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New legislation to end ballot system connected to Atlantic City voter fraud

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ATLANTIC CITY — At the end of Election Day 2001, then-Mayor Jim Whelan had won at the polls. But instead of claiming victory, he vowed not to concede.

In the wacky world of Atlantic City politics, when you win on Election Day, you don't always win the election. After edging his opponent by 57 votes at the polls, Whelan lost by 953 votes once the 1,529 absentee ballots zipped through the machine. The nail-biter became a no-brainer.

It wasn't the first or last time the vote at polls was drastically — and perhaps suspiciously — different from the vote by absentee ballot. Rather, it was one moment in a long history of alleged voter fraud in the city.

But with a bill sponsored by now-state Sen. Whelan, D-Atlantic, the potential for ballot abuse has been reduced. Legislation that limits the number of ballots messengers and bearers can deliver to three each was signed into law last week.

Previously, messengers — who may bring ballots to voters — were allowed to transport 10 ballots. Bearers, who can bring completed ballots to the Board of Elections, could transport an unlimited number of ballots.

“The fraud that occurs in elections, this is how it occurs,” Whelan said. “There is evidence that whatever label you put on it — messenger or bearer or absentee ballots — that's where you can see, frankly, widespread fraud and abuse of elections.”

Locally, the use of absentee, messenger and bearer ballots has become synonymous with the Callaway family. The Callaways developed political power more than a decade ago by effectively using such ballots.

In 2000, former City Council President Rosalind Norrell-Nance defeated her 2nd Ward opponent at the polls. But she lost 574-515 on the strength of 115 absentee ballots that David Callaway brought an hour before polls closed. Of those 115, Robert L. Johnson received 112 votes to Norrell-Nance's three.

“Fraud occurs when someone else marks the ballot, and most people did not see the ballot,” Norrell-Nance said at the time.

Later, it was Whelan who cried foul when losing in a similar fashion in 2001. Callaway and his brother, Craig, were largely responsible for Lorenzo Langford’s tremendous and controversial absentee-ballot drive. The Board of Elections rejected ballots that had inconsistent signatures, laughing at how obvious the flaws were to spot, but widespread fraud was never proved.

Craig Callaway, who declined to comment for this story, won a 3rd Ward City Council seat the next year thanks to absentee ballots. While he lost by a substantial margin at the machines, he received a vast majority of the votes from absentee ballots, winning the election by one vote.

“You’d see hundreds of ballots that would come in with exactly the same voting pattern. No deviation at all,” Whelan said. “The statistical probability of that is zero.”

But the Callaways had their missteps.

Another Callaway brother, Ronald, pleaded guilty in 2003 to voting nine times in four elections. The state Attorney General’s Office in 2009 filed charges against a dozen people, including David Callaway, on charges that they mishandled absentee ballots in an attempt to help Marty Small win the 2009 Democratic mayoral primary in Atlantic City. Those charged were acquitted or had their charges dismissed.

Lynn Caterson, chairwoman of the Atlantic County Board of Elections, said she hopes the new law will help messenger and bearer ballots hew more closely to their true purpose — to assist a voter who cannot get to the polls.

“I would be in favor of any law that enforces that original purpose,” Caterson said.

This new law isn’t only about the Callaways. Whelan said similar activity was seen elsewhere in the state. The other Senate sponsor was state Sen. Raymond Lesniak, D-Union, whose district also had instances of alleged voter fraud.

Atlantic County Democratic Chairman James Schroeder said the new law “will restore integrity and public confidence in the process.”

Keith Davis, the Republican county chairman, described the law as “Jimmy-come-lately politics,” saying Democrats benefitted from messenger ballots in past elections but “suddenly want reform” now that the tide is turning against them.

A last-minute flood of mail-in ballots was responsible for upsetting the results of Pleasantville's school board election last November. The Callaways had delivered more than 130 messenger ballots from residents in Atlantic City and Pleasantville.

They'll likely be delivering a lot fewer this November.

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