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The dangers of the mail-in ballot

By Cliff Slater

In the November General Election, 124,000 Hawai'i voters chose to mail in their ballots.ⁱ That was a third of all ballots cast and more than double the percentage of those mail-in votes cast in the 2008 election. More importantly, mail-in votes were far greater than the typical difference in the votes cast for the winning and losing candidates.

The danger to all of us is that we really do not have any assurance that all mail-in voters did so free of coercion. Secrecy is vital if we are to assure ourselves that their votes are taken freely. Secrecy concerns should far outweigh the benefit of the mere convenience of mail-in balloting.

We go to great deal of trouble to ensure that secrecy is maintained at the polling place but we have no assurance at all that mail-ins voters have secrecy — and they are a third of the voters now.

If the voter fraud that is taking place on the Mainland is any indication, we may already be at the stage where some of Hawai'i's recent political races were decided by unsavory influences on mail-in ballots.

As Equal Justice Foundation puts it, "Mail ballots are the method of choice for election fraud. For years now the [we have] pointed out that you can have an honest election, or you can have a mail/absentee ballot election, but you can't have both at the same time."ⁱⁱ

Sen. Carl Levin (D-Mich) said in an ABC News interview, "Unscrupulous candidates in Detroit and other Michigan cities have routinely abused absentee ballots."ⁱⁱⁱ

Florida also has a history of problems with absentee ballots. "The lack of in-person, at-the-polls accountability makes absentee ballots the tool of choice for those inclined to commit fraud," the Florida Department of Law Enforcement concluded.

Outfits like Acorn have been charged in multiple jurisdictions with voter fraud.^{iv} A Texas Legislature investigation found that, "most election fraud happening in Texas occurs within the absentee or mail-in ballot system."^v

Former Pennsylvania Democrat congressman Austin Murphy was convicted in 1998 of visiting nursing homes and improperly "assisting" the filling out of absentee ballots. "In this area there's a pattern of nursing-home administrators frequently forging ballots under residents' names," says Sean Cavanagh, a Democratic former county supervisor who uncovered the scandal.^{vi}

Now let's look at the closest race for the Legislature. It was that of Lee vs. Kawakami for the 38th District House seat, which Lee won by a mere 16 votes. Interestingly, while Lee won the mail-in vote handily by 368 votes, or 54.3 percent of the mail-in vote, Kawakami won the polling place vote by 352 votes, or 52.6 percent of the polling place

vote.^{vii} Incidentally, the mail-in ballots in this contest were 38.4 percent of votes cast vs. only 32.2 percent for the election as a whole.

This is not to cast aspersions on the contestants in this race; there are people in the community with far more at stake in the makeup of the Legislature than the contestants.

One would think that such a result would raise an eyebrow or two in the City Clerk's office or in the State Office of Elections. However they are only expected to investigate anomalies in the voting record if there is a serious complaint made. There is no requirement to go looking for trouble. That should be changed. Simple computer programs can test for outliers in the voter record.

For example, we can check the number of registered voters at any given address who number more than 10. Assumedly there are not many residences with this many registered voters. Then check how many at this address voted. If all, or nearly all, the registered voters at one address voted it should raise a red flag and it should be investigated.

The fact that no one has complained of irregularities may simply mean that no one knows that some voting is irregular. And please don't tell me that Hawai'i is different.

A footnoted version of this piece is at www.cliffslater.com.

Endnotes

ⁱ http://www.cliffslater.com/2010_MAIL-IN_BALLOTS.pdf

ⁱⁱ http://ejfi.org/PDF/2009_EJF_Annual-Report.pdf
See also: <http://www.ejfi.org/Voting/Voting-77.htm>

ⁱⁱⁱ <http://online.wsj.com/article/SB120569673785639827.html>

^{iv} <http://online.wsj.com/article/SB124182750646102435.html>
<http://www.washingtontimes.com/news/2009/mar/20/conyers-suggests-probe-of-acorn/>
http://www.cbsnews.com/stories/2008/10/10/cbsnews_investigates/main4514429.shtml?source=RSSattr=HOME_4514429

^v <http://www.scribd.com/doc/28095766/house-Committee-on-Elections-Texas-House-Of> p. 37.

^{vi} <http://online.wsj.com/article/SB120569673785639827.html>
See also Seattle Nursing home violations <http://www.soundpolitics.com/archives/004702.html>

^{vii} http://www.cliffslater.com/Lee_Kawakami_Mail-in.pdf