

timesunion<http://www.timesunion.com/local/article/In-New-York-voter-fraud-tends-to-be-local-10944750.php>

In New York, voter fraud tends to be local

It's also infrequent — though flaws in the system exist

By Dan Freedman Published 10:47 pm, Sunday, February 19, 2017



Washington

In the world according to President Donald Trump and his senior policy adviser, Stephen Miller, the U.S. is awash in voter fraud — enough to give defeated Democrat Hillary Clinton the popular vote as well as getting her the win in New Hampshire.

But in the world of reality in the state of New York and elsewhere, voter fraud is not common. And when it does happen, it is often a matter of local pols trying to game the system in local elections.

"Voter fraud in all of its forms is rare," said Jennifer Clark, a lawyer at the Brennan Center for Justice, a part of New York University School of Law. "It does happen — it's not zero — but not often."

And voter impersonation — the act for which Republicans in many states prescribed photo ID requirements as the solution — "is incredibly rare," Clark said. The Washington Post found 31 cases of voter impersonation between 2000 and 2014 out of more than one billion votes cast.

The subject of voter fraud would not be on anyone's radar absent Trump's numerous broadsides on the topic, the result of his having lost by close to three million total votes to Clinton even though he won the election via the Electoral College.

Miller was on television talk shows last weekend, saying that voter fraud in New Hampshire was "very real" and "very serious." It is "widely known," he said, that buses of bogus voters regularly cross over from Massachusetts.

The allegations of Trump and his adviser are only the latest outbreaks of a long-running effort by Republicans for mandatory photo IDs in order to vote.

Republicans who favor the requirement insist voter fraud is commonplace and can alter election results. Democrats, supported by some court rulings, counter it is a thinly veiled ruse aimed at suppressing minority and youthful voter turnout — sources of electoral support for Democrats.

New York has a long and checkered history of voter fraud dating back to the 19th-century rule of Boss Tweed and his Tammany Hall machine in New York City.

Albany too had its "\$5 votes," a then-princely sum paid to Dan O'Connell Democratic machine loyalists in the 1930s and 1940s. The pols of the time, according to "Mayor Corning: Albany Icon, Albany Enigma" by the Paul Grondahl, even had a phrase to describe the practice they considered a badge of honor: "Making the machine dance."

There is evidence New York's electoral process is still open to manipulation. In 2013, New York City's Department of Investigation sent 63 operatives to cast ballots under the names of "ineligible or deceased individuals." Sixty-one succeeded, although the report said no votes were cast for actual candidates.

The DOI investigation "demonstrates that voter fraud is easy to commit and not easy to find," said John Conklin, Republican spokesman for the bipartisan New York State Board of Elections. "It shows that someone with a little knowledge of where the cracks are in the system can exploit them and we wouldn't know about it."

About the most serious incident in the Capital Region in recent times was the case in Troy in which Democratic Party officials and workers forged 50 absentee ballot applications for the Working Families Party primary in 2009. The ensuing investigation resulted in four guilty pleas.

Other conspiratorial-type cases in New York have more to do with local politics than grand schemes to swing major elections.

In Bloomingburg in Sullivan County last December, a real estate developer and two cohorts were charged in a federal indictment with plotting to take over the small town

of 420 through payments to fraudulently register voters who didn't live within its limits.

The developer, Shalom Lamm, wanted control of the town as a guarantee of government cooperation with his plans for housing developments.

According to the indictment, Lamm and his associates went so far as to back-date leases and put toothpaste and toothbrushes in empty apartments to make them appear lived-in.

And in the Rockland County town of Ramapo in 2014, allegations of voter fraud surfaced in a hotly contested local election over the size of the town board and whether representation should be at-large or through geographic districts.

The town's Hasidic orthodox Jewish population favored the status quo while a movement among the non-Hasidic population, which had pursued the ballot referendum, wanted more board members and defined districts.

A Supreme Court judge in nearby New City impounded the results, saying the electoral process had been compromised by "disenfranchisement of voters and chaos and confusion at polling places." A state appellate court reversed the ruling.

The Hasidic side won the election through an influx of absentee and affidavit ballots — which local law permitted for unregistered voters with proof of 30 days residence.

The Ramapo vote shows that in New York, "Local politics is far more important than national politics," said Gerald Benjamin, a political scientist at SUNY New Paltz who recounted the case in an upcoming article on Hasidic political influence in the Hudson Valley that will run in the Albany Law Review.

But these incidents notwithstanding, the average voter fraud case involves more humdrum circumstances like one individual voting twice in Onondaga County or another individual voting under his brother's name in the town of Catskill.

"I pay serious attention to this," said Benjamin, who has served as a Republican legislator in Ulster County. "I can't remember any serious examples and I would know about it."

In accordance with federal law, New York maintains a statewide computerized voter registration list to guard against voter fraud. Voters registering for the first time must provide a driver's license or the last four digits of their Social Security number. Voters with neither of those are assigned unique numbers requiring them to present additional identification when they vote — a valid photo ID, utility bill, bank statement or government document that verifies name and address.

The registration includes a checkbox asking whether an applicant is a U.S. citizen. Citizenship is not verified but a misstatement subjects the applicant to perjury prosecution.

dan@hearst.com

© 2017 Hearst Communications, Inc.

H E A R S T