



Voter Fraud Issues: A Florida Department Of Law Enforcement Report And Observations

[Florida Department of Law Enforcement](#)

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Overview

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January 5, 1998 — With the passage of the 1993 National Motor Voter Law followed by Florida's own implementation legislation (Chapter 94-224, Laws of Florida) to comply with the National Motor Voter Law, the process by which one may register to vote or update one's registration has been greatly simplified. Unfortunately, the simplifications implemented also make it easier for possible fraud since once one is registered, the Motor Voter Laws also made absentee ballots available for any reason. The nation and this state must now reconcile the clash between the philosophy of the Motor Voter laws in promoting virtually "no questions asked" voter registration and voting, with the significant potential for fraud and corruption such a system has promoted.

The Department of Law Enforcement (FDLE) is not charged with principal responsibility to monitor Florida election issues, and does not hold itself out to be the expert agency on election law issues. The Department has, in the past several years, been called upon several times to conduct criminal investigations of specific allegations of election fraud or other misconduct, and has noted basic "trends" in election fraud both within Florida and across the nation.

The following is offered by FDLE to prompt debate and consideration of the issue whether, based on the nation's and Florida's experience since 1993, more protections to help prevent fraud are needed in our election laws. Recognizing that Florida's options may be somewhat restricted by the national law's requirement, and concerns about avoiding a "dual

registration system" in which certain standards apply for state elections while others apply for federal elections, FDLE suggests that more registration and absentee ballot integrity protections are required if Florida voter fraud is to be reduced.

Basic types of fraud encountered

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FDLE's experience in recent years, including cases predating the 1993 and 1994 "Motor Voter" changes, suggests the areas that are "ripe" for potential fraud fall primarily into these categories:

- **Voter Registration Fraud:** — Minimal identification and citizenship proof requirements provide ample opportunity for voter registration fraud. This includes specialized "changes of address" done solely to allow a vote in a particular election, when in fact, no actual change of address has occurred.
- **Absentee Ballot Fraud:** — The desire to facilitate the opportunity for each person to vote has resulted in increased opportunity to use absentee ballots improperly. (Once one has registered fraudulently, he or she can obtain an absentee ballot for every election thereafter if he or she wishes. The lack of "in-person, at-the-polls" accountability makes absentee ballots the "tool of choice" for those inclined to commit voter fraud.)
- **Illegally or Improperly "Assisting" Others To Vote Their Absentee Ballot:** — Those inclined to do so can capitalize on others' access to an absentee ballot by voting their ballot for them, often with the actual voter not knowing what has occurred. This offers tremendous opportunity for vote fraud, particularly to those who have access to the ill or infirm or those who do not have the ability to resist the influence of another as they are urged to vote in a "required" manner. It also encourages those inclined to commit voter fraud to seek to utilize absentee ballots provided to those whose interest in voting is marginal or non-existent.
- **Vote-Buying:** — Securing votes by payment or other "rewards" or the "selling of one's vote" — is an age-old problem that still exists.

This report does not address campaign financing concerns. The Florida Legislature through CS/HB 461, 281 and 75 (Chapter 97-13, Laws of Florida), implemented several campaign finance reforms. These reforms were a step in the right direction, and while more campaign finance reform may be desirable, the focus of this report is on voter fraud concerns. [1](#)

We are not alone in experiencing voter fraud problems. The State of California has been dealing with similar issues, as has the State of Georgia, among other states. Some of the potential responses under consideration in those states will be identified for consideration of whether they should be implemented in Florida.

A realization — Voter fraud has greater impact on local elections but it affects the integrity of our democracy in all elections

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The impact of fraud on elections is more often and most significantly felt in local elections. It is in municipal or county elections that the difference of a relatively small number of ballots can change the election results. It is in such elections that anyone prone to committing fraud can anticipate that the fraudulent activity may pay off with his or her candidate of choice being elected by reason of the activity. However, many national elections or statewide elections have been settled by a relatively small vote margin. If the options for fraud are not adequately preempted by criminal sanctions, greater voter registration integrity efforts, or other steps, the public's confidence in the integrity of our free election system could be lost. Few issues strike so closely to the heart of our democracy as does the issue of maintaining fair and legitimate elections.

