit Asking Secretary Of State To Require IDs At Polls.** An ACORN worker fraudulently registered a 13-year-old to vote in Albuquerque, according to press reports. A copy of the boy’s registration form reportedly indicated that a former ACORN employee turned in the form to election officials. ACORN spokesman Matthew Henderson said the group fired the worker in question in May “for what he called ‘dishonest practices’ unrelated to voter registration forms.”²⁴³

The 13-year-old’s father, Glen Stout, joined a lawsuit to require first-time voters to show IDs before casting their ballots. Stout said this incident underscored the need for ID at the polls, as someone may have voted in his son’s name.²⁴⁴

- ✓ **ACORN Voter Registration Forms Found In Apartment During Drug Bust.** About a dozen voter registration forms were discovered during a search of an Albuquerque apartment that was part of a drug investigation. The occupant of the apartment, who was arrested on drug charges, reportedly told police that he obtained the forms while working for ACORN.²⁴⁵
- ✓ **Woman Unable To Vote At Polls, Blamed ACORN Workers Who “Joked” When She Said She Wanted To Register As Republican.** Albuquerque resident Ingrid Bober was reportedly unable to vote because poll workers said she was not on list of registered voters. Bober said she registered in February with ACORN, but she suspected her registration was not turned in, as the ACORN worker “joked” about her being a Republican.²⁴⁶
- ✓ **ACORN Worker Took The Fifth Amendment During Testimony On The Group’s Handling Of Registration Forms.**²⁴⁷

²⁴² *Too Young To Vote*, Dan McKay, ALBUQUERQUE JOURNAL, August 20, 2004

²⁴³ *More Glare On Voter Sign-Ups*, Shea Andersen, ALBUQUERQUE TRIBUNE, August 25, 2004

²⁴⁴ *Dad of ‘Voter’ Joins Suit To Require IDs*, Dan McKay, ALBUQUERQUE JOURNAL, August 25, 2004

²⁴⁵ *Albuquerque Police Find Voter Registration Forms At Albuquerque Apartment*, THE ASSOCIATED PRESS, October 16, 2004

²⁴⁶ *County’s Early-Polling Places ‘Slammed’ With Voters, Calls*, Dan McKay and Andy Lenderman, ALBUQUERQUE JOURNAL, October 19, 2004

²⁴⁷ *Fight Over Voter ID Heats Up*, Andy Lenderman, ALBUQUERQUE JOURNAL, September 19, 2004

(c) **Other Voter Registration And Election Fraud Issues In New Mexico**

Other issues related to election fraud and questionable voter registration activities in New Mexico included:

- ✓ **Man “Working For Governor Richardson” Reportedly Attempted To Collect Woman’s Absentee Ballot.** According to the *Albuquerque Journal*, a woman said that a man claiming to be “working for Governor Richardson” came to her door and tried to collect her absentee ballot, an illegal practice in New Mexico. The director of Richardson’s political organization, Moving America Forward, said that the man did not work for the governor, and that the group did not collect absentee ballots.²⁴⁸
- ✓ **College Student Said He Was Fired From Moving America Forward, The “527” Group Affiliated With Governor Richardson, For Registering Too Many Republicans.** New Mexico State University student Joshua Pena told the *Albuquerque Journal*, “They said I was registering too many Republicans ... We (the group) were pushing for the Democratic vote.” Moving America Forward’s director denied the charge, saying “We would never, ever fire somebody because of that.”²⁴⁹
- ✓ **Republican Voter Registration Forms Stolen From New Voters Project Office In Albuquerque.** According to *The Associated Press*, 100 to 200 mostly Republican forms were stolen during the night of September 12.²⁵⁰

6.11 Ohio

(a) **Charges That Exit Poll Results Exposed Republican Election Fraud & Confirmed Democrat Victory On Election Day**

Shortly after the election, theories began circulating on the Internet about the gap between the vote count and the results of the exit polls, which on Election Day showed Kerry leading nationally and in key battleground states. Only a week after the election, University of Pennsylvania professor Steven Freeman caused a stir on the Internet when he released a paper raising the specter of election fraud based on this exit poll discrepancy.²⁵¹ By late November, the Rev. Jesse Jackson was citing a “suspicious” gap between exit poll results and the vote count.²⁵² In January 2005, Democrats used this claim as a key rationale for their challenge of the Ohio election results in Congress. Democrat Rep. John Conyers’ Judiciary Committee staff report, which formed the basis of the challenge, charged that “exit polls bolster claims of irregularities and fraud” and “provide important evidence that something was amiss in the Ohio election.”²⁵³ More recently, a study by the “left-leaning non-profit” U.S. Count Votes found that exit polls

²⁴⁸ *Woman Reports Ballot Ruse*, Andy Lenderman, ALBUQUERQUE JOURNAL, October 23, 2004

²⁴⁹ *Fight Over Voter ID Heats Up*, Andy Lenderman, ALBUQUERQUE JOURNAL, September 19, 2004

²⁵⁰ *Activist Reports Theft Of Voter Forms*, THE ASSOCIATED PRESS, September 23, 2004

²⁵¹ *Election Numbers Still Leave Questions For Some*, Larry Eichel, THE PHILADELPHIA INQUIRER, November 23, 2004

²⁵² *Jackson Rallies For Ohio Vote Probe*, Stephanie Zimmermann, CHICAGO SUN-TIMES, November 28, 2004

²⁵³ *Preserving Democracy: What Went Wrong In Ohio*, Report Of The House Judiciary Committee Democratic Staff, January 5, 2005

results showed “corruption of the official vote count occurred most freely in districts that were overwhelmingly Bush strongholds.”²⁵⁴ *The Washington Post* reported that the U.S. Count Votes study “clearly leaves the impression that the authors believe there was wholesale fraud in the 2004 presidential election.”²⁵⁵

Yet as these theories circulated around the Internet, a bipartisan consensus emerged that the flaws in the exit polls did not support the conclusion that President Bush’s victory in Ohio was the result of election fraud. In January 2005, the firms that performed the exit polls – Edison Media Research and Mitofsky International – released a report stating that the exit polls’ flaws were caused primarily by an oversampling of Kerry supporters, as Kerry voters were more likely to participate in the exit poll interviews than Bush voters. The report cited the inexperience and youth of its interviewers as another problem with their poll.²⁵⁶

Democrat pollster Mark Blumenthal agreed that the faulty exit polls did not indicate fraud in the 2004 election for President. He said that some of the studies on the Internet come from people who “really want to find that the exit polls are evidence of some fraud.” As Blumenthal told ABC’s “Nightline,”

“There is a bit of a statistical food fight here if you go on the Internet, between those who really want to find that the exit polls are evidence of some fraud, and some of us who are more skeptical. And what I’ve said before is I think it’s a lot of sound and fury signifying not very much. Because – at the end of the day, Warren Mitofsky agrees, I agree, everyone agrees that there was a small and probably significant error across the whole country.”²⁵⁷

Warren Mitofsky, considered the “father of the exit poll,” leads one of the firms that produced the flawed exit polls in 2004.²⁵⁸ Mitofsky criticized the Internet theories and the U.S. Count Votes study, noting that polling is not its authors’ area of expertise. “The trouble is they make their case very passionately and not very scholarly ... I don’t get the impression that any of these people have conducted surveys on a large scale,” Mitofsky said. According to Mitofsky, the theory that the exit poll results are some indication of fraud is “totally implausible.”²⁵⁹

