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Block the Vote: Will the GOP's campaign to deter new voters and discard Democratic ballots determine the next president?

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• Video: Behind the Story With Kennedy Jr. and Palast

These days, the old west rail hub of Las Vegas, New Mexico, is little more than a dusty economic dead zone amid a boneyard of bare mesas. In national elections, the town overwhelmingly votes Democratic: More than 80 percent of all residents are Hispanic, and one in four lives below the poverty line. On February 5th, the day of the Super Tuesday caucus, a school-bus driver named Paul Maez arrived at his local polling station to cast his ballot. To his surprise, Maez found that his name had vanished from the list of registered voters, thanks to a statewide effort to deter fraudulent voting. For Maez, the shock was especially acute: He is the supervisor of elections in Las Vegas.

Maez was not alone in being denied his right to vote. On Super Tuesday, one in nine Democrats who tried to cast ballots in New Mexico found their names missing from the registration lists. The numbers were even higher in precincts like Las Vegas, where nearly 20 percent of the county's voters were absent from the rolls. With their status in limbo, the voters were forced to cast "provisional" ballots, which can be reviewed and discarded by election officials without explanation. On Super Tuesday, more than half of all provisional ballots cast were thrown out statewide.

This November, what happened to Maez will happen to hundreds of thousands of voters across the country. In state after state, Republican operatives — the party's elite commandos of bare-knuckle politics — are wielding new federal legislation to systematically disenfranchise Democrats. If this year's race is as close as the past two elections, the GOP's nationwide campaign could be large enough to determine the presidency in November. "I don't think the Democrats get it," says John Boyd, a voting-rights attorney in Albuquerque who has taken on the Republican Party for impeding access to the ballot. "All these new rules and games are turning voting into an obstacle course that could flip the vote to the GOP in half a dozen states."

Suppressing the vote has long been a cornerstone of the GOP's electoral strategy. Shortly before the election of Ronald Reagan in 1980, Paul Weyrich — a principal architect of today's Republican Party — scolded evangelicals who believed in democracy. "Many of our Christians have what I call the 'goo goo' syndrome — good government," said Weyrich, who co-founded Moral Majority with Jerry Falwell. "They want everybody to vote. I don't want everybody to vote. . . . As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down."

Today, Weyrich's vision has become a national reality. Since 2003, according to the U.S. Election Assistance Commission, at least 2.7 million new voters have had their applications to register rejected. In addition, at least 1.6 million votes were never counted in the 2004 election — and the commission's own data suggests that the real number could be twice as high. To purge registration rolls and discard ballots, partisan election officials used a wide range of pretexts, from "unreadability" to changes in a voter's signature. And this year, thanks to new provisions of the Help America Vote Act, the number of discounted votes could surge even higher.

Passed in 2002, HAVA was hailed by leaders in both parties as a reform designed to avoid a repeat of the 2000 debacle in Florida that threw the presidential election to the U.S. Supreme Court. The measure set standards for voting systems, created an independent commission to oversee elections, and ordered states to provide provisional ballots to voters whose eligibility is challenged at the polls.

But from the start, HAVA was corrupted by the involvement of Republican superlobbyist Jack Abramoff, who worked to cram the bill with favors for his clients. (Both Abramoff and a primary author of HAVA, former Rep. Bob Ney, were imprisoned for their role in the conspiracy.) In practice, many of the "reforms" created by HAVA have actually made it harder for citizens to cast a ballot and have their vote counted. In case after case, Republican election officials at the local and state level have used the rules to give GOP candidates an edge on Election Day by creating new barriers to registration, purging legitimate names from voter rolls, challenging voters at the polls and discarding valid ballots.

To justify this battery of new voting impediments, Republicans cite an alleged upsurge in voting fraud. Indeed, the U.S.-attorney scandal that resulted in the resignation of Attorney General Alberto Gonzales began when the White House fired federal prosecutors who resisted political pressure to drum up nonexistent cases of voting fraud against Democrats. "They wanted some splashy pre-election indictments that would scare these alleged hordes of illegal voters away," says David Iglesias, a U.S. attorney for New Mexico who was fired in December 2006. "We took over 100 complaints and investigated for almost two years — but I didn't find one prosecutable case of voter fraud in the entire state of New Mexico."

