

**TESTIMONY TO THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY**

**BY DONNA L. BRAZILE, CHAIR
DEMOCRATIC NATIONAL COMMITTEE'S
VOTING RIGHTS INSTITUTE (VRI)**

“ELECTION DECEPTION AND IRREGULARITIES”

MARCH 7, 2007

Mr. Chairman, members of this Committee, my name is Donna Brazile and I am the Chair of the Democratic National Committee's Voting Rights Institute (VRI) and a member of the its Rules and Bylaws Committee. I'm honored to be here on behalf of Governor Howard Dean, Chairman of the Democratic National Committee (DNC).

Many thanks for giving me this opportunity to present my testimony to this Committee and thank you for your leadership in the 109th Congress in guiding the reauthorization of the 1965 Voting Rights Act.

While the right to vote is our most precious right and the cornerstone of our democracy, our government policies often fail to encourage voting, and by failing to adopt the principle that voter participation is encouraged and facilitated, the election process has been left open to discrimination, intimidation of those who are new to the process, fraud and abuse.

Soon after the tragic death of Rev. Dr. Martin Luther King, Jr., I was inspired to service by committing myself to helping others register and vote. Although I was only nine years old at the time, I became excited about the opportunity to help register people in my neighborhood to vote by simply telling them they now had "new rights on the books" that would allow Black people to vote. Day after day, I would ride my bicycle all around Kenner, Louisiana – a suburb of New Orleans to inform people of their moral obligation to vote. I told them that while many of us were too young to march for voting rights, we needed

them to register and vote in order to help improve conditions in our neighborhood.

You see, one of the local leaders running for City Council had promised to build a playground in our area and that news gave me hope – hope that one day we could play basketball inside because it rained just about every day.

Today, after seven presidential, over fifty congressional and numerous state and local campaigns later, I am still out here urging people to register to vote, to get involved and to use their new political power to improve conditions in their communities. But, I must tell you, I am worried. I am troubled by what I have seen with my own eyes and what I have witnessed repeatedly in several major national elections – the deliberate attempt to disenfranchise and discourage people from exercising their right to participate in the political process.

The rise in voter harassment and voter intimidation is a direct result of some political operatives – often with the blessing of their political leaders trying to gain an electoral advantage at the ballot box. In fact, they call it ballot security – a practice that according to a report written by Rice University’s Professor Chandler Davidson and others on behalf of the Center for Voting Rights and Protection – has its origins in the old “Jim Crow systems.”

This practice of discouraging people from voting, from schemes that misinform or challenge the electoral status of eligible citizens to participate should be outlawed in this nation.

There is no place in our democracy for election practices that target citizens based on the color of their skin or their partisan affiliation. It's wrong and it should be outlawed.

There is no place in our democracy for last minute attempts to purge eligible citizens just because they may vote for your opponent. It's wrong and it should be outlawed.

There is no place for off duty, uniformed policemen setting up road blocks near polling sites that could impede the ability of eligible, registered citizens to cast their ballots. It's wrong and it should be outlawed.

There is no place in our democracy for political operatives posing as reporters with cameras outside of polling places in order to intimidate voters prior to entering their precincts. It's wrong and it should be outlawed.

There's no place in our democracy for demanding multiple forms of id when the law only requires one—or none. It's wrong and it should be outlawed.

There is no place in our democracy for political parties to fund third party groups who spend their resources by putting out misinformation on precinct locations – or for sending out threatening information concerning back rent

payment, child support or even telling voters that Election Day has been moved to the following Tuesday. It's wrong and should be outlawed.

Throughout my career spanning many political campaigns and numerous elections at all levels, I have advocated the need for meaningful and effective election reform, specifically, the essential need to restore citizens' confidence in the electoral process and the integrity of our voting systems through the adoption of enforceable regulations that will not only reduce fraud, but will also protect the right of all Americans to vote free of harassment and intimidation and to ensure that all votes cast are properly counted.

In signing the original Voting Rights Act, President Lyndon Johnson remarked that "voting is the lifeblood of our democracy." The core of our democracy is premised upon our duty to do everything in our power to make voting secure, open, transparent and easier for citizens to participate. No one should have to pay a fee or incur hardship in order to exercise the right to vote.

The Democratic National Committee's Voting Rights Institute (VRI) was created in the aftermath of the chaotic 2000 Presidential election to educate citizens on their right to vote and to help restore voters' confidence in our electoral system. As Democrats, we believe that every eligible voter should be encouraged to participate in the political process and that their right to vote should be protected. We condemn every act of voter intimidation and voter harassment.

This past weekend, we were reminded of the continued struggle to fulfill the promise of our democracy, when civil rights, community and nationally recognized political leaders gathered in Selma, Alabama to commemorate the 42nd anniversary of Bloody Sunday, a day when hundreds of protesters fighting for civil rights started to march from Selma to Montgomery, but only got as far as the Edmund Pettus Bridge when they were met with the unprovoked brutal force of state and local law enforcement. This march and two others that followed shortly after led to the passage of the single most important piece of civil rights legislation, the Voting Rights Act of 1965.