In May 2005, the nonpartisan Election Science Institute (ESI) dealt another blow to the exit poll fraud theory when it released a study confirming “pollster Warren Mitofsky’s assertion that the exit polls that put John Kerry ahead of George Bush in Ohio on Election Day 2004 do not necessarily indicate that there was fraud in the Ohio election.” The ESI study was presented at the annual conference of the American Association of Public Opinion Research and conducted by a research team led by Dr. Fritz Scheuren, president of the American Statistical Association

²⁵⁴ *Analysis Of The 2004 Presidential Election Exit Poll Discrepancies*, U.S. Vote Counts, March 31, 2005, Updated April 12, 2005; *Vote Fraud Theorists Battle Over Plausibility*, Terry M. Neal, THE WASHINGTON POST, April 24, 2005

²⁵⁵ *Vote Fraud Theorists Battle Over Plausibility*, Terry M. Neal, THE WASHINGTON POST, April 24, 2005

²⁵⁶ *Evaluation Of Edison/Mitofsky Election System 2004*, Edison Media Research and Mitofsky International, January 19, 2005

²⁵⁷ ABC’s “Nightline,” January 19, 2005

²⁵⁸ *Id.*

²⁵⁹ *Vote Fraud Theorists Battle Over Plausibility*, Terry M. Neal, THE WASHINGTON POST, April 24, 2005

and Vice President for Statistics at NORC, a research institute based at the University of Chicago. ESI “used more detailed information from the exit polls than previous studies.” Dr. Scheuren confirmed Mitofsky’s finding, stating that “it looks more like Bush voters were refusing to participate and less like systematic fraud.”²⁶⁰

The liberal online newsmagazine Salon.com recently reported that a “consensus among experienced pollsters” now favors Mitofsky’s view it was the overrepresentation of Kerry voters in the exit polls – not election fraud – that caused them to differ from the official vote count. Several key individuals “who once suspected that the exit polls pointed to election fraud, have begun to change their minds.” Bruce O’Dell, one of the founders of U.S. Count Votes, “the group that has been leading the charge to show that exit polls prove Kerry won,” now believes “it’s impossible to say whether the exit polls suggest that Bush stole the election,” and calls Mitofsky’s explanation of what went wrong “plausible.” Salon.com reported that one researcher found a math error in U.S. Count Votes’ analysis that “basically stuck the final nail in the coffin of any theories purporting to show that the exit polls proved the election was stolen.”²⁶¹

Finally, the DNC Voting Rights Institute’s report on the election in Ohio, released on June 22, 2005, rejected claims that widespread fraud cost Kerry the election in Ohio. The DNC’s “statistical study of precinct-level data does not suggest the occurrence of widespread fraud that systematically misallocated votes from Kerry to Bush.” The DNC’s experts found that the similarity between the vote patterns for Kerry in 2004 and the Democrat gubernatorial candidate in 2002 was “strong evidence against the claim that widespread fraud systematically misallocated votes from Kerry to Bush.”²⁶²

Back in Ohio, editorial boards around the state panned the exit poll fraud theories. The *Akron Beacon Journal* called them “frivolous,” saying that “early exit polls were inaccurate and never intended as predictors of the final vote.”²⁶³ The *Cleveland Plain Dealer* opined that the “die-hard band of zealots” pushing the exit poll fraud theory need to realize that “the only poll that counts is the one conducted by ballot.” Even Conyers’ hometown paper, the *Detroit Free Press*, accused him of “grasping at straws” in an effort to overturn the election. The *Free Press* suggested that if Conyers was truly interested in election reform he might turn his attention back home to Detroit:

“If Conyers really wants to get to the bottom of problematic balloting, he ought to come back home. Few places in America have as inept an election system as Detroit. Voters stand in lines that are needlessly long, show up to find balloting places closed, lose their votes to incompetent election officials, and have no confidence that the other people standing in line with them are really eligible to vote. Detroit would be fertile ground for congressional investigators. Conyers should turn his attention homeward and leave the media alone.”²⁶⁴

²⁶⁰ Election Science Institute, *Ohio Exit Polls ‘Not a Smoking Gun’ For Fraud, Study Says*, Press Release, May 14, 2005

²⁶¹ *No Exit*, Farhad Manjoo, SALON.COM, June 15, 2005

²⁶² *Democracy At Risk: The 2004 Election In Ohio*, Report Of The Democratic National Committee’s Voting Rights Institute, June 22, 2005

²⁶³ *Do The Math*, Editorial, AKRON BEACON JOURNAL, December 5, 2004

²⁶⁴ *Conyers Has No Right To Polling Data*, Editorial, DETROIT FREE PRESS, December 27, 2004

(b) Voter Registration Fraud In Ohio

A number of organizations seeking to influence the outcome of the presidential election were very active in Ohio in 2004. Election authorities received almost one million new voter registrations and a total of 5.7 million votes in Ohio were cast in the 2004 General Election, a historic high for Ohio.²⁶⁵ This unprecedented voter participation should be celebrated. However, not every organization involved in voter registrations efforts is to be commended. The unfortunate fact is that Ohio election authorities experienced an unprecedented number of fraudulent voter registrations and some organizations appear to have been engaged in efforts to facilitate and pay for the submission of fraudulent voter registration forms.

This point was noted by Keith Cunningham, President of the Ohio Association of Election Officials, when he testified about the election in Ohio before the House Administration Committee in March 2005. During his testimony, Cunningham remarked that “disruptive” and “distracting” political activists on the ground in Ohio made it increasingly difficult for elections officials to do their jobs.

Cunningham: “[T]he November 2004 election was probably the single most difficult thing I have ever tried to manage in my life. ... For instance, the card we send out to voters that tell them where they’re registered, what your precinct is. I spent the better part of an afternoon arguing with somebody that the type on that card was too small, when it’s the same card we’ve been sending out for some time and it’s the default setting on the printer. My belief is that not everyone in November 2004 was dealing in good faith. And there were people on the ground and present in Ohio who ... were attempting to create chaos and confusion in hopes that out of it could come something that could be exploited.”²⁶⁶

Part of the “chaos and confusion” referenced by Cunningham stemmed from the thousands of fraudulent voter registrations submitted to elections officials in every corner of Ohio.

A state investigation of voter registration fraud in the Buckeye State in 2004 was one of the “biggest of its kind in recent years.”²⁶⁷ Perhaps as a result of registration fraud, it was reported that according to the 2003 Census numbers, voter registration exceeded the number of voting-age people in four Ohio counties: Franklin, Delaware, Fayette and Mercer.²⁶⁸ Further, the Cleveland *Plain Dealer* reported that 27,000 voters were eligible to cast ballots in both Ohio and Florida last year.²⁶⁹

²⁶⁵ *One Last Knock And A Plea: Volunteers Scratch For Votes*, Jack Torry, THE COLUMBUS DISPATCH, October 31, 2004; *Republicans Beat Democrats In Ohio Ground Game*, Sam Howe Verhovek and Elizabeth Shogren, LOS ANGELES TIMES, November 4, 2004

²⁶⁶ Testimony Of Keith Cunningham At U.S. House Committee On House Administration Hearing, Columbus, OH, March 21, 2005

²⁶⁷ *Voter Registration Investigation One Of Largest In Recent Years*, THE ASSOCIATED PRESS, September 23, 2004

²⁶⁸ *Figures Don’t Add Up*, Dennis J. Willard and Doug Oplinger, AKRON BEACON JOURNAL, October 2, 2004

²⁶⁹ *Voters Double-Dip In Ohio, Fla*, Scott Hiaasen, Dave Davis and Julie Carr Smyth, [Cleveland] PLAIN DEALER, October 31, 2004

(c) **NAACP, ACORN And Other Third-Party Groups Linked To Thousands Of Fraudulent And Suspicious Voter Registrations In Ohio**

NAACP National Voter Fund

- ✓ **NAACP National Voter Fund Worker Paid Crack Cocaine In Exchange For Fraudulent Registrations.** Perhaps the most outrageous example of voter registration fraud occurred in Defiance County, where Chad Staton pled guilty to submitting hundreds of fraudulent voter registration forms for the NAACP National Voter Fund in exchange for crack cocaine. Mr. Staton filled out and submitted voter registration forms in the name of cartoon characters, action figures, celebrities and other fictitious residents of Lucas, Cuyahoga and other counties.

