

GCVC POSITION PAPER ON ID AND VOTER FRAUD ISSUES

Introduction: Fair elections must preserve the proper balance between unimpeded opportunity for all qualified citizens to vote and protection against fraudulent voting. In Ohio at present, the GCVC believes that HB3 selectively makes voting more burdensome for certain classes of citizens, and does so unnecessarily because it is based on the false premise that previous law was not working to prevent fraud. These views are documented in this position paper.

Issue #1: Negative effects of the ID requirement

More than 356,000¹ Ohioans over the age of eighteen have neither a driver's license nor a state ID. This legislation will specifically affect the elderly, the disabled, and those people who cannot afford a car. These are the very people for whom going to a BMV office to obtain a state-issued photo ID would be the greatest burden.

If we use data from the Georgia AARP², we estimate that over 160,000 Ohio seniors, who are at least 75 years old, would be affected by this legislation. Some elderly people did not learn to drive and, therefore, did not obtain a driver's license. Others may no longer drive because of financial and safety reasons. As a result of these circumstances, they may not have renewed their licenses or misplaced expired licenses.

Similarly, disabled people and people who cannot afford a car are likely to lack a driver's license and a state-issued photo ID. They may not be able to leave work to obtain an ID, or they may not have easy access to transportation.

Because this legislation limits access to voting, it is a big step backward for the state of Ohio. Currently, Ohioans are able to vote from their homes or nursing homes. The current rules for absentee ballots do not require that Ohioans travel to a BMV office in order to exercise their democratic rights to vote.

Furthermore, legislation requiring a photo ID is clearly unconstitutional³. If the state charges \$8.50 for an Ohio ID, the only alternative to a driver's license, the state is charging Ohioans \$8.50 to vote. In fact, the U.S. Department of Justice would probably

1According to Mr. R. Rauch, Chief, Ohio BMV Research Section, in 2003, 8,174,513 18 years of age and over had either a driver's license or State ID. The US Census (2003) states there are 8,531,105 Ohioans are over the age of 18. When we take the difference between these two numbers, one finds that 356,592, Ohioans who have neither a state ID nor a driver's license. 356,592 are 4% of all Ohioans over the age of 18.

2The Atlanta Journal Constitution, 4/8/05: "Voter ID supporters lack hard evidence" by Prof. Spencer Overton of George Washington University Law School. According to the 2000 Census, <http://www.elderweb.com/?PageID=2601>, 717,505 Ohioans are 75 or older. 36% of this number is 258,302. If one assumes the registration rate (74%) and turnout (81%) found in Georgia for citizens 60 and older (data from consultant to Georgia AARP), the number of Ohio voters 75 and older without a license photo ID will be 154,000. However, this number is reduced somewhat by senior citizens who have state photo IDs.

3Letter from Georgia Secretary of State Cathy Cox to Governor of Georgia, _____.

reject the House Bill 36 photo ID requirement. The U.S. Department of Justice must review and approve any state's decision to change its voting qualifications⁴.

Number of Ohioans 18 and over who have neither a driver's license nor a state ID.....357,000 (4% of all adults 18 and over)⁵

Number of Ohio 2004 voters who could be refused the right to vote for lack of a photo ID if even only 2% of attempted voters were in this category⁶114,400

Numbers of Ohioans over 75 years of age potentially unable to vote if 36% did not have a driver's license, as found in Georgia by AARP⁷258,000

Proposal:

Do not require voters to present a state-issued photo ID at registration or at the polls. Instead, focus on more relevant election reform issues.

Issue #2: Voter Fraud

Problem:

Legislators are using voter fraud as a justification for creating new restrictive voting laws. However, there is not any significant voter fraud to battle.

Hundreds of thousands of new voter registrations or address updates were submitted in 2004. In response to these increased registrations, new stories during the 2004 campaign trumpeted phony registrations. For example, some registrations included obviously false names like Mary Poppins and Dick Tracy. Certainly, turning in false registrations is wrong and should be punished. However, Mary Poppins and Dick Tracy did not show up at the polls on Election Day because, of course, they would not have succeeded in their attempts to vote. In fact, these registrations were never serious attempts to commit voter fraud. Telephone inquires to several counties mentioned that these stories yielded only a handful of investigations, which resulted in convictions or pending cases.

Nationally, the Department of Justice stated that they used "all available means" and mounted a "formidable effort" to detect voter fraud in the November 2002 General Election⁸. They found "few problems." The largest study to date of election fraud

⁴Ibid.

⁵ According to Mr. R. Rauch, Chief, Ohio BMV Research Section, in 2003, 8,174,513 Ohioans 18 years of age and over had either Driver's license or State ID. The US Census (2003) gives a total of 8,531,105 Ohioans 18 and over. By taking the difference, one finds that 356,592 Ohioans have neither driver's license or state ID, and this number is 4% of all Ohioans 18 and over.

⁶ 2% of the 5.7 million votes cast in the Ohio 2004 General Elections.

⁷ The Atlanta Journal-Constitution, 4/8/05: "Voter ID supporters lack hard evidence" by Prof. Spencer Overton, of George Washington University Law School. According to the 2000 Census, <http://www.elderweb.com/?PageID=2601>, 717,505 Ohioans are 75 and older. 36% of this number is 258,302.