In the 42 years since the passage of this historic legislation, this country has seen much progress in the expression of our democracy. It is estimated that in the first decade alone, following the Voting Rights Act, more than 20 million new voters were added to the rolls. The number of minority elected officials at the state and federal level has increased significantly. Prior to the passage of the voting rights act, there were only 3 African American members of Congress; today there are 43. In the reauthorization and extensions, the Voting Rights Act was strengthened and expanded to provide language assistance to certain communities. This in turn has helped voters to participate in a meaningful way in our democracy.

When President Bush signed the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Voting Rights Reauthorization and Amendments Act of 2006, surrounded by a bi-partisan group of lawmakers who worked collegially, he pledged that his administration would “vigorously enforce the provisions of this law, and...will defend it in court.” We intend to hold not only this President and

Congress but also future Presidents accountable to ensure that our basic rights are protected and enforced.

Despite considerable efforts and progress in recent decades, it is undeniable that storm clouds of voter intimidation still loom today. This is evidenced by the deliberate strategic efforts to suppress and harass eligible citizens from voting, especially youth and people of color.

In the weeks leading up to the 2004 presidential election, the VRI heard numerous reports from citizens claiming that they no longer were on the voter rolls and had to cast provisional ballots or their voting precinct had changed and they were worried that they could not get to the right polling station. Upon hearing some of these reports, I traveled to numerous states including Michigan, Pennsylvania, Missouri, Florida and Ohio to learn firsthand what was happening and to ensure our voter education and protection program was providing some assistance to those who worried that their eligibility would be questioned or challenged. Still we heard problems and decided to figure out exactly what happened.

We conducted a comprehensive investigative study to determine the nature and prevalence of the widely reported problems surrounding the 2004 Presidential Election in the state of Ohio. Very simply, we wanted to know: what was going on and what did voters experience when they went to cast their ballots? While Ohio may have experienced the most extreme and widespread problems, it can be viewed as a microcosm for what happened in numerous

states. The types of problems reported in Ohio were reported in other states across the country. Mr. Chairman, I have attached a copy of this study for your review.

In surveys conducted for the DNC study, over half of all African American voters in Ohio in 2004 reported that they encountered some obstacles to voting at the polls. Statewide, African American voters reported waiting an average of 52 minutes to cast a ballot. White voters waited an average of just 18 minutes. African Americans were 20% more likely than white voters to be required to vote by provisional ballot, accounting for 35% of all provisional ballots in the state. Three-quarters of provisional ballots were counted overall in the state, but officials counted only two-thirds of the provisional ballots cast in Cuyahoga County [the city of Cleveland], a county with one of the highest concentrations of African Americans in the state.

Identification requirements were illegally administered and the effects varied significantly by race. Only voters who registered by mail and voters who did not provide identification on the registration form were legally required to produce ID, which accounts for less than 7% of the 2004 Ohio electorate. Fully 61% of male African American voters were asked for ID, and overall, African American voters were 47% more likely to be required to show identification than white voters. These racial differences hold even when controlling for residential mobility.

African Americans were four times more likely than white voters to have their registration status changed at the polls, arriving to find that their names had either been purged or never added. African Americans were three times more likely to experience voter intimidation than white voters, including misinformation campaigns that threatened arrest and up to 10 years in jail if a person who had ever been arrested, had a family member arrested, or had an unpaid parking ticket tried to vote.

No one should wait for an hour to vote, or be illegally asked to produce ID, or have to cast a provisional ballot without cause. But those precincts where voters have been forced to wait in line for hours in order to vote have historically been located in neighborhoods occupied by large numbers of poor people, people of color and young people. While many decisions, ranging from where to place polling sites, training election day workers and accessibility to public transportation, are left to local and state officials, it's imperative that we find ways to outlaw all forms of discrimination in the process of making these important decisions.

In 2000, we heard of, and in some cases witnessed, various illegal schemes that prevented tens of thousands from voting and discouraged many more with attempts to disenfranchise citizens from voting.

Prior to Election Day, the former Secretary of State of Florida authorized the purging of citizens -- primarily African-American and Latino voters. Up to 30 percent of those purged were located in predominantly Democratic and minority

voter precincts. My sister who resided in Seminole county (Orlando, Florida) called me early on Election Day and asked, “How many forms of I.D. do I need to vote?” My simple answer was to tell her only one. Unfortunately on that day, Demetria had to produce not one, nor two, but three forms of ID in order to vote.

In spite of the heightened attention that voter disenfranchisement has received since the 2004 election, we continue to see disturbing illegal voter suppression campaigns. The reality is that voter ID laws that go beyond the requirements of HAVA disenfranchise many lawfully registered voters. And, they do so in a discriminatory fashion, disproportionately undermining the voting rights of seniors, low-income citizens, minorities, young people and people who live in urban and rural areas. Voting laws are unevenly and often improperly enforced by election officials.

According to the Cuyahoga Election Review Panel Interim Report issued on June 14, 2006, there was a disparity in Ohio between those who were asked for identification: 35 percent of Clevelanders said they were asked for ID as opposed to 16 percent of suburban residents, and 31 percent of African American voters were required to present ID in contrast to 18 percent of white voters. These findings mirror those of the DNC’s report on the 2004 election in Ohio. The Cuyahoga report can be found at

http://www.cuyahogavoting.org/CERP_Final_Report_20060720.pdf.

In October of 2006, the campaign of a Republican candidate for the 47th Congressional District of California sent thousands of intimidating letters written

in Spanish to voters with Hispanic surnames. These letters advised that immigrants could not vote and could be deported for doing so. The letters deliberately concealed the fact that immigrants who become naturalized citizens can vote just like any other citizen.

