

BRENNAN CENTER  

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FOR JUSTICE

# Challenges to the Vote 2008

# Past Elections

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2000



Florida

2004



Ohio

## **Positive Trends on Voting**

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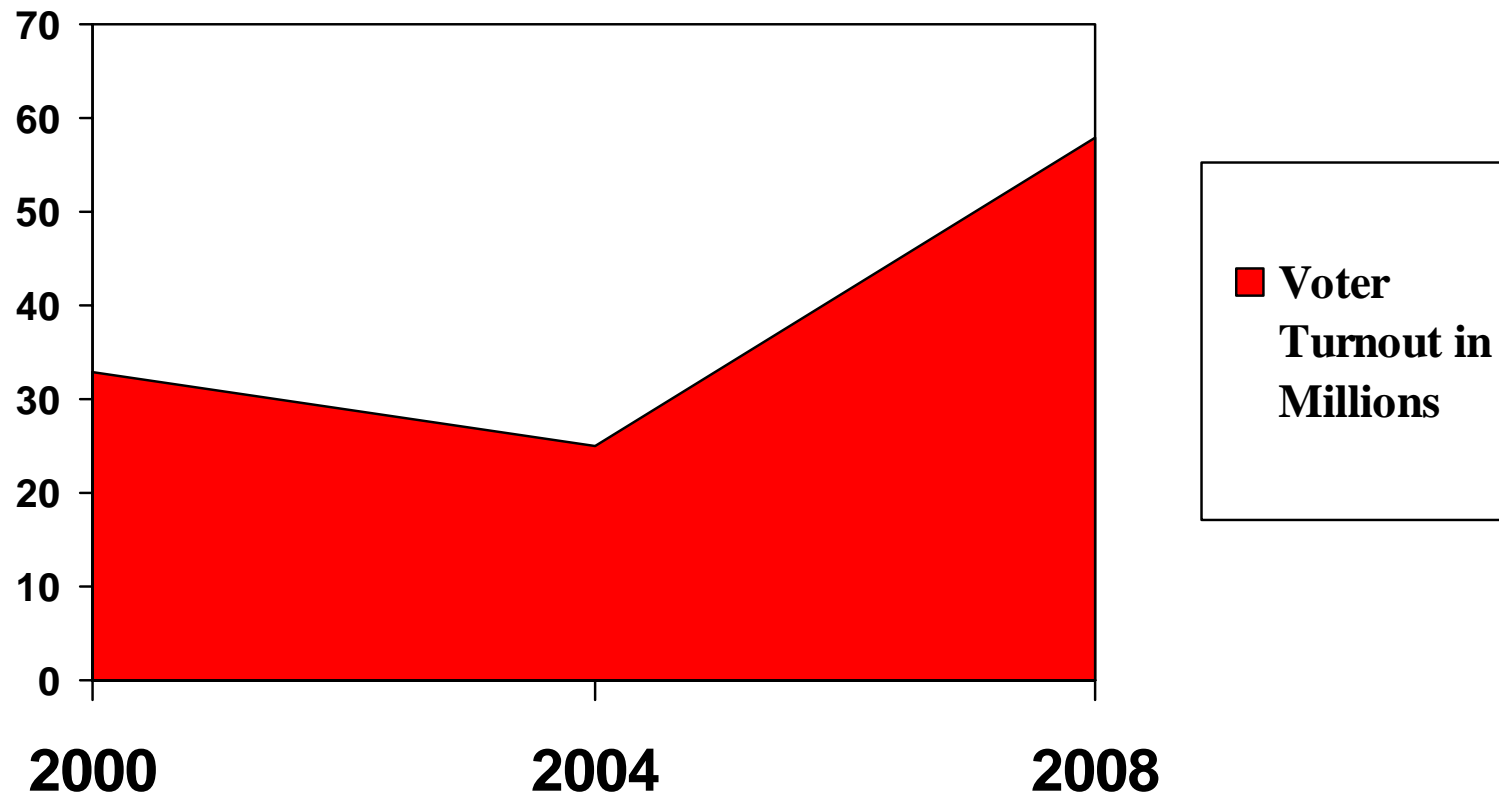
**Many primaries were without incident.**