There's a reason Iglesias couldn't find any evidence of fraud: Individual voters almost never try to cast illegal ballots. The Bush administration's main point person on "ballot protection" has been Hans von Spakovsky, a former Justice Department attorney who has advised states on how to use HAVA to erect more barriers to voting. Appointed to the Federal Election Commission by Bush, von Spakovsky has suggested that voter rolls may be stuffed with 5 million illegal aliens. In fact, studies have repeatedly shown that voter fraud is extremely rare. According to a recent analysis by Lorraine Minnite, an expert on voting crime at Barnard College, federal courts found only 24 voters guilty of fraud from 2002 to 2005, out of hundreds of millions of votes cast. "The claim of widespread voter fraud," Minnite says, "is itself a fraud."

Allegations of voter fraud are only the latest rationale the GOP has used to disenfranchise voters — especially blacks, Hispanics and others who traditionally support Democrats. "The Republicans have a long history of erecting barriers to discourage Americans from voting," says Donna Brazile, chair of the Voting Rights Institute for the Democratic National Committee. "Now they're trying to spook Americans with the ghost of voter fraud. It's very

effective — but it's ironic that the only way they maintain power is by using fear to deprive Americans of their constitutional right to vote." The recently enacted barriers thrown up to deter voters include:

1. Obstructing Voter-Registration Drives

Since 2004, the Bush administration and more than a dozen states have taken steps to impede voter registration. Among the worst offenders is Florida, where the Republican-dominated legislature created hefty fines — up to $5,000 per violation — for groups that fail to meet deadlines for turning in voter-application forms. Facing potentially huge penalties for trivial administrative errors, the League of Women Voters abandoned its voter-registration drives in Florida. A court order eventually forced the legislature to reduce the maximum penalty to $1,000. But even so, said former League president Dianne Wheatley-Giliotti, the reduced fines "create an unfair tax on democracy." The state has also failed to uphold a federal law requiring that low-income voters be offered an opportunity to register when they apply for food stamps or other public assistance. As a result, the annual number of such registrations has plummeted from more than 120,000 in the Clinton years to barely 10,000 today.

2. Demanding "Perfect Matches"

Under the Help America Vote Act, some states now reject first-time registrants whose data does not correspond to information in other government databases. Spurred by HAVA, almost every state must now attempt to make some kind of match — and four states, including the swing states of Iowa and Florida, require what is known as a "perfect match." Under this rigid framework, new registrants can lose the right to vote if the information on their voter-registration forms — Social Security number, street address and precisely spelled name, right down to a hyphen — fails to exactly match data listed in other government records.

There are many legitimate reasons, of course, why a voter's information might vary. Indeed, a recent study by the Brennan Center for Justice found that as many as 20 percent of discrepancies between voter records and driver's licenses in New York City are simply typing mistakes made by government clerks when they transcribe data. But under the new rules, those mistakes are costing citizens the right to vote. In California, a Republican secretary of state blocked 43 percent of all new voters in Los Angeles from registering in early 2006 — many because of the state's failure to produce a tight match. In Florida, GOP officials created "match" rules that rejected more than 15,000 new registrants in 2006 and 2007 — nearly three-fourths of them Hispanic and black voters. Given the big registration drives this year, the number could be five times higher by November.

3. Purging Legitimate Voters From the Rolls

The Help America Vote Act doesn't just disenfranchise new registrants; it also targets veteran voters. In the past, bipartisan county election boards maintained voter records. But HAVA requires that records be centralized, computerized and maintained by secretaries of state — partisan officials — who are empowered to purge the rolls of any voter they deem ineligible. Ironically, the new rules imitate the centralized system in Florida — the same corrupt operation that inspired passage of HAVA in the first place. Prior to the 2000 election, Florida Secretary of State Katherine Harris and her predecessor, both Republicans, tried to purge 57,000 voters, most of them African-Americans, because their names resembled

those of persons convicted of a crime. The state eventually acknowledged that the purges were improper — two years after the election.

Rather than end Florida-style purges, however, HAVA has nationalized them. Maez, the elections supervisor in New Mexico, says he was the victim of faulty list management by a private contractor hired by the state. Hector Balderas, the state auditor, was also purged from the voter list. The nation's youngest elected Hispanic official, Balderas hails from Mora County, one of the poorest in the state, which had the highest rate of voters forced to cast provisional ballots. "As a strategic consideration," he notes, "there are those that benefit from chaos" at the ballot box.

All told, states reported scrubbing at least 10 million voters from their rolls on questionable grounds between 2004 and 2006. Colorado holds the record: Donetta Davidson, the Republican secretary of state, and her GOP successor oversaw the elimination of nearly one of every six of their state's voters. Bush has since appointed Davidson to the Election Assistance Commission, the federal agency created by HAVA, which provides guidance to the states on "list maintenance" methods.