In Maryland, just days before the 2006 general election, copies of the Election Day manual for the Maryland Republican Party were obtained; in that manual, Republican Party workers were given false information about voters' rights, were told systematically to challenge voters and were advised to threaten election judges with jail time. On Election Day in Maryland, flyers were distributed in Prince George's County, by the Ehrlich/Steele Republican campaign, falsely stating that African American elected officials had endorsed the Republican candidates for U.S. Senate and for Governor and misleading voters about the party affiliation of those candidates.

Registered voters in Virginia and Colorado received automated phone calls falsely claiming they were removed from the voter registration rolls. Citizens were then warned that if they showed up at the polls they would be arrested. In Arizona, Latino voters were confronted by intimidating gunmen who provided false information about the qualifications for voting in an effort to prevent eligible voters from participating.

These tactics are not new.

In 2004 voters from Ohio to Pennsylvania received fliers telling them to vote on Wednesday, the day after the election. Milwaukee voters received a flier from

the fictitious “Milwaukee Black Voters League” warning them that if they had ever voted before that year, if they didn’t pay their child support or if “anyone in your family has ever been convicted of anything” and the voter cast a ballot that voter will lose his/her children and go to jail for 10 years. Students at Prairie View A&M University were threatened with a \$10,000 fine or 10 years in prison if they registered to vote at school, despite having the same rights as any other Prairie View resident to participate. Students at colleges and Universities across the country were forced to navigate an already difficult election administration system in the face of similar deliberate deception.

For years, voters in Baltimore and my home state Louisiana have been subject to similar deceit and misinformation. As I mentioned before, nearly all of these tactics are focused on traditionally disenfranchised voters. The very Americans the Voting Rights Act is committed to protecting are being removed from the system through cynicism, deceit and misinformation.

The continuing problems faced by voters at the polls demand additional election reform measures, including steps aimed at addressing the kind of deceptive practices, specifically intended to intimidate voters that we witnessed in the 2006 elections. HR 1281, the proposed Deceptive Practices and Voter Intimidation Prevention Act of 2007, would represent a great step forward in outlawing these kinds of abhorrent practices while protecting and respecting the rights of free political discourse protected by the First Amendment. We commend you, Mr. Chairman, and the co-sponsors of this important legislation for

confronting head on the type of intimidating tactics we witnessed last fall and for carefully crafting these measures to put an end to them.

We cannot allow another election cycle to go by where we witness deliberate efforts to subvert the will of voters to vote for their candidate of choice.

This necessary legislation will not only provide the tools to go after those who want to manipulate election results but will provide the necessary framework to provide voters with the correct information from a trusted source.

The United States has never committed itself to policies of full voter participation. The failure of that commitment has made it easier for discriminatory practices that selectively disenfranchise certain citizens, in order to give a greater voice to remaining citizens. Until participation by all eligible voters is our goal, we will leave ourselves open to manipulation, election scandal and suppression of selected groups because we are not judging those policies against a principle that favors participation.

The United States of America must lead by example. While the US encourages other nations to adopt broad democratic principles and reform, we need to make a basic policy decision that it is in the best interest of our democratic form of government to encourage all eligible citizens to register and vote. We know that election laws, particularly in some states, emphasize voting prevention, rather than encouraging the participation of all citizens who have that right. That is one reason why voter participation in the United States is

lower than that in many other leading democracies. By contrast, election participation in six states that provide same-day voter registration--Idaho, Maine, Minnesota, New Hampshire, Wisconsin, Wyoming – have reported higher levels of participation with little or no reported election fraud.

The failure to commit to full participation continues to allow states and localities to abrogate the constitutional guarantees of democracy and selectively decide who has an easier and who has a harder time voting.

Aggressive proponents of “ballot security” programs have played a significant role in voter suppression, sending “official looking” personnel (some of whom are off-duty police officers) to polling places, using misinformation and fear campaigns to challenge and intimidate minority voters. These intimidating and disfranchising tactics have been employed by a wide range of Republicans, many of whom are prominent professionals and high official standing within the Republican Party. Legislation requiring voter ID only assists these reprehensible tactics.

Proposed and existing voter ID laws make voting more difficult for no compelling reason. The fact is that all voters, in all states, have to show identification in order to *register* to vote. Under the federal Help America Vote Act (“HAVA”), all states require first time voters who do not present ID when they register to vote to show it when they come to the polls to vote. Thus, it is given that voters who register by mail and those who are registered in door-to-door voter drives must show ID when they arrive at the polls to vote. The reality is

that voter ID laws that go beyond the requirements of HAVA disenfranchise many lawfully registered voters. And, they do so in a discriminatory fashion, disproportionately undermining the voting rights of seniors, low-income citizens, minorities, young people and people who live in urban and rural areas. Voting laws are unevenly and often improperly enforced by election officials.