**States have made encouraging progress  
in how we use electronic voting.**

# Positive Trends on Voting

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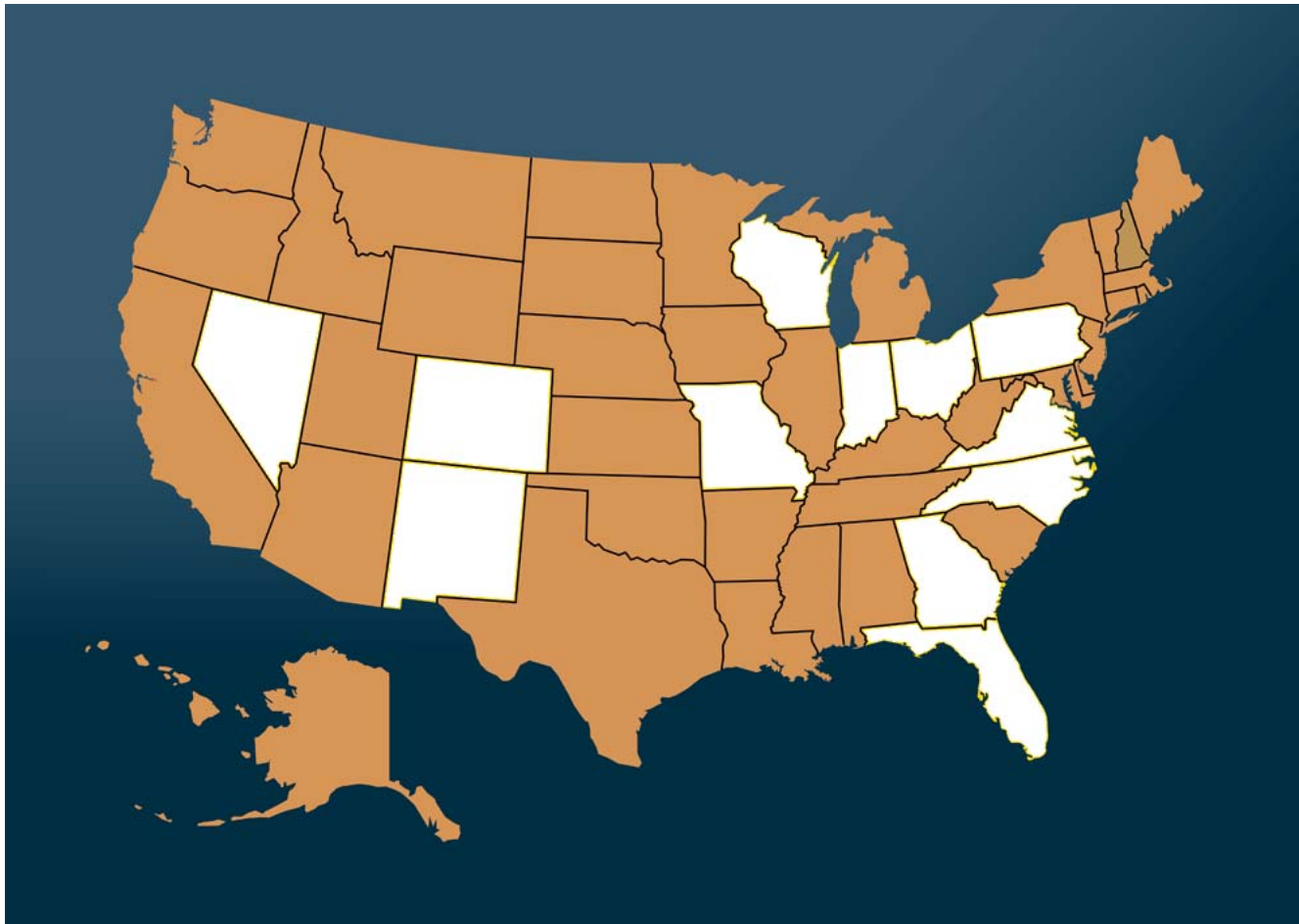
## Record Voter Turnout in Primary Election



## Positive Trends on Voting

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The rolls have expanded by about **4 million voters in 12 states.**