Elections officials throughout northern Ohio received registration forms from Mary Poppins, Jeffrey Dahmer, George Foreman, Michael Jordan, Dick Tracy and a host of other individuals. After an investigation of the matter, Defiance County Sheriff David Westrick learned that Mr. Staton was responsible for completing some of these forms and arrested him.

Mr. Staton provided a taped admission regarding these crimes, was indicted and subsequently pled guilty. Mr. Staton admitted being paid for his efforts in crack cocaine by an NAACP National Voter Fund employee, Georgianna Pitts. Ms. Pitts, a Toledo native, was reported to be an employee of the NAACP and paid Mr. Staton with crack cocaine for the falsified forms. Ms. Pitts died suddenly of a drug overdose before being prosecuted. Sheriff Westrick was able to trace the falsified registration forms and learned that they were submitted to the Cuyahoga County Board by NAACP Voter Protection Project, located in Cleveland, Ohio.²⁷⁰

- ✓ **NAACP National Voter Fund Registers Man Dead For Two Decades.** In Lake County, a man who had been dead for more than two decades was registered on a card submitted by the NAACP.²⁷¹
- ✓ **48 Forged Voter Registration Cards Submitted by NAACP.** In Mahoning County, 48 voter registration cards were flagged as part of a group of cards submitted by the NAACP in Cleveland. The registration cards were originally misfiled by the NAACP with the Cuyahoga County Board of Elections which forwarded them to Mahoning County. Many appeared to be in the same handwriting, and as the Board attempted to verify them, voters repeatedly told the board that they did not sign new registration cards.²⁷²
- ✓ **NAACP National Voter Fund Investigated In Cleveland.** County Board of Election officials flagged 17 registration cards submitted by NAACP National Voter Fund state director Thaddeus Jackson, which all bore signatures that looked alike. The Board of

²⁷⁰ See *State v. Staton*, Defiance County Court Case No. 04-CR-09070. (Exhibit T); *Man Arrested After Voter Forms Turned In For Mary Poppins, Michael Jordan*, *Ohio Officials Say*, THE ASSOCIATED PRESS, October 19, 2004

²⁷¹ *Dead Man On Voter Rolls Sparks Inquiry*, Michael Scott, [Cleveland] PLAIN DEALER, September 23, 2004

²⁷² *Suspicious Voter Cards Are Piling Up*, Lisa A. Abraham, AKRON BEACON JOURNAL, September 29, 2004

Elections asked the Cuyahoga County Prosecutors Office to investigate the potential forged signatures arising from a registration drive where volunteers were paid \$2.00 per signature collected. Most of these registrations contained fake addresses, fictitious names and vulgarities.²⁷³

ACORN – Association of Community Organizations for Reform Now

- ✓ **ACORN Submits “Blatantly False” Voter Registration Cards In Franklin County.** In June 2004, ACORN fired two employees for filing false registration forms and forging signatures. The two ACORN employees claimed to be registering voters in Franklin County. Board of Election officials reviewed the forms and determined that the registrations contained “blatantly false” information. Election officials referred the matter to the Franklin County Sheriff’s Office for investigation. Registration cards submitted by ACORN and its partner group, Project Vote, contained fake first names, incorrect birth dates and Social Security numbers, forged voter signatures when compared to information on file with the Franklin County Board of Elections.²⁷⁴
- ✓ **ACORN Registrations Include Dead Person, 25 Addresses For The Same Man, And Suspected Terrorist.** In Franklin County, hundreds of cases of suspected election fraud were reviewed. Among the applications reviewed were: One application signed in the name of a man who passed away February 25; applications showing different addresses for the same man; one registration purportedly from Nuradin Abdi, an illegal alien and suspected terrorist charged with plotting to blow up a Columbus mall. The Franklin County Prosecutor reviewed hundreds of cases of suspected election fraud in the days leading up to the November 2004 Presidential election. Prosecutor Ron O’Brien stated that, “what causes some of this to happen is that people are being paid to register new voters.” Some of the suspected cases of fraud were submitted by the Columbus Urban League, while others came from ACORN.²⁷⁵
- ✓ **Similar Handwriting And False Addresses Found On ACORN Cards In Hamilton County.** In October 2004, the Hamilton County Board of Elections requested that the head organizer for ACORN appear before the Board to discuss fraudulent registrations submitted by a paid ACORN staffer. The employee submitted approximately 19 registration cards for individuals who did not exist after Board of Election officials noticed that the registration cards all had similar handwriting and false addresses. The Hamilton County Sheriff’s Department could not find the individuals, and the Board of Elections subpoenaed the individuals.²⁷⁶
- ✓ **ACORN Turned In Hundreds Of Registration Cards Past Deadline.** Other improprieties by ACORN workers were investigated in Franklin County when ACORN

²⁷³ *Voter Registration Drive Raises Some Questions*, Mark Naymik, [Cleveland] PLAIN DEALER, March 18, 2004.

²⁷⁴ *Made-Up People*, Robert Vitale, THE COLUMBUS DISPATCH, June 2, 2004; *Two Fired Over Bogus Voter Registration Forms*, Robert Vitale, THE COLUMBUS DISPATCH, June 3, 2004

²⁷⁵ *Suspected Terrorist Registered To Vote In Franklin County*, WBNS-TV, www.10tv.com, Accessed October 23, 2004; *Election Fraud Cases Under Review*, WBNS-TV, October 22, 2004

²⁷⁶ *Alleged Fraudulent Voter Cards Scrutinized*, Cindi Andrews, THE CINCINNATI ENQUIRER, October 8, 2004; *Voting Organizer Discusses Fraud*, Mark Hansel, CINCINNATI POST, October 16, 2004

delivered 526 new voter registrations to the board of elections three days after the statutory deadline. ACORN explained that the registrations were found “in a mismarked box.”²⁷⁷

- ✓ **Warrant Issued For ACORN Employee Who Forged Signature On Voter Registration Card.** A Franklin County Grand Jury issued a warrant for a parolee accused of forging a signature on a voter registration form on behalf of ACORN. Kevin Dooley, a Columbus resident working for ACORN, was indicted on felony counts of false election registration and submitting false election signatures.²⁷⁸
- ✓ **ACORN/Project Vote Employee Indicted In Lucas County.** A Toledo woman employed by Project Vote and paid \$5 per registration card was charged with submitting a fraudulent registration card to the Lucas County Board of Elections. The election board received a registration card for a woman who was already registered with a different birth date and signature. The woman advised authorities she had not filled out a registration card.²⁷⁹