CLOSING RECOMMENDATIONS ON THE NEED FOR ELECTION REFORM

Let me conclude with some of the recommendations recently adopted at the winter meeting of the DNC to ensure a fair, transparent and error free election. We support legislation and regulation that mandates transparent election administration and that would require voter registration lists mandated under the Help America Vote Act be carefully monitored to ensure they include all voters who are duly registered and that the strongest possible protections are implemented which prevent voters from unlawful purges;

We also support legislation and regulations that entitle any voters who cast provisional ballots in the 2008 federal elections to have these ballots counted in an equitable and inclusive manner, with a presumption in favor of validity and a clear mandate that provisional ballots shall be counted in the most generous possible manner. We believe that adequate funds should be made available under HAVA for states to effectively and equally administer the 2008 general election. Steps toward this goal would include the equitable distribution of voting equipment and supplies to all polling places and brief and equivalent wait times for all voters regardless of where they live, their race or socioeconomic status.

The DNC also believes that ballots timely cast by eligible U.S. voters living overseas should be counted. Further, we call on Congress to allow college students greater access to the polls and ensure that the polls are accessible to all eligible voters, regardless of physical or language limitation.

Lastly, we would like to encourage Secretaries of State and other election officials not to engage in partisan conduct during federal elections. We urge the House to adopt legislation to end voter intimidation and to prevent the harassment of eligible citizens from participating in the political process.

Mr. Chairman, there are several bills pending in the House of Representatives and the U.S. Senate, including HR 1281, which, if adopted, will make great headway in achieving these goals. Let me say specifically that as a District resident, I fully support Congresswoman Eleanor Holmes Norton's bill, H.R. 328, which will provide for the treatment of the District of Columbia as a Congressional District for purposes of representation in the House of Representatives. The call for voting rights to the hundreds of thousand of tax paying American citizens is long overdue. I would hope this Congress, along with the President, will work towards its enactment and to fully embrace the goal of giving all Americans a voice and a vote in the governing of our nation.

Mr. Chairman, I believe we can make our democracy work for all its citizens. In my lifetime, I have seen barriers fall. I witnessed a non-violent revolution to allow all Americans at seat at the political table. In closing, please

allow me to pay homage to those who dared to live the dream, who longed for freedom and the right to vote. When those brave Americans gathered at the Edmund Pettus Bridge some 42 years ago today, all they wanted was freedom. They wanted a seat at the table and they wanted to register and participate in the electoral life of our democracy.

Along the way, they were beaten and jailed. But they never faltered in their journey. They continued to fight for justice and the right to vote. Later that summer, they began a massive voter registration effort in places where people didn't even know they could, in theory, vote.

We have come along way since then. One of those who journeyed across that bridge now sits in the House of Representatives. I am here because they marched. Because they knew the day would come for all of us to have a seat at the table.

Mr. Chairman, please act to remove the remaining impediments to the dream of true equality for all. Remove the last vestiges of Jim Crow and allow every eligible citizen the right to vote, to sit at the table and help guide and lead this nation.

African-Americans, Hispanics, Native Americans, Asian Americans, women, gays and lesbians, people with disabilities and people of all backgrounds sit in jobs, live in homes, and hold positions that would have been unthinkable four decades ago.

To honor their legacy and the sacrifice of so many others, to live up to the expectation of the generations of Americans who constantly pushed us to realize America's full promise as a democracy, we must take up this fight to eliminate all barriers to electoral participation.

All Americans – no matter their party – must join us in repairing the machine of our democracy, and the heart of our nation.

Thank you for allowing me to participate and share my observations.

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Voter Intimidation in the News
Compiled March 6, 2007

Latinos in Weld County report harassing calls

By Elizabeth Aguilera
Denver Post Staff Writer
Denver Post

Article Last Updated: 11/08/2006 12:31:58 AM MST

Several Latino voters in Weld County reported harassing phone calls that threatened them with jail if they went to the polls.

"We are very concerned that those calls were made at all," said Brian Mason, spokesman for Weld County Democrats. "This is classic voter intimidation."

The call Jesus Torres, 47, received didn't keep him from going to the polls Tuesday, but he still thought about it when he walked into the polling place.

"It made me feel like I wasn't a citizen, and I am," said Torres, who has been a citizen for 15 years. "When I entered the polling place I still wondered if I'd get a felony or go to jail."

Another person received a similar call Monday but did not want to be named because she was afraid, said Sylvia Martinez, a community activist.

Democratic officials are reviewing the complaints and may file an official complaint with the U.S. Department of Justice or pursue individual lawsuits, said Mark Shaffer, campaign attorney for U.S. House candidate Angie Paccione.

"The behavior is so egregious something needs to be done about it," Shaffer said.

Darrell Call, chairman of the Weld County Republican Party, said he was "surprised and disappointed" by reports of intimidating calls to Latino voters.

"That is just not what the Republican Party is about, and I would hope the Democratic Party is not about that either," he said. "We've had people calling in Spanish to get people out to vote."

Nationwide, Latino organizations have been on the lookout for such problems. The National Council of La Raza and the National Association of Latino Elected Officials staffed a voter phone line Tuesday and received numerous complaints nationwide, including Colorado.

In Weld, Torres voted Tuesday for the first time. "I am seeing more and more we are being discriminated against," he said. "It's time to stop that."

Martinez went on Spanish radio in Greeley twice Tuesday to appeal to anyone who received a phone call to come forward.

"It was sad to see that people went to such extremes to oppress the Latino vote, but I don't think it's going to work out in their favor," Martinez said.

