

## Greg Abbott's bogus voter fraud crusade



— Texas Attorney General Greg Abbott speaks to reporters during a break in a hearing, Feb. 9, 2011, on Capitol Hill in Washington, DC.

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**By Zachary Roth**

Since taking office in 2001, Texas Attorney General Greg Abbott has called voter fraud an “epidemic,” and made cracking down on it a top priority. Now, [as he runs for governor](#), he’s touting his ongoing battle to implement the state’s strict voter ID law, arguing that the measure is crucial to combat fraud.

But over the 13 years of Abbott’s tenure, his office can only cite two fraudulent votes that might have been stopped by the ID law.

To put that another way, such votes accounted for one out of every 18.7 million votes cast in Texas during that period—and that’s counting only the general elections for statewide races. Meanwhile, 796,000 Texans, by the [state's own numbers](#), lack an ID.

The glaring difference between rhetoric and reality in Abbott’s treatment of the issue underscores the comically weak case for voter ID measures, and highlights the lengths that their backers have gone to—still without success—to find evidence of large-scale fraud. It also raises questions about Abbott’s basic intellectual honesty as he works to persuade Texas voters to make him one of the most important Republican office-holders in the country.

The struggle over access to voting is already playing a major role in the governor’s race, where Abbott, a Republican, is favored over state Sen. Wendy Davis, a Democrat, this fall. On the campaign trail, Abbott’s pledge to fight to the death over voter ID is among his top applause lines. Democrats fret that, if left to stand, the law could make it far harder for low-income and minority Texans to cast ballots. Meanwhile, a group of national Democratic operatives supporting Davis is working to register large numbers of new voters—while Republicans and their allies [put obstacles in their path](#).

Texas's voter ID law, passed in 2011, was blocked the following year under the Voting Rights Act (VRA) by a federal court, which found that it discriminated against minorities, who are more likely to lack ID. But hours after the Supreme Court weakened the VRA, Abbott [announced](#) that the law was back in effect. It's now being challenged by the U.S. Justice Department under a different part of the VRA.

Abbott has been highlighting the threat of voter fraud for far longer. In 2006—just as national Republicans were [gearing up an effort to stoke fears about voter fraud](#)—the attorney general announced a \$1.5 million effort to root out and prosecute it. “In Texas, an epidemic of voter fraud is harming the electoral process,” Abbott wrote in an [op-ed](#), warning that fraud was happening “on a large scale.”

As he runs for governor, Abbott is still hyping the threat of voter fraud—though he no longer calls it an epidemic. (Asked whether Abbott views voter fraud as an epidemic, a spokesman for the Abbott campaign did not respond.) Instead, here’s what Abbott tells crowds:

“

*[U.S. Attorney General] Eric Holder is trying to stop Texas from enforcing our voter identification law. Let me tell you, I am just one of the many prosecutors across the state of Texas who have been cracking down on voter fraud. There is a massive investigation conducted by the federal government, headed up by the FBI, that is making arrest after arrest after arrest in south Texas because of vote-buying, bribing*

*voters, and then taking voters to drug houses after they have cast their votes. That is completely intolerable in the state of Texas. But also, I myself have been involved in cases where dead people have cast votes, live people have voted twice, and foreign nationals have registered to vote illegally. Voter fraud is real, it must be stopped, and I will take my case all the way to the Supreme Court.*

In other words: Fraud is a major threat to elections and voter ID is the way to stop it. But based on the evidence provided by Abbott's own team, both notions are flatly false.

No one disputes that there's been illegal voting in Texas lately. In the FBI investigation into vote-buying in south Texas that Abbott refers to, three women working for school board candidates in the Rio Grande Valley [have been accused](#) of paying voters in cash, drugs, beer and cigarettes. Days after they were arrested, the school board president committed suicide, and the probe is continuing.

There's just one problem with Abbott's use of the case: The allegations involve absentee ballots, not in-person voting. That means the voter ID law that Abbott is championing would have done nothing to stop the alleged scheme.

Indeed, [election experts say](#) absentee ballot fraud is the most common form of organized voter fraud, since, because of the secret ballot, there's no way to ensure that an in-person voter is voting for the candidate he promised to. That's why voter ID laws are an ineffective tool for catching the small amount of fraud that exists.

Last week, msnbc asked the Abbott campaign for information to support the rest of Abbott's litany: dead people voting, live people voting twice, and non-citizen registering to vote. In response, Jerry Strickland, a spokesman for the attorney general's office, forwarded information on five elections cases prosecuted by Abbott's office. All five, plus one more, were also cited by Abbott's office when the voter ID law was first challenged by the Justice Department in 2012.

Two of those six cases might potentially have been stopped by a voter ID law—though even these two appear to have involved feckless individual actors, rather than the kind of coordinated and dangerous large-scale fraud conspiracies that Abbott aims to invoke.

Jack Crowder pleaded guilty to a misdemeanor and paid a \$200 fine after being charged with using the voter registration card of his dead father to vote in the 2008 Democratic primary. And Lorenzo Almanza used the voter registration certificate of his brother—who at the time was in prison—to vote twice in a 2009 school district election. Almanza pleaded guilty to illegal voting

and was sentenced to two years in jail. His mother, Reyna Almanza, was convicted of lying to a poll workers on his behalf.

But in the other four cases, voter ID would have had no impact.

In the one case cited in the voter ID trial but not mentioned by Strickland, Delores McMillan, a Dallas election worker, pleaded guilty to trying to vote using another voter's registration information. No fraudulent vote was ever cast—McMillan was stopped by another poll worker—and a voter ID law would have done nothing to stop her.

In a second case, Melva Ponce was charged with using her mother's mail-in ballot to vote in the 2004 general election. There was no in-person fraud, and voter ID would not have stoppe Ponce—as an investigator with Abbott's office conceded when asked about it directly by a Justice Department lawyer during a [deposition](#) in the voter ID case.

In the third case cited, Debra Briseno was sentenced to five years in prison for knowingly registering non-citizens to vote. But even if those non-citizens ended up casting a ballot, a voter ID law wouldn't have stopped them, since, thanks to Briseno, they were already on the rolls. No non-citizens were charged in the case.

The final case shows perhaps most clearly just how starkly Abbott's invocation of voter fraud as a looming threat to elections conflicts with the far more mundane reality.

After a year-plus investigation by Abbott's office, Mary Comparin was charged with using her dead sister's name to obtain an additional driver's license, then using the fake license to vote twice in 2008—again, a scheme that the ID law would not have stopped.

Comparin, 81 and in a wheelchair at the time, was [arrested and jailed](#). But she never faced trial: She was found mentally incompetent, effectively ending the case.

If Abbott's camp can point to other cases that would have been stopped by the voter ID law, it's not talking about them. Asked twice for other examples, Strickland did not respond.

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