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Introduction: Governor McAuliffe has vetoed several bills that would have served to decrease voter fraud. The purpose of this report is to present what is known about the frequency of voter fraud. Determining the actual fraud is difficult because few cases are prosecuted. We gather instead the data on fallacious voter registrations that facilitate voter fraud.

Summary: Data show that up to 15% of votes could be invalid due primarily to incorrect voter rolls. Most errors are due to the voter moving so that the voter is registered twice. State records show that over 20% of voters in Fairfax County vote more than once in a given election. Some argue that voter fraud is insignificant, citing the few convictions. In Virginia, obvious cases of voter fraud were not prosecuted, so there is no wonder that there are few convictions.

Making the rolls available to everyone would help keep the rolls clean and up to date because every citizen could check the rolls. To avoid exploitation of the information, the information could be restricted to the requester's zip code or small subdivision. To keep the cost low, the data could be made accessible via the Internet. Steps would be needed to ensure that people did not use the listing to vote in place of the people who had moved or died. Two possible steps would be the purple-finger marker used in foreign countries and the oft suggested photo-ID.

Discussion

Does Fraudulent Voting Occur?

Voter fraud was highlighted¹ as an issue when McAuliffe won the governorship in Virginia, barely defeating Cuccinelli, 47% to 46%, in 2013. Cuccinelli's investigation was terminated without a conclusion.

Many news sources² state that there is no evidence of widespread voter fraud in the 2016 election, but nobody is stating that there is no voter fraud. In Harrisonburg, 18 to 20 dead people registered. The names and addresses were correct, but, because the Social Security number was incorrect, the fraudulent registration would not have been detected. A citizen noticed the fraud when one of the names was that of a prominent person³.

Fraudulent votes are possible in Virginia. One news⁴ source answered some of its own questions:

- “Can someone who isn't an American citizen illegally register and vote in Virginia's elections? Yes.
 - Can a felon whose rights haven't been restored vote undetected in Virginia? Yes.
 - Can someone be registered to vote in Virginia and another state and illegally cast ballots in both places? Yes.
- State and local election officials acknowledge all those crimes can happen in the Old Dominion because the state's voter rolls aren't airtight.” The article goes on to state that Circuit Court filings show only 91 convictions over a ten-year period ending in 2015.

A Pew Center on the States estimated that one of every eight (12%) of U.S. voter registrations were inaccurate or no longer valid⁵. Approximately 1% of the registration rolls include dead people. Most of the errors are due to changes in addresses. Such changes do provide an opening for voter fraud, including having the voter vote at two locations. The increasing number of residential rental units will intensify the problems caused by changes in addresses⁶.

¹ <http://federalistpress.com/evidence-of-widespread-voter-fraud-found-in-virginia-governors-race.php>

² E.g., <http://www.nbcwashington.com/news/local/Voter-Fraud-in-DC-Maryland-or-Virginia-What-Officials-Say-411789975.html>

³ http://www.richmond.com/news/virginia/article_e008ce00-0365-57a2-95c0-4d9aa70012f9.html

⁴ http://pilotonline.com/news/government/local/virginia-voter-registration-records-have-loopholes-but-no-evidence-of/article_6ad3e1d5-3ef6-56ce-b0d9-7052bf3c3d36.html

⁵ http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2012/pewupgradingvoterregistrationpdf.pdf

⁶ http://www.fairfaxcounty.gov/demogrph/rental_housing/rent2013.pdf

In our own study of the voting records from 2011 to 2014 inclusive, we found that 12% of the voters voted twice in a single election – over 20% in the Dranesville, Hunter Mill, Springfield, and Sully districts of Fairfax County. These records were obtained second hand from the Commonwealth of Virginia’s Board of Elections (VBE). These records are not available to individuals but can be obtained by PAC’s and official candidates for office. One lawsuit challenging such a restriction was settled out of court when the state, not Virginia, gave the individual the rolls.

In another of my studies, I investigated the registrations for the addresses on my street and an adjoining street, where I knew all of the families. Of these, 12% had the former resident registered – not the current resident.

The Heritage Foundation reports⁷ that voter fraud is a problem, in the Commonwealth of Virginia and nationwide. The report cited a 2016 report by the Public Interest Legal Foundation which found in a small sample of only eight counties in Virginia 1,046 non-citizens who were registered to vote, many of whom had voted before they were removed from the voter rolls. Heritage’s database shows voter-fraud convictions in Virginia for everything from absentee-ballot fraud to false registrations to vote buying.

The Cato Institute has not examined voter fraud; however, a 2011 testimony⁸ cited that “Motor Voter Registration” has made keeping the voter rolls correct more difficult. Approximately 14% of the registrations were invalid in the several states that were examined. The increasing number of non-citizens living in Fairfax County could intensify the motor-voter problem. Currently, 15% of the population of Fairfax County are non-citizens⁹.

