



Fraud proof scarce in two voter ID cases

BY PHIL HIRSCHKORN
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Pennsylvania is one of 18 states to adopt a voter identification law - but not all are in effect due to legal challenges. Elaine Quijano reports such laws could make it harder for minorities and other groups that favor President Obama to vote in November's election.

(CBS News) In September 2004, Terrence Hines appeared to register voters in the city of Florence, S.C., at a fast pace. Paid for each completed card by the South Carolina Progressive Network, Hines submitted 1,800 registrations. But it turned out that the signatures were forged. One easy clue for election officials was that Hines had signed up Frank Willis, who was then the town's mayor.





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"He wasn't the sharpest knife in the drawer," said Florence County Solicitor Ed Clements, who referred Hines's case to state investigators.

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Hines pleaded guilty to voter fraud charges in 2006. His is one of only three documented cases of voter fraud convictions in South Carolina going back to 2000, according to a CBS News review of the public record and interviews with [election](#) officials.

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The state cited the Hines case in a legal brief filed in U.S. District Court in Washington, D.C., where the Palmetto State sued the U.S. Justice Department for blocking implementation of its photo voter ID law passed last year. A three-judge panel heard closing oral arguments this week.

The South Carolina case and a parallel case in a Pennsylvania state court, which wrapped its arguments Thursday in Harrisburg, are the focal points of a legal battle across the country.

While 10 states adopted new photo voter ID laws in the past two years, the laws are in legal limbo in six of them. In addition to Pennsylvania, where a group of voters represented by civil rights groups are seeking a preliminary injunction to block the law this November, a Wisconsin law is also tied up in court.

A three-judge panel in the Washington federal court found last month the new Texas photo voter ID law "imposes strict, unforgiving burdens on the poor, and racial minorities in Texas are disproportionately likely to live in poverty."

New laws in Alabama and Mississippi await Justice Department review. Laws passed in Rhode Island and New Hampshire won't take effect until after 2012. The only two states with new photo voter ID laws in effect are in Kansas and Tennessee.

Eight other states previously passed these laws, starting with Indiana, which passed Constitutional muster with the U.S. Supreme Court.

While the legal battles focus on the burden or ease with which voters may obtain the IDs, the justification for the laws has been preventing election fraud. Yet typically, as in South Carolina, the evidence of voter fraud is scarce and almost never involves voters impersonating others, the type of fraud photo IDs best address.

[Voter ID law issues highlighted in S.C.](#)
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Before the Hines case, South Carolina convicted John Gibbs for filing a fraudulent ballot petition in Charleston County in 2002. Court documents reveal Gibbs, then a 59-year-old aspiring independent

The change of voter fraud in the state's criminal code is quite broad and covers everything from false registrations to double voting to bribery to in-person voter fraud, for which there are no convictions.

RESILIENCE IS A CHOICE.

South Carolina's third voter fraud conviction in the past decade prosecuted Christopher Campbell, then mayor of Eastover, a town of 822 people, where in 2007 he pressured 16 voters to sign and send in absentee ballots that he had filled out for them in advance for his preferred candidates for town council. Campbell went to jail for more than year after being convicted by a jury.

That case was one of only two voter fraud cases prosecuted by the state attorney general itself in the 20 years between 1989 and 2008.

Alan Wilson, the state's current attorney general, like other defenders of the new laws, argues that the voter IDs do more than prevent fraud and improve overall election integrity.

"Our methods of managing elections, controlling data, managing rolls, are archaic and antiquated and outmoded, and the ability for someone to come in, and through fraud, dilute the voting pool is very present," Wilson told a recent Heritage Foundation panel on the subject.

Wilson, who brought the pending lawsuit against the Justice Department, told CBS News, "In no court case has someone been able to prove or show that there is actually someone who's been disenfranchised or had their right to vote suppressed" as a result of photo voter ID laws.

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In Pennsylvania, the state stipulated there have been no cases of voter fraud in the past decade. State Judge Robert Simpson upheld the constitutionality of the state's new law but is now reconsidering whether the requirements can be implemented fairly over the next five weeks.

Pennsylvania voters without a driver's license need a birth certificate, a social security number, and two proofs of residence to obtain a free state-issued photo ID. But state officials say Pennsylvania natives no longer need a paper birth certificate, as their birth records now can be verified electronically, and residents born in other states or countries having trouble locating a birth certificate but who have other documentation can obtain a special ID just for voting.

In addition, assisted living and nursing homes may issue photo IDs that will be legitimate for voting, and college students may be able to use a school photo ID if they an expiration date.

"The vice is in requiring IDs that people don't have and have a hard time getting," plaintiffs' counsel David Gersh told a September 13 hearing before the state supreme court that ultimately sent the case back to Judge Simpson in Harrisburg.

Pennsylvania election officials estimated this summer about one percent of registered voters, or 80,000, did not have an adequate photo ID.

State Supreme Court Judge Seamus McCaffery was curious at the hearing why the state did not adopt a recommendation by a commission led by former President Jimmy Carter and former Secretary of State James Baker that new voting laws be implemented over two federal election cycles.

McCaffery said, "There's no hurry, right? Because we have no voter fraud."

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