ACT – America Coming Together

- ✓ **1,000 Registration Cards Investigated In Summit and Lake Counties.** Election officials in Lake and Summit Counties investigated irregularities in some 1,000 voter registration forms and absentee ballot requests. In Lake County, one group attempted to register a dead person. Other potentially fraudulent documents were referred to the Lake County Sheriff’s Office by the Board of Elections. The investigation centered on registration efforts by the NAACP National Voter Fund and America Coming Together (ACT).²⁸⁰
- ✓ **Jive Turkey, Sr., Registers To Vote.** The Cuyahoga County Board of Elections received some 1,284 suspicious voter applications that were turned over to prosecutors to investigate for potential fraud. Among those registered was a Jive Turkey, Sr., who included an off-color middle name on the form. Most forms were submitted by America Coming Together (ACT) and ACORN/Project Vote.²⁸¹
- ✓ **ACT Accused Of Falsified Registration From Nursing Home Resident.** In Lake County, a woman in a nursing home was registered by ACT and purportedly signed the card in a firm cursive signature. Upon investigation, it was learned that the registrant was not able to sign her name, but used a shaky “X” as her signature.²⁸²

²⁷⁷ *Alleged Fraudulent Voter Cards Scrutinized*, Cindi Andrews, THE CINCINNATI ENQUIRER, October 8, 2004

²⁷⁸ *Warrant Issued For False Registration*, THE ASSOCIATED PRESS, September 7, 2004

²⁷⁹ *Voter Aide Indicted In Fake Registration*, TOLEDO BLADE, January 6, 2005

²⁸⁰ *1,000 Cases of Suspicious Voter Registrations*, Steve Luttner and Michael Scott, [Cleveland] PLAIN DEALER, September 24, 2004; *Possible Election Fraud is Probed*, John Arthur Hutchinson, LAKE COUNTY NEW HERALD, September 22, 2004

²⁸¹ *Fowl Play*, Scott Hiaasen, [Cleveland] PLAIN DEALER, October 22, 2004

²⁸² *Dead Man On Voter Rolls Sparks Inquiry*, Michael Scott, [Cleveland] PLAIN DEALER, September 23, 2004

- ✓ **Trumbull County Investigated Possible ACT Voter Registration Fraud.** The Trumbull County Board of Elections asked its county prosecutor to investigate possible fraud on a registration card submitted by ACT. Upon investigation, the Board found that the voter did not fill out a voter registration card, the address, birth date and telephone number on the card were wrong and the signature was not his.²⁸³

AFL-CIO

- ✓ **Forged Signatures, Duplicate Registrations, And Nonexistent Addresses Found On Registrations Submitted By AFL-CIO.** Over 50 registration cards submitted by the Ohio AFL-CIO to the Summit County Board of Elections turned out to be illegitimate, as some were for individuals who were already registered, and many appeared to have the same handwriting.²⁸⁴

6.12 Pennsylvania

(a) Third-Party Groups And Voter Registration In Pennsylvania

Given its status as a major battleground state in the 2004 election, Pennsylvania was a key target for third-party groups seeking to influence the outcome of the presidential race last year. The state was such a high priority that the George Soros-funded get-out-the-vote group America Coming Together (ACT) actually had its start in Philadelphia in 2003. ACT waged an aggressive voter identification and turnout campaign for the 2003 Philadelphia mayoral race that became the model for its widely expanded national activities during the 2004 election, in which ACT had a budget of \$8.5 million for Pennsylvania alone.²⁸⁵

As a result of this third-party investment, Pennsylvania's voter rolls surged to almost inexplicable dimensions. Philadelphia's voter rolls nearly matched census estimates of the voting-age population.²⁸⁶ In all, the state's voter rolls surged by 535,000 new voters.²⁸⁷

²⁸³ *Elections Chief Fears Scheme*, Lisa A. Abraham, AKRON BEACON JOURNAL, August 19, 2004

²⁸⁴ *Prosecutor To Probe Vote Fraud*, Lisa A. Abraham, AKRON BEACON JOURNAL, August 25, 2004

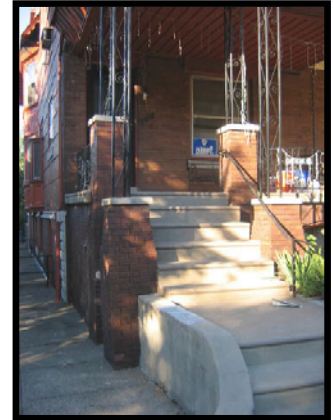
²⁸⁵ *Focusing On Face Time In Battleground States*, Thomas Fitzgerald, THE PHILADELPHIA INQUIRER, July 18, 2004

²⁸⁶ *Election-Eve Song: Republicans Charge Fraud, Democrats Intimidation*, Mary Claire Dale, THE ASSOCIATED PRESS, October 26, 2004

²⁸⁷ *Voters: Newly Registered Pose New Variables*, Matthew P. Blanchard and Alletta Emeno, THE PHILADELPHIA INQUIRER, October 31, 2004

(b) Suspicious Voter Registrations And Illegal Polling Places In Pennsylvania

In September 2004, the Pennsylvania Republican Party sent a letter to 130,000 newly registered voters in Philadelphia urging them to vote Republican. However, about 10,000 of these cards came back as returned mail as the address did not exist and/or no one by the voter's name lived at the address on the envelope. Republicans soon discovered that many of the addresses listed for new registrants were in fact vacant lots and boarded-up buildings. In one sample of 100 registrants, 15 turned out to be dead.²⁸⁸ At least some of these faulty registrations may have come from voter registration drives, as some Pennsylvania residents complained that ACORN was deliberately putting inaccurate information on their registration forms.²⁸⁹



The location of polling places in Philadelphia also became an issue as Election Day 2004 approached. In October, Republican ward leaders challenged the location of 63 polling places, which included local bars, unsafe abandoned buildings, a private home decorated with a Kerry sign in the window (pictured at left) and a district office of Democrat state Sen. Vincent Fumo. Of the 63 locations challenged by Republicans, 43 were inaccessible to the handicapped and 17 were in businesses or homes where voters could be intimidated, according to the request.²⁹⁰ About 900 polling places in Philadelphia's 1,681 precincts were in private buildings.²⁹¹ Some Democrats charged that Republicans were attempting to "suppress" the minority and low-income vote by questioning the location of polling places, even though some of the ward leaders challenging the polling locations were African Americans.²⁹² Philadelphia's city commissioners eventually refused the request to move the polling locations, saying the petitions were turned in too late to be considered.²⁹³

(c) Illegal Felon Voting In Pennsylvania

There is evidence that some third-party groups such as MoveOn.org and America Coming Together (ACT) illegally distributed and collected absentee ballots from prison inmates in at least one Philadelphia prison. In October 2004, CBS 3 reported that Rep. Curt Weldon (R-PA) confronted college students walking out of the Curran-Fromhold Prison in Northeast Philadelphia with absentee ballots collected from inmates. CBS 3 noted that "it is illegal in Pennsylvania for a third party to distribute or collect absentee ballots." The news report asserted

²⁸⁸ *Both Parties Complain Of Vote Fraud*, Tom Infield, THE PHILADELPHIA INQUIRER, October 25, 2004