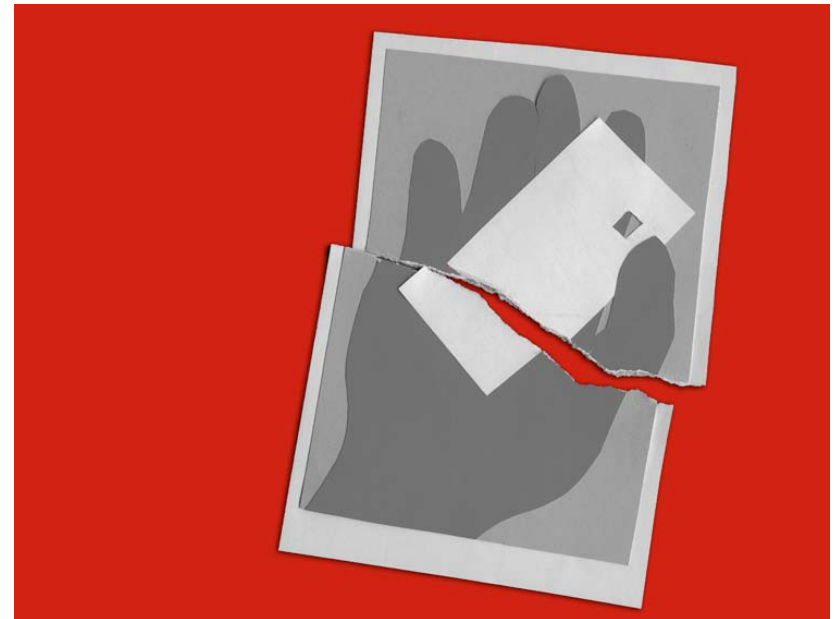




# Major Barriers to Voting

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- I. No-Match, No-Vote
- II. Voter Purges
- III. Partisan Voter Challenges



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# I. No-Match, No Vote



## No-Match, No-Vote

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### Disenfranchisement by typo

	<b>On Form</b>	<b>In Database</b>
<b>Typos</b>	<b>Dierick-Gray</b>	<b>Deirick-Gray</b>
<b>Misspellings</b>	<b>Dierick-Gray</b>	<b>Dierick-Grey</b>
<b>Nickname</b>	<b>Kim</b>	<b>Kimberly</b>
<b>Marriage</b>	<b>Kimberly E. Dierick-Gray</b>	<b>Kimberly E. Dierick</b>
<b>Transposed Field</b>	<b>Kimberly Elizabeth</b>	<b>Elizabeth Kimberly</b>
<b>Double Names</b>	<b>“Kimberly Elizabeth” “Gray”</b>	<b>“Kimberly” “Elizabeth” “Gray”</b>
<b>Hyphenated Name</b>	<b>“Kimberly” “Dierick-Gray”</b>	<b>“Kimberly” “Dierick” “Gray”</b>
<b>Punctuation</b>	<b>Dierick-Gray</b>	<b>Dierick Gray</b>

# No-Match, No-Vote

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The Honorable RICHARDO MARTINEZ

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

WASHINGTON ASSOCIATION OF  
CHURCHES, et al.,

Plaintiffs,

v.

SAM REED, in his official capacity as  
Secretary of State for the State of  
Washington,

Defendant.

NO. CV06-0726 RSM

DEFENDANT REED'S  
RESPONSE TO MOTION FOR  
PRELIMINARY INJUNCTION

## No-Match, No-Vote: Ohio

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### Joe “The Plumber” Wurzelbacher