⁸http://www.house.gov/judiciary_democrats/agmidtermvoterresponse2403.pdf

concluded that fraud was “minimal.”⁹ Minimal problems do not require drastic solutions that disenfranchise citizens.

The available data in Ohio is in good agreement with this national data. In early April, volunteers from the Greater Cleveland Voter Coalition called Sheriffs and County Prosecutor Offices in 13 counties that had been named in allegations of "rampant" voter registration fraud in a report by Mark Hearne submitted to Congressional hearings on March 21. We also received information from ACORN/Project Vote and Americans Coming Together, which were named in some of these allegations. Although the responses from some of the Counties were not well defined, we could piece together the existence of a total of 5 prosecutions (including a conviction in Defiance County) and a few more cases under investigation. Unfortunately, there is no state office that keeps track of these investigations and prosecutions.

⁹Securing the Vote: An Analysis of Election Fraud http://www.demos-usa.org/pubs/EDR_Securing_the_Vote.pdf

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Our current estimate is that the number of proven voter registration fraud cases for the 2004 election will be between 5 and 10. This must be seen in context: Over 750,000 new registrations were submitted statewide in 2004. If there were 100 such registrations submitted per case (as in Defiance County), then at most 1,000 questionable registrations were submitted, which represents about a tenth of 1% of all registrations. The Cohio/OHio LWV report, based on telephone calls to all 88 county Boards of Elections, found only 4 cases of actual voters attempting to vote fraudulently in the course of two general elections (2002, 2004) in which 9 million votes were cast. In sum, our present system works well to correct a minimal number of registration violations, and does not require additional harsh measures which will disenfranchise many thousands of Ohioans.

Number of cases of Voter Fraud brought to Ohio Courts of Appeals, 2000-present, with over 8 million votes cast in the 2000 & 2002 Ohio General Elections.....0

Number of voter fraud problems reported nationally after the Department of Justice used "all available means" and mounted "a formidable effort" to detect voter fraud in the November 2002 General Elections¹³ "few problems"

Incidence of election fraud across 50 states in the largest study to date of election fraud¹⁴ "minimal"

¹⁰ According to Mr. R. Rauch, Chief, Ohio BMV Research Section, in 2003, 8,174,513 Ohioans 18 years of age and over had either Driver's license or State ID. The US Census (2003) gives a total of 8,531,105 Ohioans 18 and over. By taking the difference, one finds that 356,592 Ohioans have neither driver's license or state ID, and this number is 4% of all Ohioans 18 and over.

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¹⁴ *Securing the Vote: An Analysis of Election Fraud* http://www.demos-usa.org/pubs/EDR_-_Securing_the_Vote.pdf

**ALLEGED* VS. ACTUAL REGISTRATION FRAUD CASES,
PRIOR TO OHIO 2004 GENERAL ELECTION
(as of January, 2007)**

County	Organization/no. of individuals purportedly involved	Allegation(s) (all from media reports unless stated otherwise)	Number of individuals convicted
Cuyahoga	AFL-CIO	AFL-CIO submitted 803 fraudulent registrations	0
Cuyahoga	America Coming Together (ACT) and Project Vote	1284 suspicious applications	0
Cuyahoga	NAACP State Director	Submitted 17 registration cards with signatures that looked alike	0
Defiance	NAACP Employee	Paid Chat Staten with drugs to submit hundreds of fraudulent registration forms to Boards of Election in Northern Ohio. Forms bore obviously fictitious names	1
Franklin	ACORN/Project Vote	Submitted "several dozen blatantly false" voter registration forms plus forms including a dead man and 25 with different addresses from the same man and a suspected terrorist	1 (Kevin Dooley)
Franklin	ACORN	Submitted 526 new registrations 3 days after the statutory deadline	0
Hamilton	ACORN	Submitted 19 registration cards for individuals who could not be found by Sheriff's department	0 (did not respond to subpoena)
Lake	ACT, NAACP	Hundreds of suspicious registration forms, including one from nursing home resident unable to sign her name and another from a man dead 20 years	0
Lake & Summit	?	1000 registrations containing irregularities	0
Lucas	Project Vote	Indicted for submitting a registration for a woman already registered.	0
Mahoning	NAACP	Filed 48 registrations in the same writing, from voters who	0

		said they had not signed new cards	
Summit	Ohio AFL-CIO	Submitted over 50 registrations in the same handwriting	0
Trumbull	ACT	1 card in which BOE found voter's address, DOB and telephone were wrong and voter had not completed it	0
Multiple Counties	ACORN,ACT,NA ACP Nat. Voter Fund, Ohio AFL- CIO	RICO Complaint: defendants conspired to violate Ohio Corrupt Activity Act, committed fraud engaging in a common scheme to obtain, prepare and file fraudulent voter registrations	0 Testimony: Plaintiff testimony entirely based on news stories; plaintiffs unilaterally withdrew the case.

*per report to the US House of Representatives, Committee on House Administration, "Ohio election activities and observations" by Mark F. Hearne, II, on March 21, 2005