FBI looks into voter intimidation

BY JEFF E. SCHAPIRO

TIMES-DISPATCH STAFF WRITER

Tuesday, November 7, 2006

The FBI is looking into possible voter intimidation in Virginia's hard-fought U.S. Senate contest between Republican incumbent George Allen and Democrat Jim Webb.

Just ahead of today's election, state officials alerted the U.S. Justice Department to several complaints of suspicious phone calls to voters about where they cast ballots and their preferences for the Senate.

Jean R. Jensen, secretary of the State Board of Elections, said yesterday that she was subsequently contacted by an agent in the FBI's Richmond office. The FBI is the investigative arm of the Justice Department.

Dee Rybiski, spokeswoman for the FBI here, declined comment.

Jensen said she called the Justice Department's civil rights office in Washington and the Virginia attorney general after receiving a complaint Sunday from a voter in Arlington County and one yesterday from the registrar in Accomack County.

Jensen said she later received a report from the Hampton registrar about a call to a voter there. That complaint came in response to an e-mail from Jensen to local registrars about possibly deceptive phone calls.

"Voters should not be intimidated or deceived by phone messages purporting to be from election officials," Jensen said in a written statement. "Any communication from federal, state or local election officials will always be in a written form clearly identifying the official source."

With published polls depicting the Allen-Webb race as a tossup, both sides are mobilizing lawyers and voting experts to watch for irregularities and prepare for a possible recount.

In a written statement issued by the Webb campaign, state Democratic Party counsel Jay B. Myerson suggested that Republicans are behind efforts to suppress votes for Webb.

"We've seen this tactic before, and it is about time the Republicans learned that it will not work," Myerson said.

Shawn M. Smith, executive director of the Virginia Republican Party, said the state GOP and Allen campaign are focusing on mobilizing votes for Allen.

As for voter intimidation or suppression, Smith said: "We are not aware of any such activities taking place and are skeptical of the claims being made. Nonetheless, we condemn such activities if they are being conducted by outside organizations."

J. Tucker Martin, spokesman for Attorney General Bob McDonnell, had no immediate comment.

California sends letter to Hispanic voters who received intimidating flier

Associated Press
October 25, 2006

The California Secretary of State mailed letters Wednesday to 14,000 Hispanic voters who received an intimidating flier from the campaign of a Republican congressional candidate.

The bilingual letter, also endorsed by several Hispanic civil rights groups, encourages U.S. citizens to vote and informs them of the official state requirements to register. It also lists the absentee voting deadline.

The state Department of Justice has opened a voting rights investigation into a flier sent to certain Democratic voters in Orange County by the campaign of Tan Nguyen, who is seeking to unseat five-term Democratic Congresswoman Loretta Sanchez. Nguyen, a Vietnamese immigrant, has made illegal immigration a centerpiece of his campaign.

The letter from Nguyen's campaign, written in Spanish, warned: "You are advised that if your residence in this country is illegal or you are an immigrant, voting in a federal election is a crime that could result in jail time."

In fact, naturalized U.S. citizens have the right to vote.

The letter mailed by Secretary of State Bruce McPherson tells voters who received the Nguyen campaign letter to ignore it and calls the flier "unauthorized and inaccurate."

"Voter intimidation in any form is completely unacceptable," McPherson said in a printed statement. "Voters who received the intimidation letter should ignore it and cast their ballot on Election Day."

Congressional elections are Nov. 7.

Nguyen has said he purchased a database of Hispanic voters from a Burbank company called Political Data Inc. so he could send them Spanish-language campaign literature. He said his campaign sent four fliers using the database before his office manager forwarded the names to an outside party.

Nguyen and his attorneys have refused to identify the office manager or a third party who he said mailed the letters.

Law on IDs denied some Indians vote, group says

Argus Leader
June 15, 2004

BY DAVID KRANZ

A group encouraging more voting on South Dakota's Native American reservations says many residents were wrongfully prohibited from voting in the June 1 election because they did not have photo identification.

Poll workers neglected to tell them they could sign an affidavit swearing to their identity, said Bret Healy, executive director of Four Directions Committee.

But Secretary of State Chris Nelson, who oversees state elections, said there is no evidence of efforts to keep voters from casting ballots in the June 1 primary and special U.S. House election.

The controversy centers on poll officials' enforcement of new voting rules. A law passed by the Legislature in 2003 requires voters to show a photo ID at the polls. If they do not have one, they must sign an affidavit verifying their identify.

There were early problems with some poll workers who did not understand the law, but the matter was addressed, Nelson said.

"We had reports on election morning that people came without IDs and were not offered an affidavit as required," he said. "We followed up, and it was taken care of."

Motives questioned

Nelson said he thinks Healy's goal is to get the law thrown out.

Healy, the former executive director of the state Democratic Party, said there is good reason to question the law.

"This law was passed to turn Native American voters down. There is no three ways about it," he said. "Chris Nelson testified for this law, and he bears some responsibility for the chaotic mess. This all flows from a vindictive law because they didn't want too many Native Americans coming out to vote."

Nelson denied Healy's accusations.

"There was nothing racist involved in what happened at the polls," Nelson said, adding that he still supports the law and does not think it targets Native Americans.

"As long as the law is on the books, it is my job to make it work," he said.

On Nelson's instruction, training sessions were held with county auditors, who in turn worked with polling officials to explain the law.

"A few of the poll workers didn't pay as close attention as the others," he said.