Registered as: Wurzelbacher

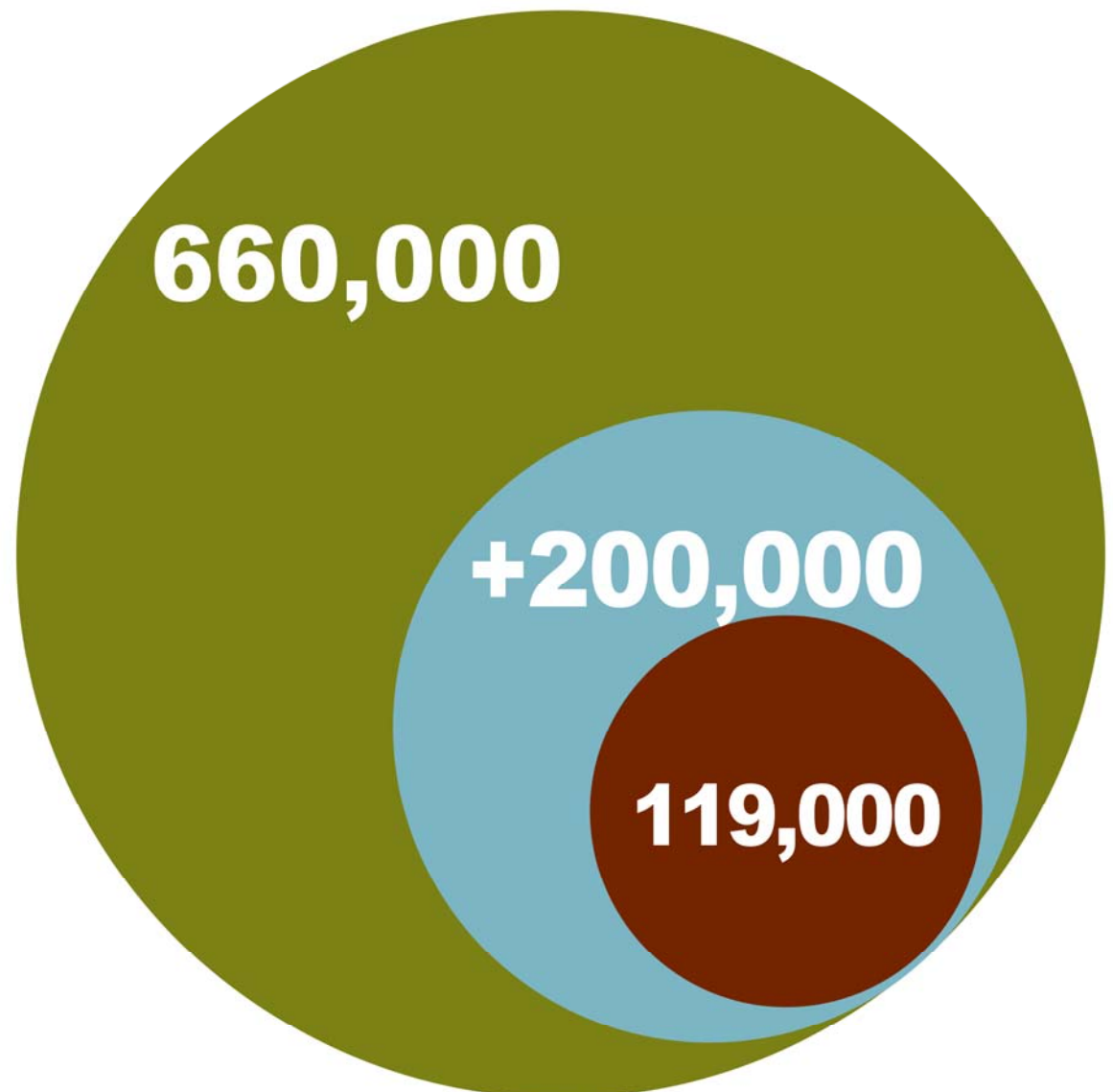
## No-Match, No Vote: Ohio

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Registered since January  
1<sup>st</sup>

Failed to match

Margin of victory in  
2004



## No-Match, No Vote: Ohio

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**THE STATE OF OHIO ex rel.**

