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Lying, Stealing, & Cheating Elections

The ‘Motor Voter’ Fraud Trap

by Cleta Mitchell, a law partner at Foley & Lardner LLP who practices in campaign finance and election law. She served for eight years in the Oklahoma House. Mitchell is Board Chairman for the Public Interest Legal Foundation.

How much voter fraud is there in America, really? Concerns over election integrity, fraud, and even voter identification laws regularly make news and heated campaign rhetoric. The left is well-versed in beating the election-eve drum on voter suppression, while then-candidate Donald J. Trump matched those efforts by citing concerns over fraud. Amid the din of protests, lawsuits, and commissions, something gets lost: actual data. Not any longer.

For years, people concerned with voter fraud and irregularities have looked in all the wrong places. Some scratch their heads when polls do not match November returns. Some prowl for large buses frequenting polling places for dubious reasons. Academics advance pre-conceived studies to downplay the issue. We even saw people scream “Russia, Russia, Russia,” with a tone befitting Jan Brady.

To find cases of people improperly registered to vote and casting ballots, head down to the local courthouse. You do not need to be a seasoned attorney or data scientist to unlock the truth — you need only

cite your federal rights to inspect voting records.

In 2016, the Public Interest Legal Foundation embarked on research and found outrageous discoveries. Their approach was simple: ask counties about whether they were ever in contact with non-citizen voters and, if so, get copies of the records.

If you call your local voter registrar and ask, “How much noncitizen voter fraud have you seen?” you will likely get an answer close to “zero.” Instead, ask: “How often do people cancel their existing registrations due to citizenship?” Then, get your printer ready.

Thousands of people across the U.S. have voted in elections before they quietly requested their registrations be cancelled.

Our voting, immigration, and entitlement systems are now intertwined, causing problems for all involved. Sure, green card holders could always get driver’s licenses, but now illegal immigrants can do the same in a dozen states. During those transactions, a voter registration offer is made by a government employee. Meanwhile, voter regis-

trars are reliant upon immigration officers to tip them off to existing ineligible voters. In other cases, otherwise law-abiding prospective citizens can see their naturalization applications become deportation orders when they are informed that some box was checked on a government document they might not have been able to read at the time. U.S. Customs and Border Patrol officials have found illegal crossers carrying voter registration cards to pose as citizens.



PILF traces these terrible situations back to the very first legislation that President Bill Clinton signed: the National Voter Registration Act of 1993, otherwise known as “Motor Voter.” The law requires that voter registration be offered in every transaction throughout state social service agencies such as the Department of Motor Vehicles and

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Medicaid. Election officials rely on nothing more than an honor system to limit voter registration to citizens. Registration forms include a checkbox at the top of the form, which asks registrants to answer “yes” or “no” to the question “Are you a citizen of the United States?” No other “safeguards” are in place to protect the integrity of the registration process. Like many government programs built more on good intentions than sound procedures, the framework harms many while showing a poor adaptability to subsequent law and technology.

In an alarming number of states, it is still 1993 at the DMV. Every person who darkens the doorstep is still believed to be a citizen and therefore safe to offer a voter registration form. For decades, George Soros-funded organizations like ACORN and Project Vote have sued states to ensure that voter registration offers would be made with maximal aggression, leaving bureaucrats to proposition green card holders “because the rules say so.”

Voter fraud has been enabled, and immigrants are getting trapped into poorly designed systems. This problem got a face in 2017 when Peruvian immigrant Margarita Fitzpatrick was deported. A decade before, she was obtaining an Illinois driver’s license when an unhelpful bureaucrat offered her a voter registration form but did not clarify if it was legal for her to sign it, given her green card on the table. That confusion bloomed into a voting record visible to immigration authorities required to enforce well-established law. PILF has found thousands of voters like her.

In 2016, PILF came upon some curious documents in Philadelphia.

Dozens of voters wrote handwritten, often broken-English letters to the City, asking that they be removed from the voter roll immediately and swearing they did not know they were registered. In all, over 80 self-identified noncitizens came forward between 2013 and 2015. Half voted at least once.

In May 2017, PILF found that more than 5,500 registered voters in Virginia were cancelled and “de-



clared non-citizen(s).” Roughly a third of them cast a ballot before removal. Government officers loyal to then Governor Terry McAuliffe crafted numerous legal strategies to delay or deny disclosure. The Foundation overcame them all.

In 2017, PILF found in New Jersey evidence about how noncitizens were coming into the voter registration system. Of the more than 1,000 cases, more than 75 percent of noncitizens came into contact thanks to offers to register at DMVs.