In a 1975 case involving an election whose outcome hinged on the validity of absentee ballots, the Florida Supreme Court discussed the basic issues of preserving the sanctity of the ballot and the integrity of our elections process. The Court's discussion remains as timely as ever. In *Boardman v. Esteva*, 323 So.2d 259 (1975) the Court included at page 269 of its opinion a review of the essentials necessary to maintain a valid election:

"In summary, we hold that the primary consideration in an election contest is whether the will of the people has been effected. In determining the effect of irregularities on the validity of the absentee ballots cast, the following factors shall be considered:

- (a) the presence or absence of fraud, gross negligence, or intentional wrong doing;
- (b) whether there has been substantial compliance with the essential requirements of the absentee voting law; and
- (c) whether the irregularities complained of adversely affect the sanctity of the ballot and the integrity of the election.

The underlying concern of the election officials in making the initial determination as to the validity of the absentee ballots is *whether they were cast by qualified registered voters, who were entitled to vote absentee and did so in a proper manner.*" (Emphasis added.)

Indeed, the essential responsibility in Florida elections is to assure that ballots are cast by qualified registered voters, who were entitled to vote, and who have done so in a proper manner. With the continued movement toward more relaxed

voting standards and methods, it is important that Florida also realistically addresses the potential for fraud in a manner that assures this responsibility is met.

FDLE's historical perspective—A brief review of cases of interest

Miami, November 1997 mayoral elections

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This case is still active and details of the investigation cannot be revealed. However, the basic allegations of election misconduct are known and can be generally discussed. The primary allegation is that absentee ballots were being made available for sale and that absentee ballots were being purchased by person(s) supporting one or more candidates in the election. By reason of the investigation into the specific allegations that surfaced, FDLE determined there appeared to be widespread absentee ballot voter fraud in the City elections.

The types of absentee ballot voter fraud alleged to have occurred include:

- Someone voting on behalf of someone else.
- The purchasing or selling of absentee ballots or another's vote.
- Non-City of Miami residents voting.
- Changing of ballots.
- False statements or information being provided with regard to address information or changes of addresses on voter registrations.
- Possible use of certain addresses within the City limits as the "new address" for persons not residing within the City; done with the apparent sole purpose of permitting voting in the municipal election.
- Voting by absentee ballots under the name of deceased persons.
- Voting in the election by non-U.S. citizens.

The allegations currently under investigation could constitute criminal violations, including, but not necessarily limited to, these violations of Chapter 104:

- False swearing; submission of false voter registration information (a 3rd Degree felony; F.S. 104.11);
- Changing an elector's ballot (a 3rd Degree felony, F.S. 104.021);
- Fraud in connection with casting of a vote (a 3rd Degree felony, F.S. 104.041);
- Corruptly influencing voting (a 1st Degree felony, F.S. 104.061);
- Voting a fraudulent ballot (a 3rd Degree felony, F.S. 104.16);
- Perjury-related violations (1st Degree misdemeanor, F.S. 837.012)

While not engaged in the criminal investigation, the Dade County Grand Jury is reviewing the matter with an intent to recommend improvements in the local elections process. A challenge seeking to overturn the recent election is pending in court in Miami. After the fact that the Miami election was under investigation became known, similar allegations regarding other elections held in Dade County have been received by FDLE and are under review. Two arrests have been made in the subject investigation, with further arrests anticipated.

Hialeah 1993 November mayoral elections

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Allegations were made regarding the use of absentee ballots which were cast during the 1993 runoff election, and with regard to particular campaign workers who witnessed the ballots. The basic misconduct alleged was that campaign workers were witnessing ballots that were not completed in their presence, and that campaign workers were completing ballots or causing ballots to be completed without the actual voter's knowledge or assent for the vote as cast. The matter was reviewed by the Dade State Attorney's Office, which obtained a transfer to the Palm Beach State Attorney's Office pursuant to an Executive Order of the Governor on the basis of a conflict by reason of a personal relationship between one of the subjects of the allegation and the State Attorney. The matter was also reviewed by the U.S. Attorney's Office.