Charles Mix complaint

Complaints on Election Day ranged from harassment to intimidation, said Healy, who produced three signed affidavits from those who felt wronged and a copy of a handwritten note by the Corson

County auditor giving wrong instructions that he called "the smoking gun."

One complaint came from Julie Weddell of Wagner.

"She was told that if she didn't have a photo ID, she could just turn around and go home," Healy said. "She was not told about the affidavit."

Norman Chiak, Charles Mix County auditor, said the matter is being looked into.

"I went to different polling places on Election Day, but I didn't personally see any problems," he said. "I am now aware of the situation, and we are investigating it."

In a complaint from Mellette County, someone reported observing a candidate sitting at a table where the ballot box was improperly opened.

Healy also submitted a copy of the printed instructions to Corson County poll workers containing a handwritten message from Dorothy Schuh, the auditor.

"Some voters are reporting that ID is not required. Please inform the voters that ID is in fact required," Schuh wrote.

The correct instructions were printed on the same page, but Healy said workers probably would give Schuh's instructions precedence.

Schuh was out of town and could not be reached. Mary Hollenbeck, chairwoman of the Corson County Commission, said she does not think Schuh was trying to mislead poll workers.

"She knows the law, and I know she talked with people working at the polls and explained to them what needed to be done," Hollenbeck said.

Watching poll watchers

If there is an investigation, Hollenbeck said, the conduct of poll watchers needs to be evaluated, too.

"We had several polling places where voters were very intimidated," she said.

Manderson and Porcupine voters also complained that they were told they could not vote without a photo ID.

Earlier in the week, the Lakota Journal reported there were problems with polling places being changed without notice and non-Native American law enforcement vehicles coming to the polling place.

Another report said an observer closed the polling place before poll workers were supposed to close the doors for the day. That action is said to have locked four people out of the polls.

"Obviously, if a poll watcher was taking it upon himself to close the polls, that is not appropriate, but as long as a poll watcher is not interfering, there is no problem with that," Nelson said.

"Get-out-the-vote efforts are encouraged as long as it is done legally, and I had no reports that anything was done illegally."

Dirty tricks: Federal officials alerted by police to alleged GOP phone jamming

The Union Leader (Manchester NH)

February 7, 2003

By JOHN DiSTASO Senior Political Reporter

Manchester police have alerted the U.S. Justice Department to an Election Day operation allegedly ordered by a Republican telemarketing dealer that jammed get-out-the-vote phone banks operated by the city's firefighters union and the state Democratic Party.

Lt. Fred Roach of the city's detective bureau said this week Idaho-based telemarketing firm Milo Enterprises was hired by GOP Marketplace of Alexandria, Va., to make repeated hang-up calls to a group of New Hampshire phone banks on Nov. 5.

Union and Democratic officials said the phone jam, broken by Verizon after two hours, lasted long enough to hurt their efforts to reach people who needed rides to the polls. Union president William Clayton said many intended contacts with potential riders, especially seniors, were not made, and, "I know a lot of them got shut out" of voting.

Roach said a state harassment law may have been violated. The case's multi-state nature prompted him to contact authorities about possible federal violations, he said.

State Republican Chairman Jayne Millerick said yesterday the state committee hired GOP Marketplace, but not to jam opposition phone lines, something she said she knew nothing about.

Millerick, elected chairman two weeks ago, said party executive director Chuck McGee told her that, "at the very end of the election cycle, the state party contracted with GOP Marketplace with the thought that the party may use telemarketing to do more get-out-the-vote calling. But the calls were never made, and the state party is currently working on getting a refund."

She noted the hiring occurred "before my time" as party chairman. Millerick worked with the state GOP in the fall to direct the Republicans' own get-out-the-vote effort in the final hours of the campaign.

GOP Marketplace calls itself "the first Internet-based political B2B (business-to-business). We link campaigns and committees with telephone vendors online."

The Republican State Committee paid GOP Marketplace \$15,600 on Nov. 1. A lawyer for GOP Marketplace would neither confirm nor deny the firm hired Milo Enterprises.

State Democratic Chairman Kathleen Sullivan said, "It breaks my heart that anyone in this country would engage in criminal activity to try to prevent seniors from voting and to interfere with a free election."

City firefighters head Clayton said union volunteers noticed they could not make or receive calls at about 7:30 a.m. on Election Day. After an hour, he said, the problem was reported to police.

Lt. Roach said Verizon was contacted, freed the phone lines and identified the caller as Milo Enterprises.

He said Milo officials, contacted last month, "were very cooperative. They said they were a telemarketing firm for hire and had been paid in advance (by GOP Marketplace, Roach said,) to repeatedly call a variety of phone numbers in New Hampshire on November 5."

Roach said Milo officials told him that when they arrived at work early on Nov. 5, their workers had been making the calls for about an hour. But after checking the work order, Roach said, they stopped the blocking operation, realizing it could be "a problem."

Roach said he later spoke to a vice president at GOP Marketplace, and, "He was very evasive." The Union Leader's call to GOP Marketplace President Allen Raymond was returned by company attorney John Partridge, who said Raymond "can't confirm or deny" that Milo Enterprises was hired.

Clayton said the firefighters don't ask riders their party affiliation. He noted many union members are Republicans and the state firefighters union backed Republican Craig Benson for governor.