David Mahal

1378 Havant Drive

New Albany, Ohio 43054

State on the relation of David Myhal,

## No-Match, No-Vote: Wisconsin

~~Thomas Cane~~ “R. Thomas Cane” on driver’s record

Michael Brennan ★

Victor Manian ★

~~William Eich~~ Middle initial on license, not on voter registration form

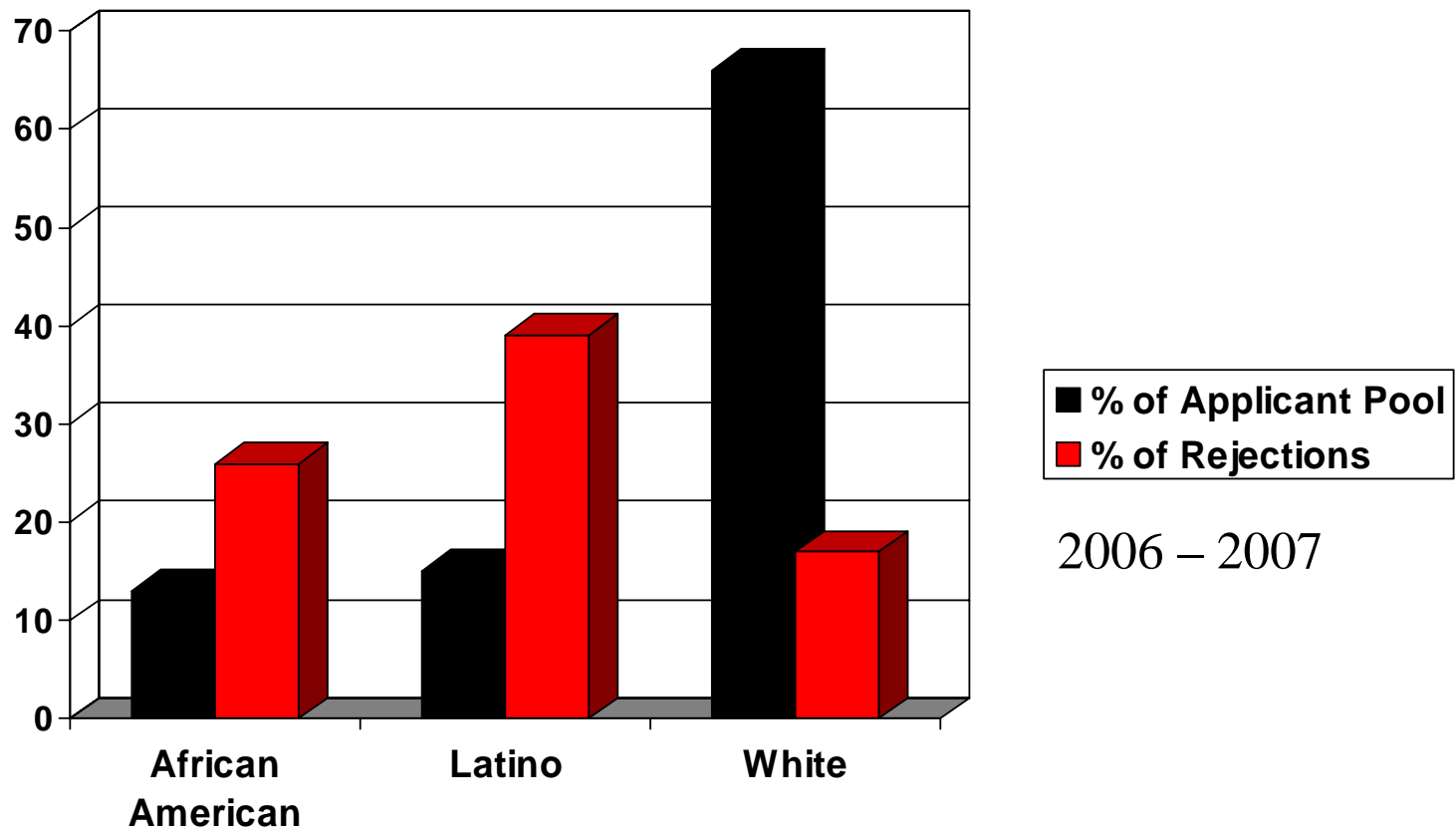
~~Gordon Myse~~ Middle initial on voter registration form, not on license.

~~Gerald Nichol~~ Incorrect birth date on one set of records.

## No-Match, No-Vote: Florida

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Brennan Center found racial disparity in no-match rate.