No criminal charges were filed, but the election was invalidated by a civil court. A final report issued on September 30, 1996, by the Palm Beach State Attorney's Office included in its summary this finding:

The decision not to file charges should not be considered as an endorsement of the conduct of this election. However, it is not within the jurisdiction of this office to condemn the actions of campaign workers who may have engaged in unethical conduct. We leave for others to determine whether this is conduct that we want to condone in our society. Until

such time as the legislature addresses the inadequacies of the present legislative authority, the State is not authorized to address this matter in criminal court....

Daytona Beach 1993 commission election

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FDLE's investigation established grounds to believe that campaign supporters obtained a number of absentee ballots and solicited votes prior to election day. The investigation led FDLE to believe that the candidate himself distributed the ballots, influenced the marking of ballots and obtained signatures of persons as witnesses who did not actually witness the elector's casting and signing of his or her absentee ballot. Some ballots were witnessed only by one witness. A Volusia County Grand Jury heard the case and issued a Presentment, while not indicting any persons involved. The Grand Jury expressed concerns that conduct such as the witness irregularities, the number of absentee ballots outstanding, the direct handling of such ballots by a candidate and his campaign workers, were not more specifically prohibited by Florida law.

Hardee County 1992 sheriff's election

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FDLE's investigation established grounds to believe that three campaign supporters obtained a quantity of absentee ballots on behalf of their candidate and subsequently solicited votes prior to the election. A number of these ballots were found to contain irregularities involving the witnessing. In some cases, the actual vote (via a punch out ballot) was completed by the campaign supporter. A Hardee County Grand Jury reviewed the case that no criminal intent was involved. A new election was ordered, however.

Dixie County 1992 sheriff's election

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FDLE's investigated allegations that a campaign supporter obtained a number of absentee ballots and then took them to sick and elderly throughout the county and "assisted" them in voting. During the process they were encouraged to vote for a specific candidate. The worker then allegedly took the ballots and later had them falsely witnessed. No compensation for the "votes" was made. No one was arrested in this matter.

Baker County 1990 school board election

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One arrest and conviction resulted from this investigation which demonstrated that a campaign supporter recruited and transported voters to the County Courthouse where they obtained an absentee ballot to be marked in accordance with the worker's directions. In return, each such voter was paid \$10 by the campaign supporter.

Dixie County 1988 Supervisor of Elections election

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One arrest and conviction in federal court resulted from this investigation. The investigation established that the Supervisor of Elections, herself a candidate, gave groups of absentee ballots to selected supporters. These were taken to poor and infirm voters where, in exchange for \$10 to \$20, the voters' votes were secured. The absentee ballots were witnessed by campaign workers and then returned to the candidate, the Supervisor of Elections.

Lafayette County 1984 county commission election

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Five arrests and convictions in federal court resulted from this vote-buying investigation. The supporter of a candidate secured a large number of absentee ballots and took them to the poorer sections of the county. For a payment of \$25 to \$35 and a bottle of whiskey, supplied by the candidate, a voter's vote was "bought." The voter completed the absentee ballot, and the candidate's worker would have the ballots falsely witnessed later prior to return to the Supervisor of Elections.

Observations and concerns derived from FDLE's investigations

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The absentee ballot is the "tool of choice" for those who are engaging in election fraud.

The absentee ballot's very nature makes it the mechanism to use when trying to capitalize on a voter's infirmities or desire to make some quick money. Both federal and Florida law make absentee ballots available to anyone who seeks them, with no requirement of "justification" for not appearing in person at the polls. Given this easy access to absentee ballots, the "tool of choice" will remain popular among those who corrupt the elections process.