Sullivan said she identified the party numbers blocked as those for the Democratic City Committee office, the state party's now-closed coordinated campaign office and state party field offices in Nashua, Rochester and Claremont.

Roach noted a state law making it a misdemeanor to make a telephone call "with a purpose to annoy or alarm another." Prosecuting an out-of-state entity on a misdemeanor is difficult, he said, but he said he has contacted the U.S. Justice Department in Washington.

One federal law prohibits causing "the telephone of another repeatedly or continuously to ring, with the intent to harass any person at the called number." Roach said, "It appears (the Justice Department) may be interested in pursuing the matter."

McGee, the Republican State Committee executive director, said early yesterday he had vaguely heard of GOP Marketplace and did not hire the firm. Later, Millerick called The Union Leader to say that McGee "was mistaken," and had in fact hired it for telemarketing.

Sullivan said, "I find it fascinating that Chuck McGee's initial reaction was to lie. I don't know if I can believe anything now."

Roach said blocking phone lines "is serious crime, regardless of whether it's a misdemeanor or a felony. Whether it be you, me, or a union hall, they're all victims."

Raymond is a 33-year-old organizer whose recent clients included Republican National Committee co-chair Patricia Harrison and former Presidential candidate Steve Forbes' 2000 campaign committee, according to the firm's Web site. Last year, he headed the Republican Leadership Conference, which spent about \$150,000 advertising against conservative GOP former candidate for governor Gordon Humphrey.

Dirty deeds abounded in elections

Times-Picayune (New Orleans, LA)

December 12, 2002 Thursday

By Bill Walsh; Washington bureau

WASHINGTON -- Dirty tricks are as old as politics itself, and the recent elections in Louisiana had a fair share of skullduggery, mostly anonymous efforts aimed at smearing candidates and confusing or discouraging voters.

Much of what surfaced in the U.S. Senate primary and runoff was aimed at disrupting the usual racial and ideological voting patterns in the election: either suppressing the liberal black vote for Democrat Mary Landrieu or peeling conservative white voters from Republican Suzanne Haik Terrell.

One of the most blatant attempts to keep African-Americans from voting was an unsigned pamphlet that the Landrieu campaign said was circulated in New Orleans public housing complexes just before the runoff. The document said: "Vote!!! Bad Weather? No problem!!! If the weather is uncomfortable on election day (Saturday December 7th) Remember you can wait and cast your ballot on Tuesday December 10th." Anyone who waited past Saturday, however, missed the chance to vote.

One sign posted around New Orleans on election day sought to exploit Landrieu's problems with some black leaders who complained that the white senator had ignored them during the six years of her first term. The signs said: "Mary, if you don't respect us, don't expect us."

The signs were paid for by the Louisiana Republican Party, who also hired black men to wave them on street corners. GOP officials defended the slogan as an accurate reflection of how many black voters felt about Landrieu. Landrieu said it was an underhanded attempt to persuade black voters to stay away from the polls.

The Terrell campaign said it, too, was victimized by anonymous attacks, including "sample ballots" circulated before the Nov. 5 primary that appeared to promote a ticket of Terrell, a white Republican, and Rep. William Jefferson and district attorney candidate Dale Atkins, both black Democrats. The ballots were devious in a number of ways: Jefferson backed Landrieu, not Terrell, and he supported Atkins' opponent, Eddie Jordan.

In the primary, the campaign signs also showed up along streets in New Orleans linking Terrell and Jefferson politically, a message that would play badly in each of their constituencies.

Those signs reappeared during the runoff, Terrell aide Bill Kearney said. He said some were posted in white neighborhoods in Jefferson and St. Bernard parishes just before the runoff election and evidently were designed to cause confusion by linking Terrell with Jefferson.

"They put them in some suburban white areas to trick people," Kearney said.

Terrell may have been the beneficiary of a separate effort in Baton Rouge. A handbill purporting to be a "coalition ballot" circulated in African-American neighborhoods in the days leading up to the Dec. 7 runoff suggested that Terrell had the backing of 17 civic groups, some of them African-American. The ballots carried the signature of community activist Tonya Pollard-Gosa, who later

signed an affidavit for the Louisiana Democratic Party saying it was a forgery. Terrell's camp said it had nothing to do with the fake ballot.

"Thousands of these things had hit the streets," Democratic Party Chairman Ben Jeffers said. "This election cycle had more games than I've seen in a while. They were really trying to mislead African-Americans to vote for Suzie Terrell."

But not all of the shenanigans appealed to race. In the nasty 5th Congressional District election, the dirty tricks appealed to a tried-and-true election topic: sex.

The Republican candidate, Lee Fletcher, said that on election eve, a recorded phone message went out to voters in Pointe Coupee, Allen, Rapides and Richland parishes claiming he is gay. Fletcher said he didn't hear the message himself but cobbled together an accounting of it from supporters who did.

According to his notes, it said: "Lee Fletcher is 40 years old, never had a date and doesn't know what it is like to wake up in the middle of the night and change a diaper or take care of a hungry baby. He never married. This draws one to the conclusion that he must be homosexual."

Fletcher said he doesn't know the source of the message, but he said it was clearly aimed at conservative voters who would not vote for a gay candidate.

"I'm more of a man than anyone who did that," he said.

Fletcher's opponent, Democrat Rodney Alexander, said he also was a target of a recorded phone message, which, according to a Democratic Party official who heard it, claimed that Alexander had been married before, even though he hadn't.