²⁸⁹ *Vote Fraud Suspected In Registration Deluge*, Sharon Spohn, THE MERCURY, October 8, 2004

²⁹⁰ *A Tally Of Election Semi-Dirty Tricks*, William Bunch, PHILADELPHIA DAILY NEWS, October 19, 2004; *GOP Fails In Effort To Move Polls*, Chris Brennan, PHILADELPHIA DAILY NEWS, October 18, 2004

²⁹¹ *Americans Vote Among Kegs, Caskets, Home-Cooking*, Mary Claire Dale, THE ASSOCIATED PRESS, December 4, 2003

²⁹² *GOP Fails In Effort To Move Polls*, Chris Brennan, PHILADELPHIA DAILY NEWS, October 18, 2004

²⁹³ *GOP Bid For Poll Shifts Rejected*, Michael Currie Schaffer, THE PHILADELPHIA INQUIRER, October 21, 2004

that no one was checking to see if these inmates were serving time for felonies, as anyone in prison on a felony conviction is not permitted to vote.²⁹⁴

(d) Vote-Buying In Philadelphia

Recently *Business Week* reported that a Deputy City Commissioner requested that the District Attorney's office investigate a scheme to trade cheese for votes. Flyers were distributed on primary election day – May 17 – promising free cheese to voters who cast ballots for particular candidates. The woman who wrote the flyers, Hill Creek tenant council President Gerri Robinson, doesn't think she did anything wrong. "The people around here, you can't get them to come out and do nothing unless you're giving them something," she says. Besides, she adds, the flyers worked: The two cases of cottage cheese were gone by day's end.²⁹⁵

6.13 Virginia

(a) Nader Campaign Staffer Guilty Of Election Fraud

On June 28, 2005, James Polk, Virginia state coordinator for Ralph Nader's 2004 presidential campaign, pleaded guilty to felony election fraud. Polk admitted to signing candidate petitions before a notary that he did not personally circulate, a violation of state law. According to court documents, Polk illegally signed the petitions just days before the August 2004 deadline for Nader to get on the Virginia presidential ballot. Polk was sentenced to 30 days in prison, fined \$2,500 and must avoid political activity ten years.²⁹⁶

In court, Polk apologized for his actions, "saying he had spent much of his career in politics trying to get people to trust the election system and to believe that their vote counted for something." Polk told the judge before sentencing, "Now people will doubt even more that their vote matters. For that, I am very much ashamed."²⁹⁷

6.14 Washington

(a) Vote Fraud And Irregularities In Washington

After losing both the original count and a subsequent machine recount to Republican Dino Rossi, Democrat Christine Gregoire won a hand recount and was certified as winner of the 2004 Washington gubernatorial election by 129 votes out of more than 2.8 million cast.²⁹⁸ The ensuing litigation to determine the actual result of the election uncovered clear evidence of vote fraud and irregularities that cast serious doubt upon the validity of a number of votes far

²⁹⁴ *Lawmaker Threatens Political Lawsuit*, KYW CBS 3, <http://kyw.com>, October 29, 2004; *Whose Vote Fraud?*, Editorial, THE NEW YORK POST, February 27, 2005

²⁹⁵ *Cheesy Way To Lure Voters*, Eamon Javers, BUSINESS WEEK, August 1, 2005

²⁹⁶ *State Leader Of Nader's Campaign Pleads Guilty*, Jon Frank, THE [Norfolk] VIRGINIAN-PILOT, June 29, 2005

²⁹⁷ *Id.*

²⁹⁸ *Washington Governor's Election Certified, Showing Democrat Win*, David Ammons, THE ASSOCIATED PRESS, December 30, 2005

exceeding Gregoire's margin of victory. Illegal votes and election irregularities may have determined the winner of the 2004 gubernatorial race in the state of Washington.

In the months leading up to the election contest trial brought by Rossi, election management problems in Washington continued to come to light. In March, 95 uncounted absentee ballots were found in King County's election warehouse.²⁹⁹ Pierce County officials found another 64 such uncounted absentees.³⁰⁰ King County Elections Director Dean Logan said under oath that he couldn't be sure if the election results were accurate within 129 votes – Gregoire's margin of victory:

“‘The question is, do you know whether the returns in King County were accurate within 129 votes?’ GOP attorney Rob Maguire asked Logan on page 225 of the 476-page deposition transcript, released Monday night by Rossi's office. ‘No, I do not,’ Logan replied.”³⁰¹

The debate in Washington after the November election and recounts was not about whether illegal votes were cast on Election Day. Both sides agreed that they were, as Democrats and Republicans submitted competing lists of hundreds of illegal felon voters.³⁰² The debate instead centered on whether an equitable method of determining if such illegal votes adversely affected one candidate over the other existed, and if so, whether a new election was in order.

In his June 6 decision to uphold Gregoire's election as governor, Chelan County Superior Court Judge John Bridges recognized that more than 1,000 illegal and fraudulent votes were cast in an election decided by a mere 133 votes (the judge deducted four felon votes from Rossi's total). Judge Bridges found the following illegal and fraudulent votes in the 2004 Washington gubernatorial race:

- ✓ A total of 1,678 illegal votes cast in the 2004 general election.
- ✓ 1,401 votes cast by felons whose voting rights had not been restored.
- ✓ 19 votes cast by deceased voters.
- ✓ 6 votes cast by people voting more than once.
- ✓ 252 votes cast in King and Pierce counties for which “there could not be found a registered voter through crediting.”³⁰³

While Judge Bridges' decision recognized the presence of large-scale illegal and fraudulent voting in the November election, he rejected the method by which Rossi's expert

²⁹⁹ *Higher-Up Linked To Flawed Report*, Keith Ervin, THE SEATTLE TIMES, May 21, 2005

³⁰⁰ *Prosecutors To Challenge 110 Voters*, Keith Ervin, THE SEATTLE TIMES, April 29, 2005

³⁰¹ *King County Election Director Answers Questions Under Oath*, Rebecca Cook, THE ASSOCIATED PRESS, April 25, 2005

³⁰² *Dems Flag 743 Votes They Say Felons Cast*, David Postman, THE SEATTLE TIMES, May 7, 2005

³⁰³ Transcript Of Decision By Chelan County Superior Court Judge John Bridges, June 6, 2005

witnesses proposed to account for the illegal votes. Judge Bridges further ruled that the “judiciary should exercise restraint in interfering with the elective process,” and that “unless an election is clearly invalid, when the people have spoken their verdict should not be disturbed by the courts.” Thus Bridges upheld the election not because there was no significant illegal and fraudulent voting, but because he did not believe it was the judiciary’s role to overturn the election, given the evidence before him.³⁰⁴

6.15 West Virginia

(a) Five Indicted On Vote-Buying Charges In West Virginia

In May 2005, five Lincoln County, West Virginia, Democrats were indicted by a federal grand jury on charges of participating in a conspiracy to buy votes dating back to 1990. The indictment charges that the five conspired to buy votes in elections held in 1990, 1992, 1994, 1996, 1998, 2000, 2002 and 2004 “for the purpose of selecting and electing candidates for the United States House of Representatives and in some instances, for the presidency and vice-presidency of the United States.”³⁰⁵ Those indicted include Lincoln County Circuit Clerk Greg Stowers, Wandell “Rocky” Adkins, Clifford Odell “Groundhog” Vance, Toney “Zeke” Dingess and Jackie Adkins.³⁰⁶ All five pleaded not guilty to the charges and a trial is set for August 15, 2005.³⁰⁷