The absentee ballot's integrity is only as good as the weakest link in the voter registration process, and the voter registration process is extremely open to fraud and abuse.

Once registered to vote, any person may request and utilize an absentee ballot without ever having to appear in person to vote. If the voter registration process does not require significant proof of citizenship, address, and identity, then those inclined to commit fraud will capitalize on the process by successfully registering those who have no right to vote, and then "*facilitate*" their (illegal) vote by absentee ballot.

Voter registration and absentee ballot fraud can be expected to increase unless steps are taken to stop it.

Voter registration fraud is occurring throughout the nation. The National Center For Policy Analysis' "*Policy Digest*" for December 1996-February 1997 related that multi-state voting, fake registrations, and repeat voting by an individual in the same election are becoming problems. It reports that in Chicago, 150,000 voters registered more than once, with 90,000 registering three or more times. Thousands of mentally handicapped voters were assisted in registering in Illinois. In reality, it appears that Florida's ability to maintain the integrity of its voter registration rolls may be no better than Illinois'. If this is the case, then perhaps Florida should review how truly effective its current efforts at maintaining voter registration integrity are, and consider options such as specialized audits of registration rolls or other efforts to avoid problems like those encountered in Chicago. While the national Motor Voter Law may restrict the state's ability to "*cull*" its voter registration rolls to the extent the rolls once were reviewed and updated, focused efforts to assure integrity may still be done.

The elderly are often exploited by others to commit absentee ballot fraud.

It appears that the elderly voter or elderly witness to another's absentee ballot are often targeted for use in fraud schemes, perhaps because some of these voters may be easily manipulated or influenced by those in whom they have previously placed their trust. Such persons might be a condominium association representative, a community "*leader*," or even just a stranger who approaches an elderly person with an absentee ballot in hand.

Those fighting fraud should utilize the sense of community identity and pride to make citizens more aware of how they can help prevent voter fraud.

Many Floridians may not be aware of how their timely report of suspected wrongdoing could facilitate the discovery of voter fraud before it occurs or as it is occurring. Such timely reporting could stop problems before they grow to the point that an entire election's integrity is questioned. A greater emphasis on promoting a "*zero tolerance*" to voter fraud in all of Florida is needed, with an appeal to each voter's sense of community and civic pride as a means of motivating citizen interest in assisting in the state's anti-fraud efforts. An explanation of why a zero tolerance is so important could help citizens understand their responsibilities in fighting fraud.

Under current law, there is little effective review of what is claimed on one's registration form.

Relatively easy change-of-address procedures, implemented by the motor voter laws, makes it easy to "*move*" into an election zone for the express purpose of voting in a particular local election, with little or no scrutiny of whether the "*move*" is truly legitimate or not. Indeed, the recent changes in the registration requirements have eliminated virtually any ability by Supervisors of Elections to independently verify whether the information provided on a registration form is in fact, accurate.

Additional steps to prevent absentee ballot fraud are needed.

In 1996, Florida made numerous revisions to Chapter 101, attempting to address absentee ballot fraud and related issues. A limit of no more than two absentee ballots per election may be secured by a third party other than a member of one's immediate family. F.S. 101.62(4)(b). However, under F.S. 101.62(1), a person may request, with no verification, in person, by phone or by mail a personal absentee ballot. Under F.S. 101.64, the requirement that an absentee ballot be witnessed by a notary or two separate witnesses has been eliminated. Now, only one witness need to sign an absentee ballot. With no more scrutiny or justification for such a ballot than is provided by current law, easy access to absentee ballots remains a reality in Florida. Any person may pick up the phone and request an absentee ballot, no questions asked. Unfortunately, any person inclined to use that ballot fraudulently, may now do so with less fear of becoming known than in the past when tighter standards were applied.

Florida's present registration and absentee ballot procedures lack safeguards that could help prevent fraud.