2006 – 2007

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## II. Voter Purges

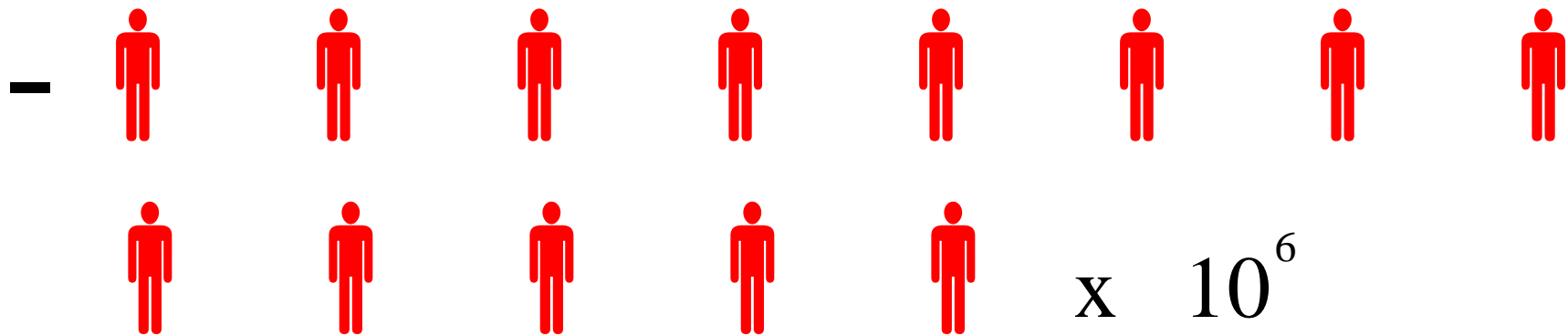


## Voter Purges

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*From 2004 to 2006:*

*13 million voters were purged from the rolls.*



## Voter Purges

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*In some states over the past two months:*

*For every **one** voter registered to vote, **two** were removed from the rolls.*



## Voter Purges

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Yes, good housekeeping, but voter purges are:

- Shrouded in secrecy
- Full of errors
- Vulnerable to partisan manipulation

## Voter Purges: Problems This Year

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Mississippi – Official purged **10,000** voters from her *home computer* one week before the primary

Muscogee, Georgia – **700** “felony convictions” – many wrongly included.

Louisiana – **21,000** voters purged for voting in other states – no ability to prove they had not registered

Colorado SOS admits: at least **2,454** illegally purged

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# III. Partisan Voter Challenges

## Partisan Voter Challenges

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The system creates opportunities for partisans to challenge the legitimacy of any voter *before or on Election Day*.

For example, Michigan GOP will place 4,000 challengers at the polls.

## Partisan Voter Challenges: Montana

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First Lieutenant Kevin Furey

- 6,000 voters challenged
  - Students
  - Native Americans
  - Low-income voters

“It is ironic that at the same time I am about to return to Iraq to help build a democracy that **my own right to vote is being challenged at home** [...] these challenges are a blatant and offensive attempt to suppress the rights of voters.”

## Partisan Voter Challenges: Montana

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“The timing of these challenges is **so transparent** that it defies common sense to believe the purpose is anything but **political chicanery.**”