The Brookings Institute considers voter suppression more significant than voter fraud, including suppression via voter ID requirements¹⁰.

Jim Bacon, the editor of Bacon’s Rebellion, reports that Fairfax County has refused to investigate 200 cases where voter fraud was found by citizens¹¹. Over 100 concerned people who were exempted from jury duty because they were not citizens. No wonder there are few convictions. Fairfax Free Citizen reported many cases of voter fraud in Virginia¹².

The Penalty for Fraudulent Voting

Voter fraud is a felony in Virginia, but may be too little to deter people from attempting fraudulent voting if the person voting cannot be determined.

The Democrat Position on Voter Fraud

Virginia governor Terry McAuliffe, the former head of the DNC, vetoed six bills aimed at preventing voter fraud and illegal voting.

A Possible Way of Preventing Voter Fraud

Making the rolls available to everyone would help keep the rolls clean and up to date because every citizen could check the rolls. To avoid exploitation of the information, the information could be restricted to the requester’s zip code or small subdivision. To keep the cost low, the data could be made accessible via the Internet.

⁷ <http://www.heritage.org/election-integrity/commentary/terry-mcauliffe-virginias-voter-fraud-guru>

⁸ <https://www.cato.org/publications/congressional-testimony/motor-voter-act-voter-fraud>

⁹ http://www.fairfaxcounty.gov/demogrph/census_summaries/acs-1year/acs2012.pdf

¹⁰ <https://www.brookings.edu/blog/fixgov/2016/11/08/voter-suppression-in-u-s-elections/>

¹¹ <http://baconsrebellion.com/ignoring-voter-fraud-in-fairfax-county/>

¹² <http://fairfaxfreecitizen.com/2016/11/03/more-cases-of-voter-fraud-in-virginia/>

Appendix A: Voter-Verification Procedures

The following is a slightly edited version of the email response Fred Costello received from the Fairfax County Office of Elections concerning the verification procedures used for the Virginia voter rolls. The response came from the office of Cameron Sasnett (voting@fairfaxcounty.gov).

The series of procedures that are implemented to maintain voter registration records, outside of specific voter initiated actions, is what is referred to as “list maintenance.” The Virginia Department of Elections (ELECT) coordinates with various state and federal agencies to obtain lists of people who may no longer be qualified to vote. ELECT provides these lists to each local voter registrar in order to allow them to take action to properly maintain a list of qualified registered voters. The type of activity and its source will determine the appropriate action that a local election official must take.

The Department of Elections exchanges data with DMV approximately once a month. I am not familiar with the specifics of what data is exchanged between DMV and the Department of Elections.

For in-state duplicate registrations, our voter registration database utilizes a duplicate matching system and notifies each locality when there are potential matches.

Out-of-state duplicate registrations are much more difficult to process, as my office and the Department of Elections do not have access to other states’ registration databases. This is why the National Change of Address¹³ (NCOA) address verification program and the Electronic Registration Information Center¹⁴ (ERIC) program are both so important when conducted each year, because they help us identify potential matches in other states.

The NCOA and ERIC address verification programs were initiated last month and concludes today¹⁵.

You are correct that many people do cancel their registration in other states when the move into Virginia. When someone moves into Virginia and indicates that they were previously registered in Virginia, my office will transfer the registration from the previous locality to our locality.

If the voter indicates that they are moving from and are registered in another state, my processors will notate the previous state in our registration database and the Department of Elections will notify the other state of the registration in Virginia and request that the voter be cancelled.

¹³ <http://www.nationalchangeofaddress.com/>

¹⁴ <http://www.ericstates.org/>

¹⁵ August 8, 2016

Activity Type	Source A	Source B	Action
Deceased Registrants	VA Dept. of Vital Statistics	Social Security Administration	Cancellation of Record & Condolence Letter
Felony Convictions	VA State Police Central Criminal Records Exchange	US District Courts	Cancellation of Record & Notification Letter
Adjudicated Incapacitated	VA Circuit Courts	N/A	Cancellation of Record & Notification Letter
Out of State	Voter	Election official in another state	Cancellation of Record & Notification Letter
Non-Citizen	Dept. of Motor Vehicles	Systematic Alien Verification for Entitlements – Dept. of Homeland Security	Cancellation of Record & Notification Letter
National Change of Address Program – Notice of out of locality move	United States Postal Service	N/A	Confirmation Notice sent by forwardable mail that must be returned to maintain Active Voter status. Failure to reply and undeliverable notices will place the voter's record in "Inactive Status" for two federal elections. Following the second Federal election on Inactive Status and publication, the record will then be cancelled.
National Change of Address Program – Notice of in locality move	United States Postal Service	N/A	Voter is automatically registered at new address within the locality and sent a confirmation correspondence. If the correspondence is returned as undeliverable, the voter is then sent a confirmation notice. Once this notice is sent, it will follow the same procedures as the out of locality notice.