Fletcher said he had nothing to do with the calls. He narrowly lost to Alexander.

GOP poll watchers create a stir in PB 3 dispatched to keep tabs on early voting
ARKANSAS DEMOCRAT-GAZETTE
October 22, 2002, Tuesday

BY EMMETT GEORGE

PINE BLUFF - Confusion reigned Monday morning as some unexpected guests arrived for the first day of early voting at the Jefferson County Courthouse.

"They are calling themselves poll watchers," County Clerk Helen McClinton Bradley said.

Marty Ryall, state Republican Party chairman, said Monday the "poll watchers" were sent to Pine Bluff after Jefferson County Republicans complained that clerks weren't asking for proper identification before allowing people to cast ballots.

They watched voters closely and took pictures of identifying information, said Michael Cook, executive director of the Arkansas Democratic Party.

"I think it's disgusting," said Trey Ashcraft, chairman of both the Jefferson County Democratic

Party and the Jefferson County Election Commission. "They are using Gestapo tactics. They are trying to intimidate African-American voters into not voting. It's a funny thing they are not stopping whites, only African-Americans."

Some frustrated black voters were intimidated into not voting, Ashcraft said.

"Absolutely not," Ryall responded. "No one down there is harassing any voters. We were told the county clerk was not requesting verification of identification of voters. So we sent three poll watchers down there with a copy of the law."

All of the fuss may have been about nothing, because Bradley said no voters had been disqualified as of Monday afternoon.

Under Arkansas Code Annotated 7-5-305, would-be voters must produce photo identification issued by a governmental agency. If the voter cannot, a voter can fill out what's known as "a challenged ballot," which is counted after verification of the voter's registration status by the county before an election is certified.

CONTROVERSY GREETES EARLY VOTING

By Judy Normand/OF THE COMMERCIAL STAFF

Tuesday, October 22, 2002 12:00 AM CDT

Early voters were met Monday at the Jefferson County Courthouse by poll watchers from the Republican Party of Arkansas who demanded identification and challenged voter ballots.

The Democrats' "Team Arkansas" had barely concluded its early vote rally across the street from the Courthouse when the trouble began.

Under the watchers' eyes, both voters and county officials received what they called unexpected -- and unnecessary -- scrutiny of the election process.

Trey Ashcraft, chairman of the Jefferson County Election Commission, said it was obvious the Republicans' actions were targeting African-Americans.

In a press release, Michael Cook, executive director for the Democratic Party of Arkansas, criticized Sen. Tim Hutchinson and the Republican Party for intimidating and harassing African-American voters in Jefferson County and for giving the poll watchers notarized credentials he said were apparently forged.

"Their papers did not seem to be in order," Ashcraft said.

"Tim Hutchinson and the Republican Party have claimed that they want to reach out to African-American voters, but when election time comes they have nothing to offer but intimidation and harassment," Cook said. "We ask Tim Hutchinson and his party to stop disenfranchising African-American voters and obstructing the democratic process."

During Monday's voting, poll watchers were seen asking voters to either produce identification or risk having their ballots challenged.

"A voter does not have to show an ID as long as it's noted on the ballot," Secretary of State Sharon Priest said. "They (poll watchers) can challenge a ballot, but they cannot ask for an ID or even talk to the voters."

Several voters received pointed requests from poll watcher Allison Johnson to produce identification, and refused -- a right, Priest said, that is protected by law.

Voter Bonita McCray also refused the ID request, saying "When she insisted, I put my ID back in my purse. They had no right to do this."

Officials in the clerk's office said several would-be voters became so frustrated and offended by the process that they left without casting a vote. Deputy Clerk Charlotte Munson reported a poll watcher had actually walked behind her counter to photograph voter information on her computer screen.

The watcher, she said, also asked for identification from, and then photographed, a first-time voter who was visibly shaken by the action.

"This woman (a poll watcher) was looking over my shoulder, and this is my business, not hers," the agitated voter said later.

Poll watcher Chris Carnahan admitted a colleague had been using photography to document aspects of the voting process, but said he did advise the person to put away the camera.

"We're here to ensure a clean and fair election," he said.

Johnson also accused a deputy clerk of not requesting IDs from prospective voters and said workers had no challenge ballots prepared.

"They refused to accept challenge ballots," Johnson said.

Ashcraft said this was not true. He was unable to say exactly how many ballots were challenged, but said there had been "several."

Ashcraft said he was disappointed in the Republican "Gestapo" tactics.

"They're trying to intimidate and prevent voters from participating in the Democratic process," Ashcraft said. "The registered voters feel insecure and the photos are inexcusable. They (Republicans) know they can't win, so they're trying to steal this election. This is politics at its worst. They're breaking the law and it's disgusting."

At least twice, Ashcraft summoned a deputy from the Jefferson County Sheriff's Office to escort "watcher" Diane Jones out of the clerk's office for what he said was definite interference with the voting process.

Cook said the tactics used by the Republican workers clearly crossed the line from poll watcher to voter obstruction.

Marty Ryall, director of the Republican Party of Arkansas, said in a telephone interview that different groups of poll watchers will continue to be sent to the Jefferson County Courthouse each

voting day until Nov. 5. Ashcraft countered with a promise to produce "watchers" of his own -- of the Democratic persuasion.