The indictment alleges that voters were paid in liquor and cash, typically \$20 per vote, and handed slates listing the preferred candidates.³⁰⁸ The five defendants also laid gravel on roads for supporters and fixed traffic tickets as part of the conspiracy, the indictment says.³⁰⁹ Lawyers for the defendants have argued that investigators intimidated local residents and violated their political rights by videotaping voters at polling places, dispatching undercover informants with hidden cameras and microphones to ask questions and, in one case, following voters home and questioning them about vote-buying. Assistant U.S. Attorney Karen George argued that surveillance “conducted by investigators was successful enough that the defendants were unaware of it until it became evidence in the pending case.”³¹⁰

³⁰⁴ *Id.*

³⁰⁵ *Lincoln Circuit Clerk Accused Of Vote Buying*, Jennifer Bundy, THE ASSOCIATED PRESS, May 5, 2005

³⁰⁶ *Election Fraud Charges Seem Like Old News In Lincoln County*, Lawrence Messina, THE ASSOCIATED PRESS, May 10, 2005

³⁰⁷ *In W.Va. County, Vote-Buying Indictments Turn Few Heads*, Lawrence Messina, THE ASSOCIATED PRESS, June 20, 2005; *Motions Shed Light On Vote Fraud Probe*, Tom Searls, CHARLESTON GAZETTE, June 24, 2005

³⁰⁸ *Election Fraud Charges Seem Like Old News In Lincoln County*, Lawrence Messina, THE ASSOCIATED PRESS, May 10, 2005; *Motions Shed Light On Vote Fraud Probe*, Tom Searls, CHARLESTON GAZETTE, June 24, 2005

³⁰⁹ *Motions Shed Light On Vote Fraud Probe*, Tom Searls, CHARLESTON GAZETTE, June 24, 2005

³¹⁰ *Men Accused Of Election Fraud Want Evidence, Charges Dismissed*, Lawrence Messina, THE ASSOCIATED PRESS, June 23, 2005

The recent vote-buying case in Lincoln County is an offshoot of a 2004 federal election fraud probe in neighboring Logan County that resulted in several convictions. A dozen people have been charged overall and five pleaded guilty.³¹¹ Those pleading guilty included:

- ✓ Former Logan County Police Chief Alvin R. “Chipper” Porter pleaded guilty to buying votes for a slate of Democratic candidates during the county’s May 2002 primary election. Porter was sentenced to three years probation, fined \$1,000 and ordered to give “monthly speeches about his experience with political corruption to eighth grade civics classes, parent-teacher organizations and other groups” for three years.³¹²
- ✓ Former Logan County Sheriff Johnny “Big John” Mendez pleaded guilty to conspiring to buy votes during the 2002 and 2004 primaries. Mendez was sentenced to a year of home confinement and five years probation.³¹³
- ✓ Millionaire Charleston lawyer Mark O. Hrutkay pleaded guilty to mail fraud for failing to report \$10,000 in cash he gave Mendez to buy support for his wife’s campaign for the state House of Delegates. Mendez admitted paying residents \$10 to \$100 for their vote. Hrutkay was sentenced to a year in prison and fined \$20,000.³¹⁴
- ✓ Former Logan County Veterans Of Foreign Wars post President and Commander Ernest J. Stapleton pleaded guilty to mail fraud for taking \$35,000 in VFW money and using some of it to make political contributions. Stapleton was sentenced to five years probation, the first ten months of which on home confinement, fined \$10,000 and ordered to pay \$35,000 in restitution to the VFW post.³¹⁵
- ✓ Lincoln County resident Jojena Adkins was sentenced to a year in prison for lying to a federal grand jury investigating vote-buying in southern West Virginia.³¹⁶

A recent *Charleston Gazette* editorial called the crackdown on vote fraud “good for West Virginia.” “Hard-up rural counties need clean local government. They can’t conquer their economic obstacles if local politicians care only about grabbing petty power and putting factional flunkies into public jobs,” the *Gazette* opined.³¹⁷

³¹¹ *Agents Secretly Filmed, Recorded Election Activities*, Lawrence Messina, THE ASSOCIATED PRESS, June 1, 2005; *Election Fraud Probe Fuels Partisan Rancor*, Lawrence Messina, THE ASSOCIATED PRESS, May 15, 2005

³¹² *Logan Lawyer Pleads Guilty To Mail Fraud Charge*, Jennifer Bundy, THE ASSOCIATED PRESS, January 7, 2005; *Ex-Police Chief Gets Lesson In Civics*, Toby Coleman, CHARLESTON GAZETTE, February 16, 2005

³¹³ *Logan Lawyer Pleads Guilty To Mail Fraud Charge*, Jennifer Bundy, THE ASSOCIATED PRESS, January 7, 2005; *Ex-Sheriff Given Home Confinement, Probation For Vote Buying*, Allison Barker, THE ASSOCIATED PRESS, January 21, 2005

³¹⁴ *Logan Lawyer Gets Year In Prison*, Toby Coleman, CHARLESTON GAZETTE, April 5, 2005

³¹⁵ *Former VFW Post Leader Sentenced To Home Confinement*, Jennifer Bundy, THE ASSOCIATED PRESS, January 14, 2005

³¹⁶ *Woman Gets One-Year Sentence In Vote Fraud Investigation*, THE ASSOCIATED PRESS, January 27, 2005

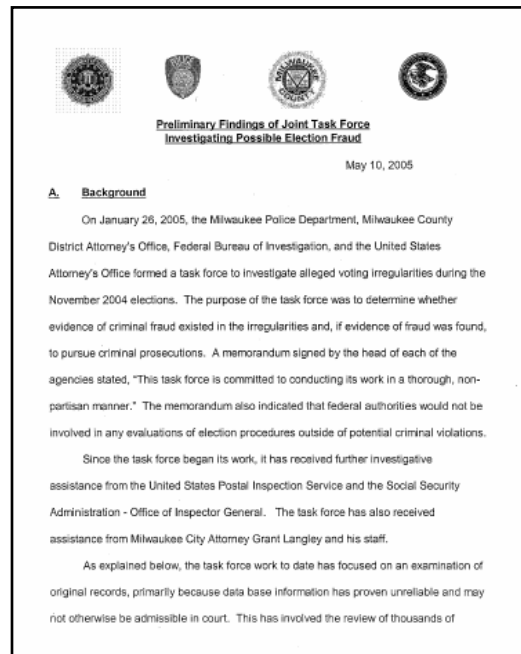
³¹⁷ *Politicos Courthouse Machines*, Editorial, CHARLESTON GAZETTE, May 9, 2005

6.16 Wisconsin

(a) Vote Fraud And Illegal Voting In Wisconsin

Shortly after the November 2 vote in which John Kerry carried Wisconsin's 10 electoral votes by 11,384 votes, the *Milwaukee Journal Sentinel* began an investigation into vote fraud and irregularities in the city. The *Journal Sentinel* soon revealed that thousands more ballots were cast than people identified as voting and thousands of ballots were cast from invalid addresses around the city. In late January, the U.S. Attorney and Milwaukee County D.A. responded to the paper's reports by announcing a joint investigation of vote fraud in the city.³¹⁸