To a great extent, Florida's absentee voting and voter registration is based on a "*trust me*" level of scrutiny. While the goal of incorporating more voters into the process is laudatory, perhaps we have begun to see that the "*Motor Voter*" approach is in need of returning some "*common sense*" safeguards to the registration and absentee ballot process. Those inclined to defraud the process are capitalizing on the philosophy of "*easy registration and easy voting*" under our current laws. It makes good sense that safeguards be implemented that recognize the potential for fraudulent exploitation of the elections process. If a ballot is only as good as the weakest link in the registration process, then should not Florida seek to better regulate, monitor, audit and investigate its voter registration process?

Florida requires little verification of registration information.

Florida currently does not require a voter registrant to provide a Social Security number or Florida Driver's License number. In fact, in 1997, Florida dropped the requirement that a registrant provide gender, race or ethnicity information when registering. When registering, Florida requires merely an "*indication*" that the registrant is a U.S. Citizen, is not a convicted felon, or is not adjudicated mentally incapacitated. While submitting a false voter registration application is a third degree felony (as of January 1, 1998), the current trend to require little if any verifying information at the time one registers makes effective auditing, review, or investigative follow-up virtually useless to pursue. (Florida law allows the applicant to volunteer the information, but does not require that it be provided as a requisite for registration.) In reality, Florida has implemented a standard that is in essence little more than "*trust me at my word alone*" in registering to vote.

Non-Citizens registering to vote and voting is a national problem, and has been alleged to have occurred in Florida.

The FBI and the U.S. Attorneys office in Dallas are examining whether non-U.S. citizens are on Dallas County's roll of registered voters, according to an Associated Press article by Michelle Mittelstadt, dated September 19, 1997. The article reports that the investigation has been slowed because INS officials in Washington are refusing to cooperate with investigators. U.S. Attorney Michael Uhl sought INS assistance by comparing the computerized tape containing the names of those who voted in the Dallas County November, 1996 and May, 1997 elections against INS' computerized records to determine if voting by foreigners occurred. Assuming that cooperation between the INS and the U.S. Attorney's office can be restored, the results of Dallas' inquiry are worth watching.

Non-U.S. citizens have registered, and have been found to have voted in other states. Florida could be experiencing the same problem. (Non-citizen voting is one of the several allegations currently under investigation in regard to the Miami mayoral election.) The federal Illegal Immigration Reform and Immigrant Responsibility Act (Title 18 U.S. Code, Section 611) makes it a federal crime for noncitizens to vote in federal elections, with maximum penalties of deportation or imprisonment. Likewise, Florida requires its registered voters to be United States citizens (F.S. 97.041) and criminalizes making a false voter registration (F.S. 104.011—a 3rd degree felony as of January 1, 1998) but unless Florida (and other states) have a way to truly verify a registrant's eligibility with something more than the basic *"trust me at what I've said"* level of accountability, state and local officials can do little to stop the potential registration (and subsequent voting) fraud. In addressing this concern, Florida should consider requiring documented proof of one's citizenship when registering to vote.

Florida should consider capitalizing on its coming "centralized statewide voter file," by implementing significant additional safeguards.

Florida has moved toward implementing a centralized statewide voter file. It is to be established and run by the Division of Elections as implemented under Chapter 97-13, Laws of Florida, which became effective January 1, 1998. If, and when, all of Florida's voter registration records could be centrally housed in this file, then any polling place or registration processing site could maintain on-line access the central file to determine whether a person has already voted in a particular election or whether the person is registered to vote in more than one jurisdiction. If sufficient identifying information were available in the voter file, the file could be *"run"* against other state and federal databases to determine whether deceased persons, convicted felons, or others appear to have been inappropriately maintained on the state's voter registration rolls. If sufficient identifying information were available in the voter file, routine audits of registration rolls could be performed to help identify areas of potential fraud concern.

However, since Florida's registration requirements do not include essential verifying information such as a Social Security Number, Florida Driver's License number, proof of becoming a naturalized U.S. citizen, or even race, gender, or ethnicity, the ability of any reviewer to truly determine one's identity in the voter file will be severely hampered, if not completely defeated. Consequently, if the voter file is to reach its full potential for fighting fraud, a requirement of significant registration verification information must be returned to Florida's voter registration procedures.

