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The Misleading Myth of Voter Fraud in American Elections

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Are fraudulent voters undermining U.S. elections? The simple answer is no. Rather, the threat comes from the *myth* of voter fraud used to justify rules that restrict full and equal voting rights.

A concerted partisan campaign to erect more restrictive voting rules is apace in many states, with Republicans pushing new limits on access and Democrats objecting. Thousands of changes to state election codes have been proposed since the contested presidential election of 2000. Far fewer have been signed into law, but those put in place – such as rules that people have a certain kind of photo identification card available from specific government offices – are making it more difficult for many citizens to cast ballots, including longtime voters as well as new ones.

In a democracy, reducing access to the ballot is difficult to justify. Political motives and strategies to discourage voting by particular groups such as racial minorities cannot be openly announced. That's where the myth of criminal voters comes in – as proponents of new rules cite the supposed threat of votes fraudulently cast by foreigners, noncitizens, immigrants, felons, and imposters who supposedly travel around to vote in many precincts. Mythical threats that stoke social prejudices are used to make new restrictions seem reasonable.

Fraud by Individual Voters is Almost Nonexistent

The earliest reliable studies of election fraud in the 1920s and 1930s found that individual voters almost never committed fraud on their own. Conspiracies by politicians or election officials were behind most violations. Voter registration laws were put in place to reduce such organized fraud.

Today, social scientific research on fraud is difficult because there are no officially compiled national or state statistics. Researchers must painstakingly piece together evidence from news reports, court proceedings, law enforcement agencies, election officials, and interviews with experts and other sources. After ten years of such research, I found that intentional fraud by individual voters is exceedingly rare. Other investigations have reached the same conclusion.

- Replicating my methodology, 24 journalism students at twelve universities reviewed some 2,000 public records and identified just six cases of voter impersonation between 2000 and 2012.

- Under Republican President George W. Bush, the U.S. Justice Department searched for voter fraud. But in the first three years of the program, just 26 people were convicted or pled guilty to illegal registration or voting. Out of 197,056,035 votes cast in the two federal elections held during that period, the rate of voter fraud was a miniscule 0.00000132 percent!

- No state considering or passing restrictive voter identification laws has documented an actual problem with voter fraud. In litigation over the new voter identification laws in Wisconsin, Indiana, Georgia and Pennsylvania, election officials testified they have never seen cases of voter impersonation at the polls. Indiana and Pennsylvania stipulated in court that they had experienced zero instances of voter fraud.

- When federal authorities challenged voter identification laws in South Carolina and Texas, neither state provided any evidence of voter impersonation or any other type of fraud that could be deterred by requiring voters to present photo identification at the polls.

Mistakes in a Confusing System are the Real Issue

When voter fraud accusations are tracked down to their specifics, irregularities almost always turn out to be simple mistakes by election officials or voters.

- In the contested 2004 Washington state gubernatorial election, a Superior Court judge ruled invalid just 25 ballots, constituting 0.0009 percent of the 2,812,675 cast. Many were absentee ballots mailed as double votes or in the names of deceased people, but the judge did not find all were fraudulently cast. When King County prosecutors charged seven defendants, the lawyer for one 83-year old woman said his client "simply did not know what to do with the absentee ballot after her husband of 63 years, Earl, passed away" just before the election, so she signed his name and mailed the ballot.

- A leaked report from the Milwaukee Police Department found that data entry errors, typographical errors, procedural missteps, misapplication of the rules, and the like accounted for almost all reported problems during the 2004 presidential election.

- When the South Carolina State Election Commission investigated a list of 207 allegedly fraudulent votes in the 2010 election, it found simple human errors in 95 percent of the cases the state's highest law enforcement official had reported as fraud.

- A study by the Northeast Ohio Media Group of 625 reported voting irregularities in Ohio during the 2012 election found that nearly all cases forwarded to county prosecutors were caused by voter confusion or errors by poll workers.

The Reforms We Really Need

Voters acting on their own have no rational cause to vote fraudulently. The odds of casting a deciding vote are miniscule and cheaters risk criminal prosecution under state laws on the books for decades. The costs of fraudulent voting are steep and the benefits practically non-existent. Spurious, politically-motivated allegations of voter fraud are a distraction from the real problems in U.S. elections. Overly complicated rules need to be simplified and election administration professionalized. Nonpartisan officials and poll workers must be well-trained and supported in their efforts to help people cast ballots that are accurately counted. In every major election, millions of eligible Americans do not participate, in large part because of unnecessary hurdles to registration and voting. The United States needs a reinvigorated movement to expand voting rights and access. To build confidence in our democracy, we should look for ways to fix actual election problems – and recognize that individual voter fraud is not one of them.

Read more in Lorraine C. Minnite, *The Myth of Voter Fraud* (Cornell University Press, 2010).