In the months since, the *Journal Sentinel* uncovered thousands of fraudulent and suspicious votes cast in Wisconsin on Election Day 2004. The paper revealed that at least 278 felons cast illegal ballots in the November election. However, the actual number of illegal felon voters was "likely far higher" than that, as the paper was able to review information on felons against only about 38 percent of the 2.98 million people who voted on November 2. The *Journal Sentinel* further revealed that 7,000 more ballots were cast than people later recorded as voting, and 1,200 votes were cast from invalid addresses, three-quarters of which came from voters who registered on Election Day. The paper also found 1,300 same-day registration cards that could not be processed for reasons ranging from missing addresses and names to addresses listed outside the city.³¹⁹



Exacerbating the problems with illegal and suspicious votes, the city of Milwaukee, in violation of Wisconsin law, failed to submit key materials to the County Elections Board for certification on Election Day (e.g., copies of voter logbooks, voting machine tapes with vote totals and election-day incident logs.). Thus, discrepancies between the number of ballots cast and the count of voters went undiscovered until long after the election results were finalized. Also violating Wisconsin law, the Milwaukee County Elections Board improperly certified the election results without any double-checking of the totals by the city or county panels.³²⁰

On May 10, the joint task force on election fraud led by U.S. Attorney Steven Biskupic, a Republican appointee, and Milwaukee County D.A. Michael McCann, a Democrat, reported

³¹⁸ *Police, FBI Join Investigation Into Possible Election Fraud*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, January 27, 2005

³¹⁹ *Review Indicates 278 Felons Cast Ballots Illegally In State*, Greg J. Borowski and Mark Maley, MILWAUKEE JOURNAL SENTINEL, April 1, 2005; *Some Sites Show Huge Vote Gaps*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, February 2, 2005

³²⁰ *Nov. 2 Vote Not Properly Verified*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, March 25, 2005

finding “clear evidence of fraud in the Nov. 2 election in Milwaukee.”³²¹ The task force’s preliminary findings mirrored many of the *Journal Sentinel*’s revelations, including double-voting, felon voting and large gaps between the number of ballots cast and people identified as voting.

Key findings of the election fraud task force included:

- ✓ More than 100 instances of double-voting, including people voting twice, voting under fictitious names and addresses and voting in names of dead people.
- ✓ More than 200 felons casting illegal ballots.
- ✓ Approximately 65 fake names registered to vote by paid voter registration workers.
- ✓ The number of votes cast in Milwaukee “far exceeds the total number of recorded voters.” At least 4,609 more votes were cast than people identified as voting and “multiple wards had discrepancies in excess of 100 votes,” a phenomenon the task force continues to investigate.³²²

While the joint task force report indicated that the investigation of vote fraud in Wisconsin was “far from complete,” evidence of fraud and irregularities uncovered by both law enforcement and the *Journal Sentinel* made election reform one of the top issues in state politics.³²³ Particularly controversial has been a proposal to require photo ID at the polls.

According to the *Journal Sentinel*, at least some of the vote fraud uncovered by its reporters and law enforcement may have been prevented had a photo ID requirement been in place on November 2. As the paper reported:

“A photo ID requirement might have caught some of the problems highlighted in Tuesday’s preliminary report. It notes cases of people voting in the name of a dead person or as someone else. Investigators located some people listed as voting who said they did not vote. In other cases, according to Tuesday’s report, people ‘registered and voted with identities and addresses that cannot in any way be linked to a real person.’”³²⁴

The state Assembly and Senate passed a photo ID requirement with bipartisan majorities this past Spring.³²⁵ The bill was vetoed by Governor Jim Doyle, and the state Assembly failed to get the necessary two-thirds majority for an override.³²⁶ Doyle, who vetoed a similar measure in 2003, said the requirement would have “disenfranchised” senior citizens who don’t have driver’s

³²¹ *Inquiry Finds Evidence Of Fraud In Election*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, May 11, 2005

³²² *Preliminary Findings Of Joint Task Force Investigating Possible Election Fraud*, May 10, 2005 (Exhibit U).

³²³ *Id.*

³²⁴ *Inquiry Finds Evidence Of Fraud In Election*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, May 11, 2005

³²⁵ *Assembly Approves Requiring Picture IDs At The Polls*, J.R. Ross, THE ASSOCIATED PRESS, February 24, 2005; *Senate Approves Voter ID Measure*, Steven Walters, MILWAUKEE JOURNAL SENTINEL, April 14, 2005

³²⁶ *No ID Needed At Polls Anytime Soon*, Stacy Forster, MILWAUKEE JOURNAL SENTINEL, May 4, 2005

licenses and otherwise made Wisconsin's voting laws too strict.³²⁷ As passed, the bill would have provided "free IDs for those who couldn't afford them" and allowed "people in nursing homes and hospitals to do without the ID if someone witnesses their votes."³²⁸

(b) ACORN/Project Vote Workers Charged With Election Fraud In Wisconsin

To date, four ACORN/Project Vote workers have been charged with felony election fraud in Wisconsin. The *Milwaukee Journal Sentinel* noted that these incidents underscored "how easy it is for an unscrupulous person to get a fake name on the rolls." Further, the newspaper noted that the sheer volume of cards – ACORN/Project Vote turned in some 40,000 voter registrations in Milwaukee County alone – meant that "they get little scrutiny from officials."³²⁹

In May 2005, Milwaukee ACORN/Project Vote workers Urelene Lilly and Marcus L. Lewis were charged with five felonies apiece for filling out multiple voter-registration cards using fictitious information. According to the *Journal Sentinel*, Lilly was addicted to crack cocaine at the time the voter registration fraud occurred. Lilly reportedly submitted approximately 75 fraudulent voter registration forms to election officials, taking names from the phone book, using made-up birth dates and Social Security numbers, and having her 15-year-old daughter sign each card. Lewis was reportedly fired by ACORN/Project Vote for submitting a registration form for a dead man, but admitted to submitting duplicate registrations on "numerous" occasions prior to being fired. Lilly and Lewis were charged with felony counts of forgery, election fraud and misconduct in public office, since they were sworn in as "deputy voter registrars" for the registration drive.³³⁰

In October 2004, less than a week before Election Day, ACORN/Project Vote workers Damien Jones and Robert Marquise Blakely were charged with felony election fraud for falsifying voter registration forms in Racine and Kenosha. Jones, a Green Party candidate for state Assembly who led the ACORN/Project Vote voter registration drive in Racine and Kenosha, was reportedly fired by the group in September after irregularities were discovered at the Racine city clerk's office. Jones and Blakely were reportedly charged with four counts of felony election fraud apiece, as well as five misdemeanor counts of misconduct in public office, due to their status as "deputy registrars" in Racine.³³¹

Also in late October, the *Journal Sentinel* reported that two men deputized by the city of Milwaukee to register voters for ACORN/Project Vote were felons still serving probation and were not eligible to register people to vote. The report indicated that Milwaukee resident Tonsie L. Wilson was deputized by the city only six days after being convicted of felony burglary and

³²⁷ *Doyle Vetoes School Choice, Voter ID Bills*, Steven Walters and Patrick Marley, MILWAUKEE JOURNAL SENTINEL, April 30, 2005

³²⁸ *No ID Needed At Polls Anytime Soon*, Stacy Forster, MILWAUKEE JOURNAL SENTINEL, May 4, 2005

³²⁹ *A New Push To Repair Elections*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, May 15, 2005

³³⁰ *A New Push To Repair Elections*, Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, May 15, 2005; *Arrest Warrants Issued In Alleged Vote Fraud Case*, Derrick Nunnally and Greg J. Borowski, MILWAUKEE JOURNAL SENTINEL, May 12, 2005

³³¹ *Racine, Kenosha Voter Application Fraud Alleged*, Tom Kertscher, MILWAUKEE JOURNAL SENTINEL, October 29, 2004

sentenced to 2 ½ years of probation. Wilson was also reportedly convicted of “misdemeanor disorderly conduct and misdemeanor violation of a domestic abuse order” on the same day. Milwaukee resident Corethious Taylor was reportedly deputized by the city in August 2004, despite having been convicted of felony drug charges in June 2003 and sentenced to 2 ½ years of probation.³³²

(c) Charges Filed For Illegal Voting In Wisconsin

To date, federal prosecutors have charged five Wisconsin residents with illegal voting in the November 2 election. Two people have been charged with illegally voting while on felony parole or probation, while three others were charged with voting multiple times on Election Day.