4. Requiring Unnecessary Voter ID's

Even if voters run the gauntlet of the new registration laws, they can still be blocked at the polling station. In an incident last May, an election official in Indiana denied ballots to 10 nuns seeking to vote in the Democratic primary because their driver's licenses or passports had expired. Even though Indiana has never recorded a single case of voter-ID fraud, it is one of two dozen states that have enacted stringent new voter-ID statutes.

On its face, the requirement to show a government-issued ID doesn't seem unreasonable. "I want to cash a check to pay for my groceries, I've got to show a little bit of ID," Karl Rove told the Republican National Lawyers Association in 2006. But many Americans lack easy access to official identification. According to a recent study for the *Election Law Journal*, young people, senior citizens and minorities — groups that traditionally vote Democratic — often have no driver's licenses or state ID cards. According to the study, one in 10 likely white voters do not possess the necessary identification. For African-Americans, the number lacking such ID is twice as high.

5. Rejecting "Spoiled" Ballots

Even intrepid voters who manage to cast a ballot may still find their vote discounted. In 2004, election officials discarded at least 1 million votes nationwide after classifying them as "spoiled" because blank spaces, stray marks or tears made them indecipherable to voting machines. The losses hit hardest among minorities in low-income precincts, who are often forced to vote on antiquated machines. The U.S. Commission on Civil Rights, in its investigation of the 2000 returns from Florida, found that African-Americans were nearly 10 times more likely than whites to have their ballots rejected, a ratio that holds nationwide.

Proponents of HAVA claimed the law would correct the spoilage problem by promoting computerized balloting. Yet touch-screen systems have proved highly unreliable — especially in minority and low-income precincts. A statistical analysis of New Mexico ballots by a voting-rights group called VotersUnite found that Hispanics who voted by computer in 2004 were nearly five times more likely to have their votes unrecorded than those who used paper ballots. In a close election, such small discrepancies can make a big difference: In

2004, the number of spoiled ballots in New Mexico — 19,000 — was three times George Bush's margin of victory.

6. Challenging "Provisional" Ballots

In 2004, an estimated 3 million voters who showed up at the polls were refused regular ballots because their registration was challenged on a technicality. Instead, these voters were handed "provisional" ballots, a fail-safe measure mandated by HAVA to enable officials to review disputed votes. But for many officials, resolving disputes means tossing ballots in the trash. In 2004, a third of all provisional ballots — as many as 1 million votes — were simply thrown away at the discretion of election officials.

Many voters are given provisional ballots under an insidious tactic known as "vote caging," which uses targeted mailings to disenfranchise black voters whose addresses have changed. In 2004, despite a federal consent order forbidding Republicans from engaging in the practice, the GOP sent out tens of thousands of letters to "confirm" the addresses of voters in minority precincts. If a letter was returned for any reason — because the voter was away at school or serving in the military — the GOP challenged the voter for giving a false address. One caging operation was exposed when an RNC official mistakenly sent the list to a parody site called GeorgeWBush.org — instead of to the official campaign site GeorgeWBush.com.

In the century following the Civil War, millions of black Americans in the Deep South lost their constitutional right to vote, thanks to literacy tests, poll taxes and other Jim Crow restrictions imposed by white officials. Add up all the modern-day barriers to voting erected since the 2004 election — the new registrations thrown out, the existing registrations scrubbed, the spoiled ballots, the provisional ballots that were never counted — and what you have is millions of voters, more than enough to swing the presidential election, quietly being detached from the electorate by subterfuge.

"Jim Crow was laid to rest, but his cousins were not," says Donna Brazile. "We got rid of poll taxes and literacy tests but now have a second generation of schemes to deny our citizens their franchise." Come November, the most crucial demographic may prove to be Americans who have been denied the right to vote. If Democrats are to win the 2008 election, they must not simply beat John McCain at the polls — they must beat him by a margin that exceeds the level of GOP vote tampering.

Robert F. Kennedy Jr. is one of the nation's leading voting-rights advocates. His article "Was the 2004 Election Stolen?" [RS 1002] sparked widespread scrutiny of vote tampering. Greg Palast, who broke the story on Florida's illegal voter purges in the 2000 election, is the author of "The Best Democracy Money Can Buy." For more information, visit No Voter Left Behind and Steal Back Your Vote.

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