In the fall of 2017, then Pennsylvania Secretary of State Pedro Cortes abruptly resigned. Around that same time, the Philadelphia voter registrar announced he had found hundreds of cases where noncitizens were getting caught up in Motor Voter. He told the Pennsylvania Legislature that around 100,000 registered voters were matched against driver records that indicated non-citizenship. The State responded that they were aware of the issue since the 1990s, where noncitizen DMV customers were offered voter appli-

cations as a matter of practice — but did not fix it. Pennsylvania officials have rejected PILF’s data requests and now a federal lawsuit over record inspection rights is underway.

Since 2006, Harris County, Texas voter registrars have told lawmakers in Washington and Austin that noncitizen voting is not only a reality there, but they lack the tools to prevent it before it happens — they can only try to clean up the mess years after, once the votes are counted. In March 2018, PILF filed a federal lawsuit to see the corresponding records, but Houston officials are determined to hide the public records. The left is investing tax dollars into protecting their meme that voter fraud is a myth.

How do we prevent noncitizens from voting? Sure, we can require that proofs of citizenship be provided by voter applicants up front, but states should do more on their own. State must start to compare its own databases to identify contrary claims of citizenship among registered voters. The DMV has copies of passports and other documents that make clear who’s who. Voter registrars can only take a voter’s word that they are telling the truth on eligibility. Verification is an obvious fix.

The most powerful solution is you. Observation changes behavior. If your county clerk knows that you have an interest in checking their work and understand the applicable laws for full access, you will see results. Please visit the Public Interest Legal Foundation’s website and replicate their work in your state. You have more rights than just registering and voting. You have the right to ask tough questions as well. Time to start asking. 

VOTER FRAUDSTER ALERT

Aaron Harris, Executive Director of Direct Action Texas

How many times have you heard claims of voter fraud dismissed by politicians, media pundits, and political parties? Here are a few examples to refute the denials:

- In 2012, the Donna, Texas school board president hanged himself after the FBI pressed for an indictment that he fraudulently stole his election.
- In 2015, six people were convicted of felony voter fraud in Hildalgo County, Texas for harvesting mail-in ballots in several local elections.
- In the 2016 Republican primary in Hill County, Texas, election officials claimed 9,038 ballots were cast, yet only 7,171 voters actually voted in that election. So 1,867 votes counted with no actual voters to cast the votes! On that same ballot, three races were determined by less than 70 votes. Despite this clear evidence of voter fraud, the county Republican party, the county commissioners, the Republican Party of Texas, and the Secretary of State all certified the election. A criminal investigation by the Texas Attorney General's office found that the election suffered from massive ineptness and an inability to count, but the results stand to this day.
- In 2017, Rosa Ortega (a legal resident) was convicted and sentenced to eight years in jail in Tarrant County, Texas after she illegally voted for ten years as a noncitizen.
- In 2017, an Ellis County, Texas constable was removed from office

and convicted for fraudulently stealing his election.

- In 2018, Tarrant County convicted a felon of illegal voting after she intentionally voted after having been told, in writing, she was not eligible.
- Last April, a judge ordered a new election in Kaufman County, Texas after it was shown in court that fraudulent ballots were improperly counted.

I used to think that voter fraud was minimal and only in places like Chicago. I never expected fraud in my backyard — Republican controlled Fort Worth, Texas.

My first experience of voter fraud was in a local water board race in 2015. Our opponents used “vote harvesting” to defeat us and since then I have documented wide-scale voter fraud in five Texas counties.

Vote harvesting abuses the elderly and disabled's right to vote by influencing voting decisions by hiring political workers to “harvest” votes for a candidate. It is tragically used against mostly Hispanic and African-American citizens usually over the age of 80 who are relatively uneducated. These voters are not likely to discover that someone voted on their behalf and much less likely to call law enforcement about it.

The irony is the political organizations that claim to “look after the downtrodden” are the very ones that refuse to acknowledge the crime being committed. We should fight voter fraud to prevent future victims.

Voter fraud is an equal opportunity offender in both urban and rural communities. Direct Action Texas has active fraud investigations from the March 2018 primary election in six counties, including rural counties.

Why do the media and political parties deny that voter fraud exists?

The first reason is that the penalty for most voter fraud is only a misdemeanor under state statute. Voter fraud cases are complicated to try in court and simply not worth the trouble for just a misdemeanor. Thankfully in 2017, Texas changed the penalty for voter fraud to a felony, a law change that other states should enact.

A second reason why most voter fraud is denied is that they are very difficult to prosecute. Many of the victims are



elderly and years pass before their cases go to court. The senior voters simply cannot recall what happened in an election three years ago, which allows any defense attorney to break their testimonies apart. Few, if any, prosecutors will even try these cases, so they are either never indicted or they plea out to deferred adjudication, which is not a conviction. As a result, there are very few election fraud convictions.