On June 23, the *Milwaukee Journal Sentinel* reported that a man on parole and a woman on probation cast ballots on Election Day, “even though state law forbids felons under state supervision from voting.” According to the criminal complaint, Milo Ocasio, who was on parole for a felony conviction of discharging a firearm from a vehicle, admitted to voting. He said he did not read the rules of his supervision carefully enough and did not realize he was unable to vote. Kimberly E. Prude, who was on probation for a Waukesha County forgery conviction and has a string of other felony convictions, was actually working as an election inspector, “even though such workers are required to be qualified to vote, the complaint states.” According to the complaint, an unidentified woman told Prude “not to worry about it because felons vote ‘all the time.’”³³³

The *Journal Sentinel* also reported in late June 2005 that three Wisconsin residents have been charged with double voting. According to the paper, Enrique Sanders “cast two ballots, registering – and voting – once with his driver’s license then repeating the process using his Social Security card as identification, according to a criminal complaint.”³³⁴ A pair of cousins – Theresa J. Byas and Brian L. Davis – were also charged. The *Journal Sentinel* reported that they “each filled out on-site registration cards and cast ballots at two separate polling places in the same voting district on election day, the complaints say, adding that both show up in the poll records for the Phillis Wheatley School on N. 20th St. and the Frances Starns Discovery Learning Center on N. 25th St.”³³⁵

(d) Vote-Buying In Milwaukee

Like some other cities, Milwaukee has a history of illegal vote-buying. On Election Day 2000, Democrat workers in Milwaukee gave homeless men packs of cigarettes in exchange for absentee votes. A television station captured the Democrat workers in the act of giving packs of cigarettes to homeless men at City Hall in Milwaukee.³³⁶ One of the individuals involved, wealthy New York socialite and major Democrat donor Connie Milstein, originally told reporters

³³² *Felons Served As Election Deputies*, Tom Kertscher, MILWAUKEE JOURNAL SENTINEL, October 23, 2004

³³³ *Federal Charges Filed Against Three Voters*, Derrick Nunnally, MILWAUKEE JOURNAL SENTINEL, June 23, 2005

³³⁴ *Id.*

³³⁵ *2 More Charged With Voting Twice*, Derrick Nunnally, MILWAUKEE JOURNAL SENTINEL, June 24, 2005

³³⁶ *Effort To Boost Absentee Vote Raises Questions*, Jamaal Abdul-Alim, MILWAUKEE JOURNAL SENTINEL, November 5, 2000

that she was helping homeless men vote at the behest of the Gore campaign.³³⁷ Milstein later backed away from that statement, saying she regretted her actions and “acted alone” in Milwaukee without the help or direction of Democrat or Gore campaign staffers.³³⁸ In May 2001, Milstein agreed not to contest a civil complaint charging her with 10 violations of state election law and paid a \$5,000 fine.³³⁹

In 2002, Democrat Wisconsin Governor Jim Doyle’s campaign held a bingo party at a home for the mentally ill and reportedly used quarters as bingo prizes and kringle and soft drinks to induce residents of the facility to cast absentee ballots.³⁴⁰ Wisconsin state law forbids candidates and parties from providing anything worth more than \$1 to lure someone to vote. While no charges were filed in the case, it was revealed that at least two votes were cast at the bingo and kringle party.³⁴¹

³³⁷ *Cigarettes Case Involves 15 To 25*, MILWAUKEE JOURNAL SENTINEL, November 14, 2000; *Sheriff Blames Chief’s Policy For Prisoners’ Escape*, Cary Spivak and Dan Bice, MILWAUKEE JOURNAL SENTINEL, November 15, 2000

³³⁸ *Incentive To Voters Questioned*, Jamaal Abdul-Alim, MILWAUKEE JOURNAL SENTINEL, November 6, 2000

³³⁹ *\$5,000 Settles Election Case*, David Doege, MILWAUKEE JOURNAL SENTINEL, May 3, 2001

³⁴⁰ *Bingo Game Spurs Probe Of Doyle’s Campaign*, Steve Schultze and Nahal Toosi, MILWAUKEE JOURNAL SENTINEL, October 24, 2002

³⁴¹ *No Charges To Be Filed Over Bingo Party*, STEVE SCHULTZE, MILWAUKEE JOURNAL SENTINEL, November 2, 2002; *At Least 2 Votes Cast At Bingo Event In Kenosha, TV Station Says*, MILWAUKEE JOURNAL SENTINEL, October 29, 2002

Index Of Exhibits

- A. Kerry-Edwards/DNC “Colorado Election Day Manual: A Detailed Guide To Voting In Colorado,” November 2004
- B. Letter From John Tanner, Chief Of Voting Section Of U.S. Department Of Justice’s Civil Rights Division, To Franklin County Assistant Prosecuting Attorney Nick A. Soulas, Jr., June 29, 2005
- C. *Curington v. Richardson*, Jefferson Circuit Court, Case No. 03CI9552 (November 4, 2003 Order).
- D. *Spencer v. Blackwell, et al.*, United States District Court for the Southern District of Ohio, Case No. C-1-04-738 (April 28, 2005 Order).
- E. Milwaukee Tire Slashing Criminal Complaint
- F. *Ohio Republican Party v. Marion County Democratic Party et al.*, Marion County Court of Common Pleas, Case No. 04 CV 0791.
- G. November 2, 2004 Order on Motion for Temporary Injunction, *J. Thomas Monk, and All Those Persons Similarly Situated Throughout the State of Florida v. Democratic National Committee, Democratic Executive Committee of Seminole County, and the Florida Democratic Party*, 04-CA-2312-16-L.
- H. DNC’s “IMPORTANT LEGAL NOTICE” Distributed To Republican Poll Observers In Florida
- I. *Democratic National Committee, et al. v. J. Thomas Monk*, District Court of Appeal of the State of Florida Fifth District, Case No. 5D04-3642.
- J. Transcript Of Pre-Recorded Telephone Call By DNC General Counsel Joe Sandler
- K. *Timms et al. v. MoveOn.org*, Franklin County Court of Common Pleas, Case No. 04 CVH11 011533.
- L. *Metzger v. Doe*, Lucas County Common Pleas Court, Case No. 04-1540.
- M. *The Reality Of Intimidation*, Eric Wang, Op-Ed, THE [UVA] CAVALIER DAILY, <http://www.cavalierdaily.com/CVarticle.asp?ID=21349&pid=1216>, November 10, 2004
- N. Police Reports, Philadelphia Police Department, November 2, 2004
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