At-the-poll identity verification standards should be reviewed to determine if enhancement is warranted.

Actual false impersonation at the polls continues to occur regularly, although use of absentee ballots appears to be the preferred method of committing fraud. While false impersonation is a felony, being able to prove the conduct is difficult. A poll worker's ability to recognize the person who showed up and voted under another's name is severely compromised by the sheer number of faces that poll worker will encounter on election day. Making a crucial identification of a perpetrator is a task that would tax virtually any person's memory or ability to recall. Poll workers are not experts at handwriting analyses, and most will confess that if a signature on a poll registry resembles the signature on a voter registration card or other signed identification, the presumption is that the person is in fact who he or she purports to be. There is no method of conducting even a cursory follow-up check on persons suspected by a poll worker.

Some system of identity verification should be warranted. When we seek to utilize a credit card, we may be asked a crucial piece of information normally known only to a few people, such as our mother's maiden name. Yet no such *"identity check"* verification option is included in our elections process. Poll workers have no *"confidential"* verification information upon which to rely when they suspect someone is not who he or she claims to be. Some sort of readily usable *"verification"* of identity information would greatly reduce the chances of one successfully voting under a false identity. Perhaps some sort of enhanced identity verification information could be incorporated in Florida's voter registration process.

Other states' voter fraud responses and experiences.

California

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California has encountered similar problems. Their frustration with the present system appears to have reached a degree of crisis greater than Florida has expected to date. Among California's proposed or implemented responses are:

- **"Zero tolerance to voter fraud."** Bill Jones, Secretary of State in California has established a goal of *"100 percent participation by all eligible California voters with a tough zero tolerance policy for fraud."*²

- **"Voter Fraud Hotline" and "Handbook."** As part of California's anti-voter fraud efforts, a statewide Voter Fraud Hotline (1-800-345-VOTE) has been established to allow any person to report any witnessed suspected election fraud or campaign abuses. The Secretary of State's Office in California has printed a small, pocket sized, *"Voter Fraud Prevention Handbook"* that briefly describes the requirements under law for registering to vote, voting at a poll, voting by absentee ballot, and *"campaign do's and don'ts."* ³ Included in the book's responses regarding *"Absentee Ballots"* is this advice: *"...your vote is secret and you should not let anyone handle your ballot in any way...Pay close attention to deadlines, and under no circumstances permit any campaign workers to handle your ballot or fill in your choices. Be sure to refuse any offer from them to return your ballot for you. If they offer to do so, they are breaking the law. (EC Section 18371, 18403, 18577)."* Florida is in need of similar and repeated advice to its citizens.
- **"Voter Eligibility Verification Act."** In April, 1997, California saw introduced the *"Voter Eligibility Verification Act."* It seeks to provide local election officials the authority to make inquiries with the Social Security Administration and the Immigration and Naturalization Service to verify the citizenship of people who have submitted a voter registration application.
- **Aggressive Anti-Fraud Efforts By The California Secretary of State:** In 1996, the California Secretary of State's Office uncovered evidence of voter fraud and dropped 727 noncitizens from the voter rolls. A few months later it discovered voting irregularities and ordered a complete review of Orange County, California's 1.3 million residents registered to vote in the state's general election.

Federal elections subject to alleged fraud, too

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For example, in November, 1996, California Republican Representative Bob Dornan was deposed by Democrat Loretta Sanchez in an election determined by only a 984 vote margin. Dornan has alleged the crucial *"upset"* total resulted from *"noncitizen voting."*

Georgia's response to voter fraud

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In a press release dated January 7, 1997, Georgia Secretary of State Lewis Massey announced his proposal of several anti-election fraud measures, including a provision which will require citizens to present identification before receiving a ballot at their polling place. Other changes proposed included making all election code violations a felony, increasing the maximum fine and imprisonment that could be imposed for such violations, including a printed warning to all absentee ballot instructions and return envelopes describing the penalties for vote buying or selling, and implementation of the U.S. Postal Service's National Change of Address or alternative database systems to insure the accuracy and timeliness of the state's voters list.