The third reason is that there is no agency or department assigned the responsibility to insure the integrity of our elections. If no one is watching, how do we know if voter fraud exists? Direct Action Texas has been watching and has documented extensive fraud, yet there is no parallel government body watching.

The false claim that “voter fraud doesn't exist” is due to few incentives to prosecute, the cases are difficult to investigate, and a lack of oversight and accountability for the bureaucracies charged with administering elections.

Our elected officials should take this issue seriously and make free and fair elections a political priority at every level of government. Until they do, voter fraud will continue to be denied and election outcomes will be questionable. 

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RUSSIAN ROULETTE IN VOTING

by Dr. Laura Pressley, Ph.D. who was a device engineering manager for 17 years and holds 4 U.S. patents on semiconductor device technology. She is Chair of the Travis County Republican Party Election Integrity Committee.

Ronald Reagan said it best, “Trust but verify,” which is more true today than ever with regard to electronic computerized voting that lacks a paper trail.

Have you ever known an elected representative who is not responsive to the majority of his constituents? Voters do not really matter if the elections are corrupt. Computerized election fraud demands to be addressed because hundreds of thousands of votes can be changed with the press of a few buttons.

Given the recent hacking of Target, T-Mobile, and Facebook, voters are becoming more aware of computer hacking. So does anyone believe that local county election offices have better security than mega-corporations? We certainly do not need the Russians or foreign ne’er-do-wells to do the hacking. All that is required are a few local county insiders with questionable ethics to enable or commit the computerized election fraud.

How does insider computerized election fraud take place since tabulation computers are typically not connected to the internet?

Remote Hacking of Modems

The largest cities use modem public phone lines or cell phone services to connect to local substations that download election results to the main central county accumulator tabulation computers. Modem passwords can be obtained through various means and allow remote access of election data for hacking.

An example of remote access software on a county’s voting system was reported by the *New York Times* in Pennsylvania’s Venango County. Official central counting station watchers have reported directly observing remote access of central tabulation

systems in Dallas, Texas for the 2016 primary elections. Remote access has also been reported by election integrity expert, Bev Harris, for elections in Tennessee and Arizona.

Corrupt Memory Cards

Some counties use central accumulator and tabulation computers that are not connected to the internet. Vote data is downloaded by election officers to these computers via flash memory cards, called mobile ballot boxes.

An unsuspecting election officer may inadvertently download hacked election results during the normal flow of election data downloads. This specific scenario is detailed in an extensive source code review from the University of California, Berkeley under contract with the California Secretary of State in 2007.

The Berkeley report discusses one specific internal hacking method, the introduction of corrupt memory cards into the normal flow of memory cards from the precinct to the central counting computer. The report states, “this attack would potentially allow an attacker to inject false votes.”

Examples of corrupt memory cards being downloaded to central counting computers have been reported in the Texas counties of Llano, Burnet, and Travis. In the 2017 general election in Travis County, audit logs from the main central accumulator computer recorded seven mobile ballot box corruption errors, “Invalid/Corrupt MBB.” Election officers downloaded the corrupted card data to the main computer and did not quarantine corrupt flash cards.

When billions of dollars of county, city, state and federal programs are decided by those that are deemed the political winners, honest elections are at risk. Candidates and voters must

accept that election fraud will be attempted in all its varied potential manifestations. So, how do we ensure the best election integrity?

Sequential Numbering of Ballots

The most secure voting systems utilize uniquely numbered paper ballots. This numbering system maintains the secrecy of the vote, while at the same time provides a paper backup record to validate reported results.

When county election officers are mandated to number all ballots — as required by the Texas Constitution and Election Code — counties must provide tracking and accounting of where the ballots are, trace how many are provided to polling locations, and how many are returned not used. Sequential numbering ensures there are no duplicate ballots or missing ballots. The unique sequential numbering of ballots is the most powerful method for ensuring election security and should be a federal election law mandate.

Elections Officers Must Obey the Law

When election officers strive for meticulous adherence to all election procedures and laws, such as retaining backup records, completing audits, and performing exhaustive mandatory checks and balances of all data sets, then voter and insider fraud scenarios can be prevented and discovered if they do occur.

Our duty as voters and candidates is to hold state and county election officers to the strictest adherence of all of our federal and state election laws.

Be an Official Election Watcher

The best location for official election watchers to serve is in central counting stations when electronic votes are remotely downloaded and/or entered via flash memory cards. Hacking of the main central accumulator tabulation computer is the most dangerous method of election fraud.

Honest elections will happen when we as voters and candidates step up and embrace the opportunity to take back our elections, one county at a time. 