U.S. District Judge Donald Malloy



## Partisan Voter Challenges: Michigan

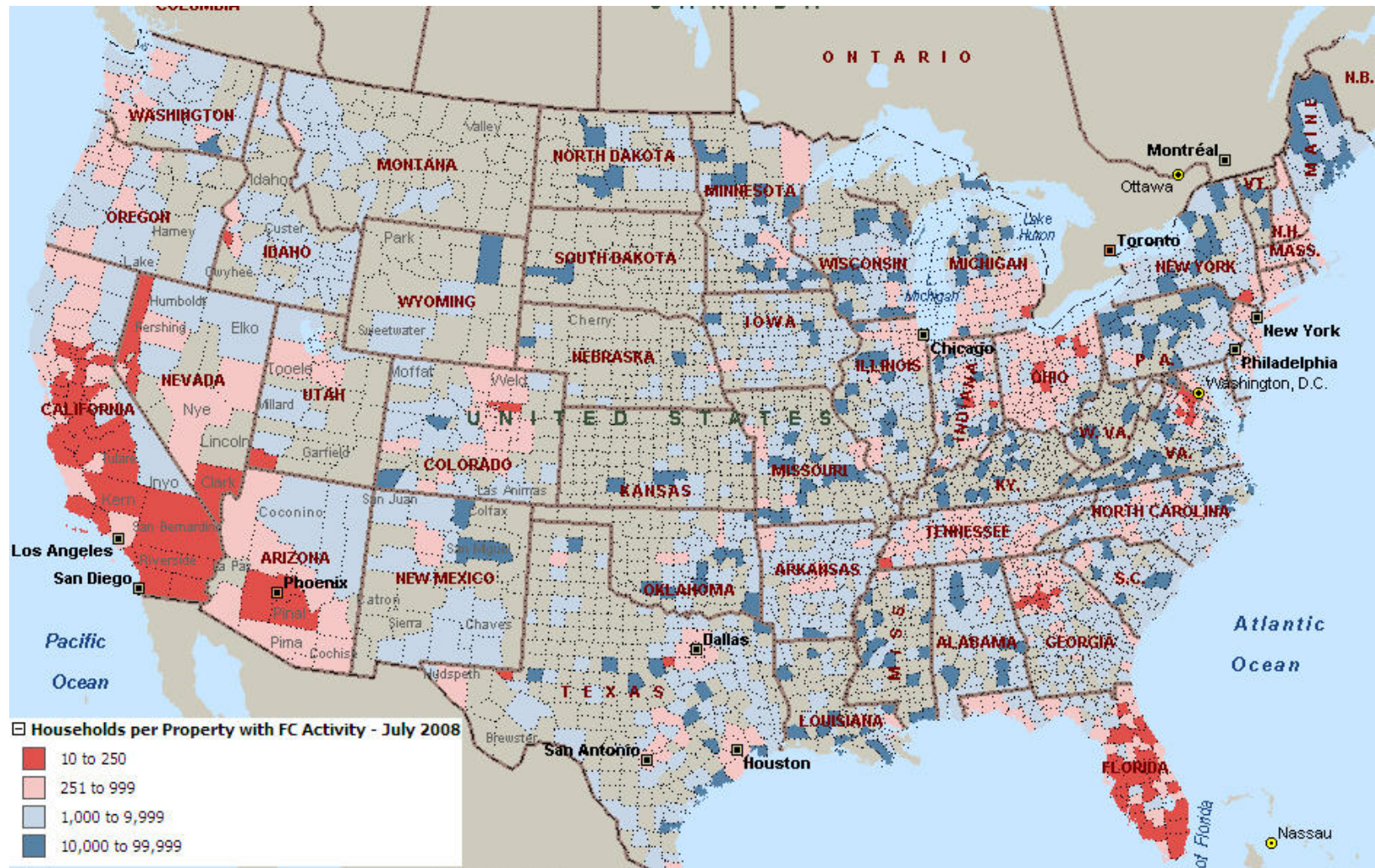
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Q: How will you know if the addresses match?  
How will you know which addresses to check?

A: We will have a list of **foreclosed homes** and will make sure people aren't voting from those addresses.

# Partisan Voter Challenges: Foreclosures



## Partisan Voter Challenges: Indiana

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“We might end up challenging on that. It’s entirely possible. I think it would be a solid basis for asking someone to vote provisionally.”

– Marion County GOP Chairman Tom John

“A notice of foreclosure is not legal proof that someone doesn’t live in their home. I think this tactic can be used to embarrass or intimidate voters or slow down the process.”

– Marion County Clerk Beth White

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# Solutions?

## Inadequate Solutions: Provisional Ballots

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70% rejected in Wisconsin

20% rejected in March primary in Ohio

“The bottom line is that the casting of a proper, traditional ballot constitutes a vote, while the casting or submission of a provisional ballot **does not.**”

– Election Assistance Commission (Sept. 2005)

## Short Term Solutions: Voters

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What **Voters** Should Do:

- Make sure you are registered to vote in advance
- Don't take no for an answer, demand an **emergency ballot**
- Call the hotline – if all fails, demand a **provisional ballot**



## **Short Term Solution: What Officials Should Do**

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- Stop purging (NVRA deadline has passed)
- Provide clear instructions on challenging
- Have enough emergency paper ballots at polling places

## **Long Term Solution: Universal Voter Registration**

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“The registration laws in force throughout the United States are among the world’s most demanding ... [and are ] one reason why voter turnout in the United States is near the bottom of the developed world.”

--Jimmy Carter and Gerald Ford

National Election Commission, *Report of the Task Force on the Federal Election System*, chapter 2 “Voter Registration,” August 2001,



## Long Term Solution: Universal Voter Registration

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Making registration **automatic** and **permanent** – and shifting the responsibility to the government – would improve the current process:

- Would add up to 50 million voters to the rolls.
- Protects against errors and fraud.
- Accurate voter lists = fewer last minute crunches
- **Election Day registration** would protect the right to vote from government mistakes.

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