Louisiana experiences

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Louisiana State Representative Louis *"Woody"* Jenkins has charged that 2,600 *"phantom voters"* and 10,000 more questionable ballots were cast in his U.S. Senate race, which he lost by 5,788 votes.

Illinois' experience

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As noted earlier in this report, Chicago has to deal with the reality that persons were registering to vote more than once, a substantial number of which had registered to vote three times in different precincts. Auditing efforts taken to assure the integrity of the voter rolls are being done.

Summary

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A balance between promoting the vote and maintaining the integrity of the elections process must be carefully secured. While Florida's move toward *"Internet voting"* and *"voting by mail"* represents a laudatory effort to expand the opportunity to vote, it also expands the opportunity to commit voter fraud. Absent the inclusion in voter registration records of significant personal identifier information that is not currently required of Florida voters, the opportunities to defraud the election process will abound through any voting method, be it absentee ballot, electronic voting, or by-mail voting. Indeed, with each step taken that does not include a process that requires sufficient identification verification, the opportunity for fraud increases.

The above-noted observations and concerns are based upon FDLE's experience in investigations and upon national trends. Below, developed in part upon FDLE's experience and drawn from a variety of sources, are several suggestions of ways in which Florida's elections process may be better protected against fraud. It is possible that some of the suggestions may already be in place in one form or another in some areas of the state. The suggestions are intended to promote

debate and consideration of what steps are needed in our state and local elections processes to better insure the integrity of our elections.

Anti-fraud steps Florida may wish to consider implementing

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- Promote a "zero tolerance" approach to voter fraud by making significant efforts to elevate community awareness and opportunity to report fraud.
- Enhancing the state's ability to ferret out potential fraud before it occurs by implementing significant and meaningful proof requirements in voter registrations. No longer simply accept one's "representation" that the form is correct. Instead, require proof of citizenship, and current residency. Is production of a Social Security card or a phone bill or power bill receipt showing one's residence too onerous a burden to place on one who seeks to vote? Surely not.
- Consider a "reverse absentee ballot process" that sends a poll worker to the absentee voter with the ballot. Instead of sending the ballot to "points unknown" and having it returned for after-the-fact verification that is less than acceptable, why not fund absentee ballot vote collection agents who will deliver a ballot upon request to any registered voter. The collection agent could then wait while the ballot is completed and could serve as a state-bonded witness that the ballot has been filled out correctly by the person to whom the ballot was provided. The process might cost more in personnel time and expense, but after-the-fact ballot verification could be eliminated, thereby offsetting some of the costs, and the much greater value of substantially curtailing absentee ballot fraud could be obtained.
- As an alternative to the "reverse absentee ballot" idea, in the minimum, return to an enhanced absentee ballot witnessing requirement. An absentee ballot verification, including verification of the identity of the person voting, should be required, with the sealing of the ballot being witnessed by two or more witnesses or a notary, as was once the standard in Florida.
- All absentee ballots should have prominently printed warnings regarding the violations of law that could occur in their use, and the penalties attached.
- A voter fraud hotline like California's should be considered. The toll free number could be printed on all absentee ballots.
- Make vote-buying and absentee ballot fraud too expensive for those inclined to do it by offering a reward of a substantial sum of money to any person providing information to law enforcement that results in the conviction of a person for voter fraud. Make the state's payoff for information resulting in a conviction much greater than the profit from accepting a vote buying payoff or participating in absentee ballot fraud.
- Return to a requirement of personal appearance before a government official to register to vote and require the registrant to produce sufficient verification information.
- Require drivers license and/or social security numbers on voter registration cards and as part of the information contained on one's absentee ballot.
- Require foreign-born citizens to provide their naturalization number on their voter registration card.
- Require documented proof of residency in the form of a power bill, phone bill, or other regular mailing to the claimed address, in order to help prevent the "move" made for the sole purpose of voting in a local election.
- With implementation of sufficient specific voter registration verification information, implement the state's centralized voter file to its greatest extent, including running voter registration records against all available government databases that could identify fraud attempts.
- With sufficient verification information in the data base, place all poll voting places "on line" to the data base for instant verification of registration status and to prevent multiple voting at different locations by the same person.
- Commit to a statewide review of registration records to determine if non-citizens or others have wrongly registered to vote. Consider offering a brief "grace period" in which any person who has illegally registered may, without fear of punishment, appear and voluntarily remove his or her name from the voter records. (Allow the person's name to be retained in the databases so that if he or she attempts to register at a subsequent date, the effort will receive special scrutiny to verify his or her eligibility to vote.)
- Require proof of residency and identity when appearing at a poll to vote **and** when requesting an absentee ballot. Issue the absentee ballot in the name of the verified requestor only, and prevent the requestor from voting any other way unless the ballot is returned unvoted. Require, as necessary, additional information to verify identity, such as the person's mother's maiden name, etc.
- Aggressively use existing databases and processes to identify those who claim they are not "residents" or citizens in order to be excused from jury duty or other obligations, then claim they are a resident or citizen for purposes of registering to vote. Citizenship and its responsibilities should not be something one claims or denies when convenient.
- Consider tough alternatives to criminal sanctions for those who are found to have engaged in voter fraud. FDLE's experience demonstrates that "criminal intent" is often difficult to establish, even though questionable vote conduct occurs. Give the Attorney General or another entity the authority to seek civil sanctions and civil fines when criminal sanctions will not be sought.

- Expand candidate disqualification sanctions. Florida does not provide a blanket disqualification from holding office for those convicted of voter or election misconduct. For example, while a convicted felon may not vote, Florida law disqualifies a person from holding office upon felony conviction of F.S. 104.071 (remuneration by candidate for services, support, etc.) and F.S. 104.271 (making false or malicious charges against, or about an opposing candidate). Not every election related conviction will disqualify one from office-holding. The list of offenses that, once committed, disqualifies a person from holding office should be expanded to cover any voter fraud activity.
- Enhance registration and absentee ballot process audit efforts. Recognize that such efforts require a level of highly-specialized expertise to ferret out voter fraud around the state before it occurs and rises to a criminal level. Local jurisdictions may not have the resources to support such an effort, so consideration should be given to providing the effort at the state level.
- Publish and distribute to each registered voter a "*Voter Fraud Prevention Handbook*" similar to that used in California, including a voter fraud hotline toll free number to report suspected abuses, and, if implemented, to provide information that could be used to fund one's reward when a fraud perpetrator is convicted.
- Consider requiring notification of the death of an individual to the Supervisor of Elections as a requisite prior to the settling of one's estate in court either by reason of a will or without. Proof of notification would be necessary in order to close out the estate's matter in court. Require the Supervisors of election to report any received notices of death to the central database within a short period of time, and to remove the person from all active voting rolls.

This list is not exhaustive, but is offered as the "*starting point*" for potential legislative consideration and review. None of the suggestions should be deemed "*FDLE proposals*." They are offered as the basis to promote discussion rather than as finalized proposals.

Footnotes

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1. Chapter 97-13 did address two areas of voter fraud. Section 31 of the law raised the penalty under F.S. 104.011 (False swearing; submission of false voter registration information) from a First Degree Misdemeanor to a Third Degree Felony. Section 32 created a First Degree Misdemeanor offense at F.S. 104.012(4), "*Altering Voter Registration Application Without Person's Knowledge and Consent.*" [Back to Text](#)
2. "*Voter Fraud Prevention Handbook*" page 1. By the Office of California Secretary of State Bill Jones. [Back to Text](#)
3. A copy of the book may be accessed at www.ss.ca.gov or by writing California's Secretary of State at 1500 11th Street, Sacramento CA 95814. [Back to Text](#)

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